

DOCKETED  
USNRC

September 22, 2008 (4:31pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**DAVID FRANKEL, ESQ.**  
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September 22, 2008

Judge Michael M. Gibson  
Judge Richard F. Cole  
Judge Brian K. Hajek  
Judge Alan S. Rosenthal

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

**In the Matter of CROW BUTTE RESOURCES, INC.**  
**(License Renewal for the In Situ Leach Facility, Crawford, Nebraska)**  
**Docket No. 40-8943**

Dear Administrative Judges:

In the September 18, 2008 Order, the Licensing Board noted that all parties and the Licensing Board would tour the Pine Ridge Indian Reservation on October 2, 2008 (unless argument finishes early on October 1<sup>st</sup>).

Petitioners respectfully suggest that the Pine Ridge tour be fixed for the afternoon of October 2, 2008, leaving Chadron at 1:00pm after the lunch break that will follow the Crow Butte mine site tour. In order to properly prepare the tour, we need to have a confirmed date.

Previous to the September 18<sup>th</sup> Order, Petitioners had been planning a tour to start in the morning at the Black Hills Wild Horse Sanctuary. Since the tour will be shortened to just the afternoon of October 2, we will have to focus on taking everyone to Slim Buttes (home of several Petitioners and where The White River flows through), to Pine Ridge Village (for coffee/snacks, etc.) and to Manderson (where Petitioner White Plume lives and The White River flows). We expect the Pine Ridge tour to end at about 4:30pm at the Wounded Knee Memorial which is on the way back from Manderson to Pine Ridge towards Chadron. We will be stopping at the Wounded Knee Memorial to pay respects and say a prayer as is customary. If any member of the tour does not wish to stay for the Wounded Knee Memorial part of the tour, they are free to return to Chadron.

Petitioners respectfully suggest that if oral argument finishes early on October 1, an informal tour could be taken up to the Wild Horse Sanctuary where Petitioner Dayton Hyde and the 500 Wild Mustangs reside. It is about 1.5 hours from Chadron and we can arrange a short bus tour of the Wild Horse Sanctuary which shows the conjunction of the rivers. Since the tour of the Wild Horse Sanctuary is not contemplated by the September 18<sup>th</sup> Order, we understand that it may not be possible to visit it, especially if oral argument does not finish early on October 1<sup>st</sup>.

*Implate Secy-040*

*DS-03*

DAVID FRANKEL, ESQ.  
September 22, 2008

ASLBP Panel

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Please let me know if for any reason the foregoing does not comport with the Board's expectations.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Frankel", written in a cursive style.

David Frankel  
Attorney for Petitioners

Cc: Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Michael M. Gibson, Chairman

Dr. Richard F. Cole

Mr. Brian K. Hajek

In the Matter of

CROW BUTTE RESOURCES, INC.  
(In Situ Leach Facility, Crawford, NE)

Docket No. 40-8943

ASLBP No. 08-867-02-OLA-BD01

September 22, 2008

CERTIFICATE OF SERVICE

I hereby certify that copies "PETITIONERS' LETTER TO ASLBP RE: PINE RIDGE TOUR" in the above captioned proceeding has been served on the following persons by electronic mail as indicated by a double asterisk (\*\*); on this 22<sup>nd</sup> day of September, 2008:

Judge Michael M. Gibson, Chair \*\*  
Atomic Safety and Licensing Board Panel  
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Respectfully submitted,



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## Hearing Docket

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**From:** David Cory Frankel [davidcoryfrankel@gmail.com]  
**Sent:** Monday, September 22, 2008 4:31 PM  
**To:** Tom Ballanco; Johanna Thibault; Hearing Docket; ASLBP\_HLW\_Adjudication Resource; Elizabeth Lorina; Brett Klukan; trsmith@winston.com; shanecrobinson@gmail.com; OCAAMAIL Resource; arm.legal@gmail.com; Alan Rosenthal; rsnthl@comcast.net; Michael Gibson; Richard Cole; hajek.1@osu.edu; Marck McGuire; Secy; Bruce Ellison; Deb White Plume; Tom Cook; Buffalo Bruce; Monique Cesna; Shahram Ghasemian  
**Cc:** Emile Julian; Rebecca Giitter; Tom Ryan; Sandra Miller  
**Subject:** Filing of Letter to ASLBP in Crow Buttes Renewal Proceeding - Docket 40-8943 - ASLBP No. 08-867-02-OLA-BD01  
**Attachments:** Letter to ASLBP re Pine Ridge Tour 09222008.pdf; Petitioners Letter to ASLBP re Pine Ridge Tour (Renewal) COS.pdf

Dear All,

Attached for filing, is a letter to the ASLBP re: the Pine Ridge Tour.

After repeated attempts again to use the EIE service, it has failed to accept an upload for filing. Repeated attempts to fix this problem with consultations with NRC EIE technical staff have failed.

We are able to download EIE filings and read them using the Forms Viewer.

Please accept the attached Letter and COS being filed electronically by this email.

Sincerely,

David Frankel  
Attorney for WNRC  
cel: 308-430-8160  
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Received: from mail2.nrc.gov (148.184.176.43) by OWMS01.nrc.gov  
(148.184.100.43) with Microsoft SMTP Server id 8.0.751.0; Mon, 22 Sep 2008  
16:35:17 -0400

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with ESMTP; 22 Sep 2008 16:35:13 -0400

Received: by wa-out-1112.google.com with SMTP id j37so1132150waf.22 for  
<Hearing.Docket@nrc.gov>; Mon, 22 Sep 2008 13:35:13 -0700 (PDT)

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Mon, 22 Sep 2008 13:35:10 -0700 (PDT)

Return-Path: <davidcoryfrankel@gmail.com>

Received: from ?192.168.0.105? ([71.112.148.251]) by mx.google.com

with ESMTPS id f20sm26493239waf.53.2008.09.22.13.31.42

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Date: Mon, 22 Sep 2008 10:31:00 -1000

Subject: Filing of Letter to ASLBP in Crow Buttes Renewal Proceeding -

Docket 40-8943 - ASLBP No. 08-867-02-OLA-BD01

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Message-ID: <C4FD2467.292B4%davidcoryfrankel@gmail.com>

Thread-Topic: Filing of Letter to ASLBP in Crow Buttes Renewal Proceeding  
- Docket 40-8943 - ASLBP No. 08-867-02-OLA-BD01

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