

September 26, 2008 (3:40pm)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:

Michael M. Gibson, Chairman

Dr. Richard F. Cole

Mr. Brian K. Hajek

In the Matter of

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

Docket No. 40-8943

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

September 26, 2008

PETITIONERS' MOTION TO MAKE FILINGS BY EMAIL

Pursuant to 10 CFR §2.323(a), Petitioners file this unopposed¹ motion to make filings by email due to problems with the NRC's EIE document system encountered by Counsel for Petitioners due to computer system and software incompatibilities.

Petitioners hereby move that this Board issue an Order allowing Petitioners to file documents in this proceeding as PDF documents sent by email together with an appropriate Certificate of Service.

DISCUSSION

Counsel for Petitioners use Apple computers and the Firefox browser. Although the Firefox browser is compatible with the NRC's EIE system, there are problems with compatibility with Apple computers and operating systems. The NRC has attempted to address this problem by offering Apple computer users a MAC version of the IBM Workplace Forms Viewer software that is compatible. Petitioners have used this MAC

¹ Applicant Counsel and NRC Staff Counsel do not oppose this Motion provided that Petitioners file by email PDF documents and serve the entire EIE Service List by email. Counsel for the OST and Counsel for the BHSNTC do not oppose this Motion.

version of the IBM Workplace Forms Viewer to successful view and download filings made by the Board and the other parties in this proceeding.

However, after repeated attempts and more than five phone calls with NRC EIE technical support staff, Petitioners have not been able to achieve a successful filing using the NRC EIE system and have submitted filings by email which have been accepted by the Board and the parties.

Based on the foregoing, and in order to ensure efficient filing of documents, Petitioners respectfully request that the Board issue an Order allowing Petitioners and their attorneys who use Apple computers to make filings in this Proceeding by email (without sending any paper hard copies) provided the documents are PDF documents, are accompanied by a Certificate of Service and are sent to Hearing.Docket@nrc.gov and all judges and parties' counsels of record and parties listed in the EIE Service List (as it may be amended from time to time). Petitioners will continue to receive filings through the NRC's EIE system.

CONCLUSION

For all the foregoing reasons, the Board should issue the order requested by Petitioners herein.

Dated this 26th day of September, 2008.

Respectfully submitted,



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UNITED STATES OF AMERICA
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ATOMIC SAFETY AND LICENSING BOARD PANEL

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CERTIFICATE OF SERVICE

I hereby certify that copies "PETITIONERS' MOTION TO MAKE FILINGS BY EMAIL" in the above captioned proceeding has been served on the following persons by electronic mail as indicated by a double asterisk (**); on this 26th day of September, 2008:

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Frankel". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

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Hearing Docket

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Sent: Friday, September 26, 2008 3:40 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@verizon.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; BHK3@nrc.gov; Michael Gibson; Alan Rosenthal; Catherine Marco; lcarter@captionreporters.com; ejduncan@winston.com; Rebecca Giitter; Nancy Greathead; Emile Julian; Linda Lewis; Evangeline Ngbea; OGCMailCenter Resource; Christine Pierpoint; Matthew Rotman; Tom Ryan
Subject: Re: Transmitting Document in Docket No. 40-8943 - ASLBP No. 08-867-02-OLA-BD01
Attachments: Petitioners Motion to Make Filings by Email 09226008.pdf; Petitioners (Renewal) EIE conformed COS 09262008.pdf

Dear All,

Attached are Petitioners Motion to Make Filings By Email (unopposed) and a COS.

Sincerely,

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Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.0.751.0; Fri, 26 Sep 2008
15:40:47 -0400

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X-MID: 31107541

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X-IronPort-Anti-Spam-Result:

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with ESMTTP; 26 Sep 2008 15:40:36 -0400

Received: by wa-out-1112.google.com with SMTP id k40so559252wah.26 for
<Hearing.Docket@nrc.gov>; Fri, 26 Sep 2008 12:40:34 -0700 (PDT)

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Fri, 26 Sep 2008 12:40:33 -0700 (PDT)

Return-Path: <davidcoryfrankel@gmail.com>

Received: from ?192.168.0.105? ([71.112.148.251]) by mx.google.com
with ESMTTPS id c26sm12467041waa.10.2008.09.26.12.40.01

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Date: Fri, 26 Sep 2008 09:39:48 -1000

Subject: Re: Transmitting Document in Docket No. 40-8943 - ASLBP No.
08-867-02-OLA-BD01

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Message-ID: <C5025E67.29393%davidcoryfrankel@gmail.com>

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08-867-02-OLA-BD01

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