

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

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Richard F. Cole
Brian K. Hajek

In the Matter of

CROW BUTTE RESOURCES, INC.

(License Renewal for the In Situ Leach Facility,
Crawford, Nebraska)

Docket No. 40-8943

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

November 19, 2008

ORDER

(Denying Applicant Crow Butte Resource's Motion to Strike Portions of Petitioners' Replies)

Applicant Crow Butte Resources, Inc. has moved to strike portions of Petitioners' replies filed in response to Applicant's Response to Petition to Intervene Filed by Consolidated Petitioners.¹ Applicant contends that Petitioners' replies "improperly include new arguments, references, and attachments."² Applicant's September 15, 2008 Motion to Strike Portions of Petitioners' Replies is denied. To the extent, if any, that it finds the assertions contained therein

¹ Applicant's Response to Petition to Intervene Filed by Consolidated Petitioners (Aug. 22, 2008).

² Applicant's Motion to Strike Portions of Petitioners' Replies (September 15, 2008) at 1.

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CROW BUTTE RESOURCES, INC.) Docket No. 40-8943-OLA
)
In-Situ Leach Uranium Recovery Facility,) ASLBP No. 08-867-02-OLA-BD01
Crawford, Nebraska)
)
(License Amendment))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DENYING APPLICANT CROW BUTTE RESOURCE'S MOTION TO STRIKE PORTIONS OF PETITIONERS' REPLIES) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NO. 40-8943-OLA
LB ORDER (DENYING APPLICANT CROW BUTTE RESOURCE'S MOTION TO
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STRIKE PORTIONS OF PETITIONERS' REPLIES)

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[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 19th day of November 2008