

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
(Transcript Correction)

The following transcript changes are hereby adopted. The Licensing Board hereby incorporates the changes into the record.

1. On page 45, the statements in lines 11-17 were improperly attributed to Mr. Frankel. Judge Rosenthal was the speaker.
2. On page 50, line 24, "Lester Mohegan" should be changed to "Western Mohegan."
3. On page 116, line 4, "not" should be changed to "now."
4. On page 124, line 23, "impossible" should be changed to "a possible."
5. On page 239, line 19, "Or did the make a mistake?" should be changed to "Or did they make a mistake?"
6. On page 263, line 17, "contact" should be changed to "context."
7. On page 312, line 14, "site" should be changed to "cite."
8. On page 356, lines 20-21, "I certainly object to combining them" should be changed to "I certainly don't object to combining them."

9. On page 383, lines 3-10 were improperly attributed to Judge Rosenthal. Mr. Smith was the speaker.

10. On p. 393, lines 2-13, there are two speakers, not one. Here is how it should read:

“JUDGE GIBSON: That’s fine.

MS. LORINA: I read what I could of Lone Wolf on my tiny little Blackberry screen. Essential the principle as I understand it, which I knew, Congress with the clear express content can abrogate treaties. With the 1877 Act which whether they recognize it as the most rank and dishonorable dealing in United States history, as Justice Blackmun did, regardless, that didn’t concern this area. The 1851 area was not at issue in the 1877 Act. So I wouldn’t say that as the Congress expressed its intent to abrogate the hunting rights in this area.”

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 19, 2008

¹ Copies of this memorandum and order were sent this date by the agency’s E-Filing system to the counsel/representatives for (1) applicant Crow Butte Resources, Inc.; (2) Consolidated Petitioners; (3) NRC Staff; 4) Oglala Delegation of the Great Sioux Nation Treaty Council; and 5) Oglala Sioux Tribe.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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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 (TRANSCRIPT CORRECTION) have been served upon the following persons by Electronic Information Exchange.

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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