

December 8, 2008

Michael M. Gibson, Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dr. Richard Cole
Administrative Judge
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Brian K. Hajek
Administrative Judge
Atomic Safety and Licensing Board Panel
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Alan S. Rosenthal
Administrative Judge
Atomic Safety and Licensing Board Panel
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

Dear Administrative Judges:

Pursuant to 10 C.F.R. § 2.1202(b), the NRC staff ("Staff") is required to notify the Atomic Safety and Licensing Board ("Board") within fifteen (15) days of the issuance of an order granting a request for a hearing whether it desires to participate as a party and identify the contentions on which it wishes to participate as a party. On November 21, 2008, the Board issued a Memorandum and Order (Ruling on Hearing Requests), wherein the Board (1) granted standing to the Oglala Sioux Tribe and to the majority of the Consolidated Petitioners and (2) admitted all of the Oglala Sioux Tribe's Environmental Contentions (A through E) and Environmental Contention E, Technical Contention F, and Miscellaneous Contentions G and K of the Consolidated Petitioners.

The Staff hereby notifies the Board of its intent to participate as a party in this adjudicatory proceeding with respect to all of the admitted contentions. If the Board admits the additional contention of the Consolidated Petitioners regarding arsenic, the Staff at that time will notify the Board whether it wishes to participate as a party on that contention.

Respectfully submitted,

Executed in Accord with 10 CFR 2.304(d)

Brett Michael Patrick Klukan
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Dated at Rockville, Maryland
This 8th day of December, 2008

cc: Attached Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
) Docket No. 40-8943
CROW BUTTE RESOURCES, INC.)
) ASLBP No. 08-867-02-OLA-BD01
(License Renewal for the In Situ Leach Facility,)
Crawford, Nebraska))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S LETTER TO THE BOARD" in the above-captioned proceeding have been served on the following persons by Electronic Information Exchange on this 8th day of December, 2008:

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Executed in Accord with 10 CFR 2.304(d)

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