

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.  
(License Renewal In Situ Leach Facility,  
Crawford, NE)

Docket No. 40-8943

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

January 21, 2009

MOTION FOR LEAVE TO FILE A BRIEF *AMICUS CURIAE*

Comes now the International Indian Treaty Council through the undersigned as its duly authorized attorney pursuant to the attached Notice of Appearance of even date herewith, moves pursuant to 10 C.F.R. Section 315(d) for leave to file a brief *amicus curiae*.

1. Statement of Interest

The movant is not a party to the above-referenced proceeding. During the January 16, 2008 hearing, the Board took up the matter, *sua sponte*, of certain rights of Indigenous people under international law, particularly, international human rights law.

The International Indian Treaty Council (IITC) is a 501(c)(3) not for profit corporation registered under the Corporation law of the State of California and the Internal Revenue Service of the United States. Founded at a gathering called by the American Indian Movement at Standing Rock, South Dakota in 1974, the IITC received formal recognition from the United Nations Economic and Social Council (ECOSOC) as a Non-Governmental Organization (NGO) with Consultative Status, now Special Consultative

Status. It was the first Indigenous NGO to be accorded such status, in 1977. Since that time and in that role, the IITC has worked internationally before United Nations human rights fora, for the Sovereignty and Self Determination of Indigenous Peoples, and the recognition and protection of Indigenous Rights, Treaties, Traditional Cultures and Sacred Lands.

The IITC has a very special interest in preserving the human rights and fundamental freedoms of Indigenous Peoples, particularly the Indigenous Peoples and individuals concerned in this matter. We have worked internationally on the issue of nuclear mining and the harm caused to the Indigenous Peoples of the Southwestern United States, including the Navajo and Acoma Pueblo Peoples who to this day remain detrimentally affected from this dangerous and harmful activity. These detriments include the continuing deaths of miners and community persons living in areas poisoned by the activity, as well as the continuing poisoning of groundwater, particularly in and around Acoma Pueblo in New Mexico, even after an EPA Superfund cleanup. It is clear to us, as a matter of human rights, that the mining and processing of uranium harms, many times beyond remediation, and severely affects the health and well being of those living at or near the mines, as well as our relatives the wildlife, the environment and our Sacred Mother Earth.

The reasons this brief may be desirable is that international human rights law and national obligations are complex and may help inform the Panel's consideration.

For all my relations,

Dated: January 17, 2009

A handwritten signature in black ink, appearing to read "Alberto Saldamando". The signature is written in a cursive style and is positioned within a rectangular box that has a vertical line on its left side.

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