

March 2, 2009 (8:11pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFFUNITED 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

March 2, 2009

INTERVENORS' MANDATORY DISCLOSURES UNDER 10 CFR §2.336

Pursuant to 10 CFR §2.336 and Section II.A of the Board's Initial Scheduling Order dated January 8, 2009, Intervenor hereby submit the following mandatory disclosures, in accordance with the mutually agreed on protocols set forth in the February 26, 2009 Letter from Applicant to the Board (the "Protocol"):

1. Identity of Opinion Witnesses. To the extent that a phone number is not available, Intervenor's counsel may be called to contact a person directly.

Dr. Richard Abitz, Geologist

At the address and phone number set forth in his expert opinion filed in this case.

Chadron City Manager and/or water quality manager

234 Main Street

Chadron, NE 69337

(308) 432-0505 (Administration)

Crawford City Manager and/or water quality manager

209 Elm Street

Crawford, NE 69339

(308) 665-1462

Katsi Cook, Expert in the field of Native American health issues and Womens and Reproductive Health Issues
2501 Porter St.
Washington, DC 20008
H: 202 248 7515

Anthony G. Kathol, P.E., CDR, expert re: water test results
US Public Health Service, Environmental Engineer Consultant
Indian Health Service, Martin Field Office
P.O. Box F
Martin, SD 57551
Phone: (605) 685-6561, Ext. 15

Dr. Hannan LaGarry, Stratiagrapher
At the address and phone number set forth in his expert opinion filed in this case.

Bruce McIntosh, Staff Ecologist, Western Nebraska Resources Council
PO Box 612
Chadron NE 69337
(308) 432-3458

Dr. Gavin Mudd, expert on environmental impacts and management of mining
Institute for Sustainable Water Resources, Dept. of Civil Engineering
Monash University, Clayton, VIC Australia
Tel: (61) 990-51352

John Petersen, location unknown at this time.

Paul Robinson, Researcher
At the address and phone number set forth in his expert opinion filed in this case.

Joyce Whiting, Tribal Historic Preservation Officer
Oglala Sioux Tribe
Pine Ridge Indian Reservation
Pine Ridge, SD 57770
(Phone number may be obtained from Counsel to the OST in this case).

Representative of OST Mni Wiconi re: water quality
Oglala Sioux Tribe
Pine Ridge Indian Reservation
Pine Ridge, SD 57770
(Phone number may be obtained from Counsel to the OST in this case).

Medical experts not yet identified.

2. Relevant Documents. The location of the following documents is 1705 S. Maple St., Chadron, NE 69337, kept physically or in electronic form capable of being printed, or are capable of being obtained without undue cost or delay:

All documents, books, publications, and treatises filed with the Petition or incorporated by reference therein.

All documents served on the other parties in this proceeding.

Water Test Results (Set 1) January 13, 2009, submitted herewith.

Written Analysis of Water Tests dated February 3, 2009, submitted herewith.

Water Tests Set 2 (not yet available from Lab)

Written Analysis of Water Tests Set 2 (not yet prepared)

Publications listed in Hannan LaGarry opinion filed with the Petition

Publications listed in Paul Robinson opinion filed with the Petition

Certain publications by expert Dr. Gavin Mudd:

Mudd, G M, 2008, *Sustainability Reporting and Water Resources : A Preliminary Assessment of Embodied Water and Sustainable Mining. **Mine Water & Environment***, In Press (June 2008).

Mudd, G M & Diesendorf, M, 2008, *Sustainability of Uranium Mining : Towards Quantifying Resources and Eco-Efficiency. **Environmental Science and Technology***, 42(7), pp 2624-2630.

Mudd, G M & Diesendorf, M, 2007, *Sustainability Aspects of Uranium Mining : Towards Accurate Accounting ?* Proc. "2nd International Conference on Sustainability Engineering and Science : Talking and Walking Sustainability", Auckland, New Zealand, February 2007

Johns Hopkins Study and studies referenced in the Arsenic Contention filings.

Testimony of Aloysius Weasel Bear (to be taken)

3. Listing of Documents As To Which Privilege or Protection Claimed.

At this time, Intervenor's are not aware of any documents in their possession, relevant to the contentions, that would otherwise be required to be disclosed for which a claim of privilege or protected status is being made.

4. Affidavit under 2.336(c). Pursuant to Section 2.336(c), the foregoing disclosures are accompanied by a certification by sworn affidavit that all relevant materials required by such section have been disclosed, and that the disclosures are accurate and complete as of the date of such affidavit.¹

Dated this 2nd day of March, 2009.

Respectfully submitted,

/s/ - electronically signed by

David Frankel
Attorney for Intervenor's
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Pine Ridge, SD 57770
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E-mail: arm.legal@gmail.com

¹ See attached Affidavit of David C. Frankel, incorporated herein by this reference.

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

Before Administrative Judges:

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Docket No. 40-8943

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

March 2, 2009

AFFIDAVIT RE: MANDATORY DISCLOSURES UNDER 10 CFR §2.336(c)

I, David C. Frankel, do hereby state as follows:

1. I am attorney of record for Intervenors in the above-captioned matter. Among other things, I am managing the preparation of the mandatory disclosures in connection with the this proceeding.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (a) and (c) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.
3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated this 2nd day of March, 2009.

Respectfully submitted,

/s/ signed electronically by

David Frankel
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E-mail: arm.legal@gmail.com

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

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

March 2, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies "INTERVENORS' MANDATORY DISCLOSURES UNDER 2.336 AND RELATED AFFIDAVIT" in the above captioned proceeding has been served on the following persons by electronic mail; on this 2nd day of March, 2009:

Judge Michael M. Gibson, Chair
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Respectfully submitted,

/s/ - electronically signed by

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Nancy Greathead

From: David Cory Frankel [davidcoryfrankel@gmail.com]
Sent: Monday, March 02, 2009 8:11 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; buffalobruce1@gmail.com; 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; csisco@winston.com; Shahram Ghasemian; Megan Wright; Johanna Thibault; Richard Cole; Brett Klukan; Megan Wright; Anthony Eitreim; nets@columbus.rr.com; Christine Jochim Boote; Nancy Greathead; Christine Jochim Boote; Emile Julian; mdmsjn@windstream.net; Tom Ryan; Alberto; Andrew Welkie; Anthony Eitreim
Subject: Transmitting Document in Docket No. 40-8943 - ASLBP No. 08-867-02-OLA-BD01
Attachments: Intervenor Mandatory Disclosures 2.336c 03022009.pdf; Intervenor Mandatory Disclosures 2.336c Affidavit 03022009.pdf; (Renewal) EIE conformed COS 03022009.pdf

Attached for filing are Intervenor Mandatory Disclosures under 2.336, related Affidavit and COS.

Sincerely,

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Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.1.291.1; Mon, 2 Mar 2009
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Mon, 02 Mar 2009 17:12:09 -0800 (PST)

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

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Thread-Topic: Transmitting Document in Docket No. 40-8943 - ASLBP No.

08-867-02-OLA-BD01

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