

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

June 17, 2009

INTERVENORS' SUBMISSION OF ANDERS AFFIDAVIT

Pursuant to the Board's Order dated May 27, 2009¹ Intervenors hereby submit the
Affidavit of Dr. Francis Anders which makes specific reference to this proceeding.

Dated this 17th day of June, 2009.

Respectfully submitted,

- electronically signed by

David Frankel
Attorney for Intervenors
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308-430-8160
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DOCKETED
USNRC

June 17, 2009 (2:21pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

¹ At page 3 thereof.

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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

June 16, 2009

AFFIDAVIT

I, Dr. Francis E. Anders, hereby state as follows:

1. I make this affidavit in support of Western Nebraska Resources Council ("WNRC"), which was formed in 1983 to protect the natural resources of Western Nebraska with a focus on groundwater contamination from uranium mining.

2. I have authorized WNRC to represent my interests in this proceeding concerning a source license renewal for Crow Butte Resources, Inc. ("CBR").

3. I have been a member of WNRC since I began opposing this uranium mine many years ago.

4. My home address is 24 W. Ash Creek Road, Crawford, NE 69339, and place of business is at 22 Ash Creek Road.

5. I have lived at this address for 38 years.

6. My family and I use the water from our well at this address for drinking, bathing, irrigation and stock water.

7. I have observed a bad odor emanating from my well water which was not present before CBR began drilling about one (1) mile from my well in Fall 2007. I have observed that since CBR started drilling near my well in Fall 2007, there is a weekly cycle during which the CBR crew starts on Monday and by Wednesday, my well water becomes discolored, and the CBR crew quits on Friday and by Monday morning, my well water is clear again. This cycle repeats weekly.

8. I have observed that since CBR started drilling near my well in Fall 2007, there is a weekly cycle during which the CBR crew starts on Monday and by Wednesday, my well water becomes discolored, and the CBR crew quits on Friday and by Monday morning, my well water is clear again. This cycle repeats weekly.

9. Since CBR's operations started, I have noticed an increase in the amount of sand in my water filter and in my toilet which I believe is due to the lowering of the water table.

This Affidavit is submitted in accordance with 10 C.F.R. Section 2.304(d) and 28 U.S.C. Section 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 10, 2009, in Chadron,
Nebraska.


FRANCIS E. ANDERS

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

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June 17, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies the "AFFIDAVIT OF FRANCIS ANDERS" in the captioned proceeding has been served on the following persons by electronic mail; on this 17th day of June, 2009:

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Dated: June 17, 2009

Respectfully submitted,

~ electronically signed by

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Hearing Docket

From: David Cory Frankel [davidcoryfrankel@gmail.com]
Sent: Wednesday, June 17, 2009 2:21 PM
To: Tom Ballanco; Thibault, Johanna; Docket, Hearing; ASLBP_HLW_Adjudication Resource; Elizabeth Lorina; Klukan, Brett; trsmith@winston.com; shanecrobinson@gmail.com; OCAAMAIL Resource; arm.legal@gmail.com; Rosenthal, Alan; rsnthl@verizon.net; Gibson, Michael; Cole, Richard; hajek.1@osu.edu; Marck McGuire; Secy; Bruce Ellison; Deb White Plume; Tom Cook; buffalobruce1@gmail.com; Monique Cesna; Ghasemian, Shahram; BHK3@nrc.gov; Gibson, Michael; Rosenthal, Alan; Marco, Catherine; lcarter@captionreporters.com; ejduncan@winston.com; Giitter, Rebecca; Greathead, Nancy; Julian, Emile; Lewis, Linda; Ngbea, Evangeline; OGCMailCenter Resource; Pierpoint, Christine; Rotman, Matthew; Ryan, Tom; csisco@winston.com; Ghasemian, Shahram; Wright, Megan; Thibault, Johanna; Cole, Richard; Klukan, Brett; Wright, Megan; Eitreim, Anthony; nets@columbus.rr.com; Jochim Boote, Christine; Greathead, Nancy; Jochim Boote, Christine; Julian, Emile; mdmsjn@windstream.net; Ryan, Tom; Alberto; Welkie, Andrew; Eitreim, Anthony
Subject: Transmitting Document in Docket No. 40-8943 - ASLBP No. 08-867-02-OLA-BD01
Attachments: Intervenor's Submission of Anders Affidavit (Renewal) 06172009.pdf; Dr Anders Affidavit Renewal page 2 06162009.pdf; Dr Anders Renewal Affidavit page 1 06162009.pdf; Crow Butte (Renewal) COS 06162009 Anders.pdf

Dear All,

Attached for filing in the above-referenced matter are Intervenor's Submission of the Anders Affidavit, the Anders Affidavit (2 pages) and related COS.

Sincerely,

/s/

David Frankel
Counsel for Intervenor's
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Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.358.0; Wed, 17 Jun 2009
14:21:21 -0400

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Wed, 17 Jun 2009 11:21:15 -0700 (PDT)

Return-Path: <davidcoryfrankel@gmail.com>

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by mx.google.com with ESMTPS id 28sm169266wfd.3.2009.06.17.11.20.52
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Date: Wed, 17 Jun 2009 11:20:40 -0700

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

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