

June 15, 2009

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Oglala Sioux Tribe, Joe American Horse Sr.,
Beatrice Long Visitor Holy Dance,
Loretta Afraid of Bear Cook,
Thomas Kanatakeniate Cook,
Owe Aku - Bring Back the Way,
The Afraid of Bear/Cook Tiwahe,
The American Horse Tiospaye,
Western Nebraska Resources Council and
Debra White Plume,
Petitioners,

v.

U.S. Nuclear Regulatory Commission
and the United States of America,
Respondents,

and

Crow Butte Resources, Inc.,
Proposed Intervenor.

No. 09-2262

No. 09-2285

MOTION OF CROW BUTTE RESOURCES, INC.
FOR LEAVE TO INTERVENE

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure,
Crow Butte Resources, Inc. ("Crow Butte") hereby moves for leave to intervene as

a party respondent in the captioned proceeding. In support of its motion, Crow Butte states as follows:

1. Crow Butte is the owner and operator of the Crow Butte facility in Crawford, Nebraska. Crow Butte is an in situ uranium recovery facility licensed and regulated by the United States Nuclear Regulatory Commission (“NRC” or “Commission”).

2. Petitioners Oglala Sioux Tribe, Joe American Horse Sr., Beatrice Long Visitor Holy Dance, Loretta Afraid of Bear Cook, Thomas Kanatakeniate Cook, Owe Aku - Bring Back the Way, The Afraid of Bear/Cook Tiwahe, The American Horse Tiospaye, Western Nebraska Resources Council and Debra White Plume (collectively, “Petitioners”) are seeking review of a decision of the NRC. Specifically, Petitioners cite the decision in the Matter of Crow Butte Resources, Inc. (License Renewal for In Situ Facility, Crawford, Nebraska), Docket No. 40-8943-OLA, CLI-09-09, issued May 18, 2009.

3. The NRC’s decision relates to Crow Butte’s request for renewal of its license to operate the Crow Butte facility. The renewed license would support continued operation of the Crow Butte facility for an additional 10-year period.

4. The NRC decision at issue results from the administrative proceeding on Crow Butte’s license renewal application. In CLI-09-09, the

Commission denied, in part, Petitioners' July 28 and July 30, 2009, requests to participate in the administrative proceeding on license renewal. The Commission held that several of the contentions filed by Petitioners did not satisfy the Commission's standards for an admissible contention. The Commission also held that several of the Petitioners' contentions were admissible and that, as a result, a hearing would be held with respect to Crow Butte's application on the admitted contentions. That administrative proceeding is ongoing.

5. Thereafter, on May 29, 2009, Petitioners filed in this Court their Petitions for Review.

6. Crow Butte Resources, as the owner and operator of the Crow Butte facility, and as the applicant for the renewed license, participated in the administrative proceedings before the NRC. Crow Butte's operations are directly implicated by the proposed licensing action and would be directly affected should the Court suspend, enjoin, or set aside the NRC's order that is the subject of the Petitions for Review. Accordingly, Crow Butte has a direct and substantial interest in the case. Although the NRC is a Respondent with respect to the petition for review, Crow Butte has a separate interest apart from the regulatory interests of the NRC.

7. Counsel for the NRC and Petitioners have indicated that they do not object to Crow Butte's motion for leave to intervene.

Wherefore, Crow Butte requests that it be granted leave to intervene
as a party respondent in the captioned proceeding.

Respectfully submitted,

/s/ Tyson R. Smith

Tyson R. Smith, Esq.

WINSTON & STRAWN LLP

101 California St.

San Francisco, CA 94111-5894

(415) 591-6874

ATTORNEY FOR PROPOSED

INTERVENOR

CROW BUTTE RESOURCES, INC.

Dated in San Francisco, California
this 15th day of June 2009

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

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Owe Aku - Bring Back the Way,)	
The Afraid of Bear/Cook Tiwahe,)	
The American Horse Tiospaye,)	
Western Nebraska Resources Council and)	
Debra White Plume,)	
Petitioners,)	No. 09-2262
)	No. 09-2285
v.)	
)	
U.S. Nuclear Regulatory Commission)	
and the United States of America,)	
Respondents,)	
)	
and)	
)	
Crow Butte Resources, Inc.,)	
Proposed Intervenor.)	
_____)	

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure,
Crow Butte Resources, Inc. ("Crow Butte") hereby files this Disclosure Statement.

Intervenor Crow Butte Resources is a corporation organized under the laws of the State of Nebraska, with its principal executive offices in Lakewood, Colorado. Crow Butte Resources is engaged principally in the business of producing uranium ore. Crow Butte Resources is owned by Cameco US Holdings, Inc., which is a corporation registered in Nevada. Cameco US Holdings is owned by Cameco Corporation, which is a Canadian corporation. Cameco Corporation is publicly traded on both the Toronto and New York Stock Exchanges. Cameco Corporation is the only publicly held corporation owning ten percent or more of Crow Butte's stock.

Respectfully submitted,

/s/ Tyson R. Smith

Tyson R. Smith, Esq.

WINSTON & STRAWN LLP

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San Francisco, CA 94111-5894

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ATTORNEY FOR PROPOSED

INTERVENOR

CROW BUTTE RESOURCES, INC.

Dated in San Francisco, California
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 Respondents,

 and

Crow Butte Resources, Inc.,
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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2009, I electronically filed the foregoing "Motion of Crow Butte Resources, Inc. for Leave to Intervene" and "Corporate Disclosure Statement" with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate ECF system.

I further certify that certain participants in the case are not registered CM/ECF users. I have mailed the foregoing "Motion of Crow Butte Resources, Inc. for Leave to Intervene" and "Corporate Disclosure Statement" by first-class mail, postage prepaid, to the following non-CM/ECF participants:

Charles E. Mullins, Esq.
Office of General Counsel
United States Nuclear Regulatory
Commission
Washington, DC 20555-0001

Respectfully submitted,

/s/ Tyson R. Smith
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ATTORNEY FOR PROPOSED
INTERVENOR
CROW BUTTE RESOURCES, INC.