

August 3, 2009

Michael M. Gibson, Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dr. Richard Cole
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Brian K. Hajek
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Alan S. Rosenthal
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
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:

On July 22, 2009, the United States Court of Appeals for the Eighth Circuit issued the attached decision¹ in the appeal of the Commission's decisions in this license renewal proceeding. The decision effectively dismisses the Consolidated Petitioners' appeal of CLI-09-09.

Although the Licensing Board is likely already aware of this decision, the NRC Staff is submitting this board notification because the Consolidated Petitioners filed their motion for stay on the basis of this appeal.

Respectfully submitted,

Executed in Accord with 10 CFR 2.304(d)

Christine Jochim Boote
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Dated at Rockville, Maryland
This 3rd day of August, 2009

¹ *Oglala Sioux Tribe v. NRC*, No. 09-2262 & 09-2285, slip op. (8th Cir. July 22, 2009) (judgment granting Respondent's motion to dismiss consolidated petitions for review).

Gibson
Cole
Hajek
Rosenthal

cc: Attached Service List

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 09-2262

Oglala Sioux Tribe,

Petitioner

v.

United States Nuclear Regulatory Commission (NRC); United States of America,

Respondents

Crow Butte Resources, Inc.,

Intervenor

No: 09-2285

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

Petitioners

v.

United States Nuclear Regulatory Commission (NRC); United States of America,

Respondents

Appeal from Nuclear Regulatory Commission
(40-8943-OLA)
(40-8943-OLA)

JUDGMENT

Respondents' motion to dismiss these consolidated petitions for review is granted. The appeal is hereby dismissed in accordance with Federal Rules of Appellate Procedure 42(b).

Certified copies shall issue forthwith.

July 22, 2009

Order Entered Under Rule 27B(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S LETTER TO THE ATOMIC SAFETY AND LICENSING BOARD" in the above captioned proceeding have been served via the Electronic Information Exchange ("EIE") this 3rd day of August 2009, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above captioned proceeding.

Executed in Accord with 10 CFR 2.304(d)

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