

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Ann Marshall Young, Chair  
Dr. Richard F. Cole  
Dr. Fred W. Oliver

In the Matter of

CROW BUTTE RESOURCES, INC.  
(License Amendment for the North Trend  
Expansion Project)

Docket No. 40-8943-MLA  
ASLBP No. 07-859-03-MLA-BD01

August 7, 2009

ORDER

(Denying Intervenors' Motion for Stay)

On July 10, 2009, Intervenors moved to stay this proceeding pending the final resolution of Intervenors' appeal, in the United States Court of Appeals for the Eighth Circuit, of the Commission's ruling in CLI-09-09,<sup>1</sup> and Intervenors' intended appeal of the Commission's ruling in CLI-09-12.<sup>2</sup> Applicant and the NRC Staff filed responses opposing Intervenors' motion.<sup>3</sup> On July 22, 2009, the Court of Appeals dismissed Intervenors' appeal of CLI-09-09.<sup>4</sup>

The Licensing Board has received no indication that Intervenors have in fact filed any appeal with regard to CLI-09-12, which was issued June 25, 2009. Moreover, particularly based

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<sup>1</sup> Intervenors' Motion and Application for Stay Pending Appeal in Related License Renewal Proceeding (July 10, 2009) [hereinafter Motion for Stay]; *Crow Butte Resources, Inc.* (License Renewal for In Situ Leach Facility, Crawford, Nebraska) CLI-09-09, 69 NRC \_\_ (May 18, 2009) (slip op.).

<sup>2</sup> Motion for Stay at 1; *Crow Butte Resources, Inc.* (North Trend Expansion Area) CLI-09-12, 69 NRC \_\_ (June 25, 2009) (slip op.).

<sup>3</sup> Crow Butte Resources' Answer to Intervenors' Motion and Application for Stay Pending Appeal (July 20, 2009); NRC Staff Response to Intervenors' Motion and Application for Stay Pending Appeal in Related License Renewal Proceeding (July 20, 2009).

<sup>4</sup> *Oglala Sioux Tribe v. NRC*, No. 09-2262 & 09-2285, slip op. (8<sup>th</sup> Cir. July 22, 2009) (Judgment granting Respondents' motion to dismiss consolidated petitions for review).



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In the matter of )  
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CROW BUTTE RESOURCES, INC. ) Docket No. 40-8943-MLA  
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In-situ leach Uranium Recovery Facility, )  
Crawford, Nebraska )  
)  
(License Amendment for the North Trend )  
Expansion Area) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DENYING INTERVENORS' MOTION FOR STAY) have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Christine M. Pierpoint]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 7<sup>th</sup> day of August 2009