

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 Renewal In Situ Leach Facility,
Crawford, NE)

Docket No. 40-8943

ASLBP No. 07-859-03-MLA-BD01

February 11, 2010

INTERVENORS' NOTICE RE: CONSOLIDATED PRESENTATION

Pursuant to the Atomic Safety and Licensing Board (Board) Order dated January 21, 2010, Intervenors hereby notify the Board and parties as follows¹:

1. The Intervenors shall apportion their presentations among themselves to avoid duplication and redundancy and to promote the efficient administration of the proceeding. Toward that end, the Intervenors appoint Bruce Ellison, at Law Offices of Bruce Ellison, P. O. Box 2508, Rapid City, SD 57709, as lead counsel concerning all presentation of evidence regarding the two subparts of the remaining litigable contention as described in paragraph 2 below. The Intervenors shall make a consolidated presentation and shall divide all time allotted to the Intervenors among them by mutual agreement of their respective counsels, Grace Dugan, Bruce Ellison, and David Frankel.

¹ David Frankel and Bruce Ellison have reviewed and approved this Notice on behalf of their respective clients in this proceeding.

2. The litigable contention was divided into the following by CLI-09-12²:

Subpart A1 (technical): Crow Butte's proposed expansion of mining operations will use and contaminate water resources, resulting in harm to public health and safety, through mixing of contaminated groundwater in the mined aquifer with water in surrounding aquifers and drainage of contaminated water into the White River.

Basis: Crow Butte has not established the Brule formation as a confining layer in that Crow Butte acknowledges that the Brule conducts water at 25 ft/day; that there may be more saturated areas; and that fracturing may be present (e.g., by the observed tectonic movements or earthquakes).

Basis: Crow Butte has not established the continuity of the Pierre as a lower confining unit.

Basis: Crow Butte has not shown that the White River fault, tectonic movements and/or nearby drilling of other wells will not cause increased movement of water between the aquifers. Crow Butte has not shown that the White River fault will not cause communication between the mined aquifer and the overlying aquifer and the White River.

Subpart A2 (environmental): Crow Butte's License Amendment Application does not accurately describe the environment affected by its proposed mining operations or the extent of its impact on the environment as a result of its use and potential contamination of water resources, through mixing of contaminated groundwater in the mined aquifer with water in surrounding aquifers and drainage of contaminated water into the White River.

Basis: The application does not take into consideration current and future domestic use of water from the Basal Chadron in the area surrounding the NTEA.

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² CLI-09-12 at 36-37 (emphasis added); defined terms are as defined in CLI-09-12.

Dated this 11th day of February, 2010.

Respectfully submitted,

/s/

Executed in Accord with 10 CFR 2.304(d)
Grace Dugan
Attorney for Intervenor Oglala Sioux Tribe
522 7th Street, Suite 202
Rapid City, SD 75501
Tel: 307.202.0703
E-mail: dugan@wavecom.net

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
CROW BUTTE RESOURCES, INC.)	Docket No. 40-8943
In-Situ Leach Facility, Crawford, Nebraska)	
)	ASLBP No. 07-859-03-MLA-BD01
(License Amendment for the North Trend)	
Expansion Project))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing INTERVENORS' NOTICE RE: CONSOLIDATED PRESENTATION in the captioned proceeding have been served via the Electronic Information Exchange (EIE) this 11th day of February, 2010, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the captioned proceeding.

Executed in Accord with 10 CFR 2.304(d)
Grace Dugan
Attorney for Intervenor Oglala Sioux Tribe
522 7th Street, Suite 202
Rapid City, SD 75501
Tel: 307.202.0703
E-mail: dugan@wavecom.net