

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CROW BUTTE RESOURCES, INC.,  
(In Situ Leach Facility, Crawford, NE)

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

February 13, 2014

**CONSOLIDATED INTERVENORS' MOTION TO MAKE FILINGS BY EMAIL**

Pursuant to 10 CFR §2.323(a), Consolidated Intervenors file this unopposed<sup>1</sup> motion to make filings by email due to problems with the NRC's EIE document system encountered by the undersigned Counsel for Intervenors due to computer system and software incompatibilities that have arisen after the recent digital security upgrades at NRC.<sup>2</sup> Consolidated Intervenors hereby move that this Board issue an Order allowing Counsel for Consolidated Intervenors who use MAC computers and software to file documents in this proceeding as PDF documents sent by email together with an appropriate Certificate of Service; and unless publicly available, the parties shall serve the Counsels for Consolidated Intervenors by email with any filings made by them through EIE.

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<sup>1</sup> Applicant Counsel, OST Counsel and NRC Staff Counsel do not oppose this Motion provided that Counsels for Consolidated Intervenors will file by email PDF documents and serve the entire EIE Service List by email and it is understood that this email process is temporary until access by such users is restored.

<sup>2</sup> By email dated January 21, 2014, the NRC MSHD Resource ([meta\\_system\\_help\\_desk.resource@nrc.gov](mailto:meta_system_help_desk.resource@nrc.gov)) informed Counsel for Consolidated Intervenors that it would be several months before the EIE was made compatible with MAC computers and MAC software. The undersigned has been unable to access EIE since January 1, 2014.

## DISCUSSION

Counsel for Consolidated Intervenors uses Apple MAC computers and several MAC browsers. As a result of recent upgrades in the NRC's EIE system, MAC users are denied access to the EIE system. Accordingly, it is not possible for Counsel for Consolidated Intervenors who use MAC computers to make filings or to view filings that have been made in the EIE system (unless they are also posted publicly to the NRC's website). Prior to the recent upgrade, such Counsels had used the EIE to make and retrieve all filings in accordance with this Board's orders and NRC regulations and once access to EIE is restored for MAC users, Counsels for Consolidated Intervenors undertake to resume using the EIE system and to cease filings by email.

Based on the foregoing, Consolidated Intervenors respectfully request that the Board issue an Order allowing Consolidated Intervenors and their attorneys who use Apple MAC computers to make filings in this Proceeding by email (without sending any paper hard copies) provided the documents are PDF documents, are accompanied by a Certificate of Service and are sent to [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov) and all judges and parties' counsels of record and parties listed in the EIE Service List (as it may be amended from time to time); and provided further that such Counsel will undertake to resume using EIE as soon as their respective access thereto is resolved; and further that the Board shall order the parties to this proceeding to serve contemporaneously a copy by email to Counsels for Consolidated Intervenors of any filing made via the EIE unless such filing is also publicly available at the NRC website.

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]**

**CONCLUSION**

For all the foregoing reasons, the Board should issue the order requested by Consolidated Intervenors herein.

Dated this 13<sup>th</sup> day of February, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Frankel". The signature is written in a cursive style with a large initial "D" and "F".

David Frankel  
P. O. Box 143  
Buffalo Gap, SD 57722  
605-515-0956

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                                                                  )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “CONSOLIDATED INTERVENORS’ MOTION TO MAKE FILINGS BY EMAIL” in the captioned proceeding were served via the Electronic Information Exchange (“EIE”) on the 13<sup>th</sup> day of February, 2014, which to the best of my knowledge resulted in transmittal of same to those on the EIE Service List for the captioned proceeding.



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