

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

Before Administrative Judges:

Michael M. Gibson, Chair  
Dr. Richard E. Wardwell  
Brian K. Hajek  
Alan S. Rosenthal (Special Assistant to the Board)

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

February 4, 2015

ORDER

(Scheduling Telephonic Oral Argument)

On October 27, 2014, the NRC Staff notified the Board and parties in this proceeding that the final environmental review document, an Environmental Assessment (EA), had been completed.<sup>1</sup> On January 5, 2015 the Oglala Sioux Tribe<sup>2</sup> and Consolidated Intervenors<sup>3</sup> both filed motions to admit new contentions based on the final EA. On January 30, 2015 the NRC Staff<sup>4</sup> and Crow Butte Resources<sup>5</sup> filed answers to the new contention motions.

---

<sup>1</sup> Environmental Assessment Availability Notification, Letter from Marcia Simon, NRC Staff Counsel, to Administrative Judges and Parties (Oct. 27, 2014).

<sup>2</sup> The Oglala Sioux Tribe's Renewed and New Contentions Based on the Final Environmental Assessment (October 2014) (Jan. 5, 2015).

<sup>3</sup> Consolidated Intervenors' New Contentions Based on the Final Environmental Assessment (October 2014) (Jan. 5, 2015).

<sup>4</sup> NRC Staff's Combined Answer to New Contentions Filed by Consolidated Intervenors and the Oglala Sioux Tribe (Jan. 30, 2015).

To assist its review of the newly filed contentions, the Board will hold a telephonic oral argument on Tuesday, February 17, 2015 at 10:30 A.M. Eastern Time. The Board's law clerk will contact the parties on how to access the conference. Members of the public or media who wish to listen to this oral argument may do so, and should contact the Board's law clerk at [Nicholas.Sciretta@nrc.gov](mailto:Nicholas.Sciretta@nrc.gov) for the dial-in information.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

---

Michael M. Gibson, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 4, 2015

---

<sup>5</sup> Crow Butte Resources' Response to Proposed New Contentions Based on Final Environmental Assessment (Jan 30, 2015).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
CROW BUTTE RESOURCES, INC. ) Docket No. 40-8943-OLA  
)  
In-Situ Leach Uranium Recovery Facility, )  
Crawford, Nebraska )  
)  
(License Renewal) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Telephonic Oral Argument)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

Administrative Judge  
Michael M. Gibson, Chairman  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail [michael.gibson@nrc.gov](mailto:michael.gibson@nrc.gov)

Administrative Judge  
Richard E. Wardwell  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission.  
Mail Stop T-3F23  
Washington, DC 20555-0001  
E-mail: [richard.wardwell@nrc.gov](mailto:richard.wardwell@nrc.gov)

Administrative Judge  
Brian K. Hajek  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
U.S. Nuclear Regulatory Commission.  
Washington, DC 20555-0001  
E-mail: [NETS@Columbus.RR.com](mailto:NETS@Columbus.RR.com)  
[brian.hajek@nrc.gov](mailto:brian.hajek@nrc.gov)

Administrative Judge  
Alan S. Rosenthal  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission.  
Mail Stop T-3F23  
Washington, DC 20555-0001  
E-mail: [alan.rosenthal@nrc.gov](mailto:alan.rosenthal@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001  
Hearing Docket  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

DOCKET NO. 40-8943-OLA

**ORDER (Scheduling Telephonic Oral Argument)**

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop O-15D21  
Washington, DC 20555-0001  
Marcia J. Simon, Esq.  
Mary Spencer, Esq.  
David Cylkowski, Esq.  
Sabrina Allen, Law Clerk  
E-mail:  
[marcia.simon@nrc.gov](mailto:marcia.simon@nrc.gov)  
[mary.spencer@nrc.gov](mailto:mary.spencer@nrc.gov)  
[david.cylkowski@nrc.gov](mailto:david.cylkowski@nrc.gov)  
[sabrina.allen@nrc.gov](mailto:sabrina.allen@nrc.gov)

Owe Oku, Debra White Plume,  
and David House  
P.O. Box 2508  
Rapid City, South Dakota 57709  
Bruce Ellison, Esq.  
Roxanne Andre  
E-mail: [belli4law@aol.com](mailto:belli4law@aol.com)  
E-mail: [roxanneandre@yahoo.com](mailto:roxanneandre@yahoo.com)

Alberto Saldamando  
International Indian Treaty Council  
2940 16<sup>th</sup> Street, Suite 205  
San Francisco, CA 94103-3688  
E-mail: [alberto@treatycouncil.org](mailto:alberto@treatycouncil.org)

Ved Nanda Center for International and  
Comparative Law  
1075 Waite Drive  
Boulder, CO 80303  
Andrew Reid, Esq.  
Counsel for Oglala Sioux Tribe  
E-mail: [lawyerreid@gmail.com](mailto:lawyerreid@gmail.com)

Winston & Strawn, LLP  
101 California Street  
San Francisco, CA 94111  
Tyson R. Smith, Esq.  
Noelle R. Formosa, Esq.  
Counsel for Crow Butte Resources, Inc.  
E-mail:  
[trsmith@winston.com](mailto:trsmith@winston.com)  
[nformosa@winston.com](mailto:nformosa@winston.com)

Western Nebraska Resources Council  
Chief Joseph American Horse  
Thomas K. Cook, Francis E. Anders  
David Cory Frankel, Esq.\*  
P.O. 3014  
Pine Ridge, South Dakota 57770  
E-mail: [Arm.legal@gmail.com](mailto:Arm.legal@gmail.com)

McGuire Law Firm  
625 South 14th Street, Suite C  
Lincoln, Nebraska 68508  
Mark D. McGuire  
Counsel for Crow Butte Resources, Inc.  
E-mail: [mdmcguire46@gmail.com](mailto:mdmcguire46@gmail.com)

Winston & Strawn, LLP  
1700 K Street  
Washington, DC 20006  
Noelle R. Formosa, Esq.  
Carlos L. Sisco, Paralegal  
Counsel for Crowe Butte Resources, Inc.  
E-mail: [nformosa@winston.com](mailto:nformosa@winston.com)  
[csisco@winston.com](mailto:csisco@winston.com)

DOCKET NO. 40-8943-OLA

**ORDER (Scheduling Telephonic Oral Argument)**

Thomas J. Ballanco\*  
945 Taraval Avenue, # 186  
San Francisco, CA 94116  
Counsel for Joe American Horse, Thomas  
Cook, Loretta Afraid-of-Bear Cook, Slim  
Buttes Community, and Pine Ridge  
Reservation, South Dakota 57770  
E-mail: [HarmonicEngineering@gmail.com](mailto:HarmonicEngineering@gmail.com)

[Original signed by Clara Sola ]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 4<sup>th</sup> day of February, 2015