

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

Before Administrative Judges:

Michael M. Gibson, Chairman  
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 13, 2015

ORDER

(Clarifying and Modifying Designated Lead Counsel Order)

On February 5, 2015, the Board issued an Order<sup>1</sup> designating lead counsel for each pending contention, who will have primary responsibility for addressing the Board's concerns at the upcoming oral argument. However, that Order also provided that, to the extent the lead counsel's answer to a particular line of inquiry contains a material misstatement or omission, other counsel should be prepared to correct or complete the answer.

On February 11, 2015 the Board received a joint request<sup>2</sup> for clarification on the extent to which non-lead counsel would be permitted to address a question from the Board. In response, the Board recognizes that not all parties have identical interests, and intends to allow materially differing opinions or views by non-lead counsel to be heard.

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<sup>1</sup> Order (Designating Lead Counsel for February 17, 2015 Telephonic Oral Argument) (Feb. 5, 2015) (unpublished).

<sup>2</sup> Crow Butte Resources and NRC Staff Joint Request for Clarification Regarding Oral Argument (Feb. 11, 2015).

On February 12, 2015 the Board received a joint request<sup>3</sup> to modify lead counsel for the Intervenor on contentions 9-11. The Board grants the request to allow counsel for the Consolidated Intervenor to serve as lead counsel during oral argument as to Contentions 9, 10, 11.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

**/RA/**

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Michael M. Gibson, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 13, 2015

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<sup>3</sup> Oglala Sioux Tribe's and Consolidated Intervenor's Joint Request to Modify Order Designating Lead Counsel for Argument on Contentions 9-11 (Feb. 12, 2015).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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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 (Clarifying and Modifying Designated Lead Counsel Order)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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**ORDER (Clarifying and Modifying Designated Lead Counsel Order)**

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

Dated at Rockville, Maryland  
this 13<sup>th</sup> day of February, 2015