

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

August 19, 2015

ORDER

(Memorializing Admitted Exhibits and Providing Final Exhibit List)

On August 18, 2015, this Board held a prehearing conference call with the parties. During this call, the Board ruled on the NRC Staff's June 15, 2015 Motion in Limine¹ and August 7, 2015 Motion to Strike² and admitted exhibits for the evidentiary hearing that will begin in Crawford, Nebraska on August 24, 2015.

In the Motion in Limine, the NRC Staff had moved to exclude exhibits INT-001, INT-010, INT-012, and INT-051 as these submitted exhibits were pleadings that are already part of the record. The Board found these filings repetitive, and struck them from the record. The NRC Staff also moved to exclude INT-030 as irrelevant to the filed contentions in this proceeding. The Board found that this exhibit did not contain relevant material evidence, and struck it from the record.

¹ NRC Staff's Motion in Limine to Exclude Certain Exhibits filed by Consolidated Intervenors and the Oglala Sioux Tribe (June 15, 2015).

² NRC Staff's Motion to Strike Portions of the Rebuttal Statement of Linsey McLean (August 7, 2015).

The NRC Staff in its Motion in Limine and Motion to Strike has also moved to exclude all or portions of Consolidated Intervenors' exhibits INT-002, INT-004, INT-005, INT-023, INT-024, INT-025, INT-027, INT-028, INT-029, INT-046, INT-047, INT-048, INT-049, INT-69, INT-070, INT-071, as well as the only exhibit submitted by the Oglala Sioux Tribe, OST-001. Licensing Boards are permitted to make materiality decisions before the hearing, but are not required to do so.³ Here, the Board has determined that it will be more efficient to resolve these disputes upon consideration of the full evidentiary record, and that this delay will not prejudice the interests of any party. Therefore, the Board defers its ruling on these portions of the subject motions until after the evidentiary hearing. Accordingly, all submitted exhibits, except for INT-001, INT-010, INT-012, INT-030, and INT-051, which have been stricken, will be admitted as marked. Attachment A to this Order lists all admitted exhibits in this proceeding.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 19, 2015

³ "Normally a determination on materiality [of an exhibit] will precede the admission of an exhibit into evidence (at least where materiality is questioned). But we do not regard this to be an ironclad requirement in administrative proceedings where no jury is involved; in this instance, the determination can be safely left to a later date without prejudicing the interests of any party." Pub. Serv. Co. of N.H. (Seabrook Station, Units 1 & 2), ALAB-520, 9 NRC 48, 50 n.2 (1979); see also Calvert Cliffs 3 Nuclear Project, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3), LBP-12-17, 76 NRC 71, 83 (2012) (the Board ruling on certain motions in limine only after the hearing had been completed).

Attachment A



Atomic Safety and Licensing Board Panel
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Crow Butte Resources Inc.'s Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
CBR-001	Initial Written Testimony of Crow Butte Resources Witnesses Wade Beins, Bryan Soliz, Robert Lewis, Matt Spurlin, and Larry Teahon on Contentions A, C, D, F, and 14, dated May 8, 2015.	Admitted
CBR-002	Affidavit of Wade Beins, dated May 8, 2015 (includes statement of Professional Qualifications).	Admitted
CBR-003	Affidavit of Bob Lewis, dated May 8, 2015 (Includes Statement of Professional Qualifications).	Admitted
CBR-004	Affidavit of Bryan Soliz, dated May 8, 2015 (includes statement of professional qualifications).	Admitted
CBR-005	Affidavit of Matt Spurlin, dated May 8, 2015 (includes statement of professional qualifications).	Admitted
CBR-006	Affidavit of Larry Teahon, dated May 8, 2015 (includes statement of professional qualifications).	Admitted
CBR-007	Initial Written Testimony of Crow Butte Resources Witness Larry Teahon on Contention 1, dated May 8, 2015.	Admitted
CBR-008	Initial Written Testimony of Crow Butte Resources Witnesses Doug Pavlick, Larry Teahon, and Robert Lewis on Contentions 6 & 9, dated May 8, 2015.	Admitted
CBR-009	Affidavit of Doug Pavlick, dated May 8, 2015 (includes statement of professional qualifications).	Admitted
CBR-010	Initial Written Testimony of Crow Butte Resources Witness Larry Teahon on Contention 12, dated May 8, 2015.	Admitted
CBR-011	Crow Butte License Renewal Application (updated/compiled through November 2014; no appendices).	Admitted



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Crow Butte Resources Inc.'s Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
CBR-012	Petrotek Engineering Corporation, Ground-Water Pumping Test #4 Data Evaluation Report, dated October 10, 2002.	Admitted
CBR-013	Arcadis, Petition for Aquifer Exemption - North Trend Expansion Area (August 2008).	Admitted
CBR-014	Ferret of Nebraska, Application and Supporting Environmental Report for State of Nebraska Underground Injection Control Program Commercial Permit, dated November 1987.	Admitted
CBR-015	MEA Technical Report, Table 2.6-2, Representative Stratigraphic Section.	Admitted
CBR-016	MEA Technical Report, Section 2.6, Geology and Seismology.	Admitted
CBR-017	Class III UIC Permit No. NE0122611.	Admitted
CBR-018	2013 Semiannual Radiological Effluent and Environmental Monitoring Report for the Crow Butte Uranium Project (ADAMS Accession No. ML14071A019).	Admitted
CBR-019	NDEQ Aquifer Exemption Order, dated April 7, 2001.	Admitted
CBR-020	WorleyParsons, "Response to NDEQ Excursion Monitoring Issues," dated August 26, 2010.	Admitted
CBR-021	Excerpt from Marsland Environmental Report (Section 3.3.1.4, Seismology).	Admitted
CBR-022	Bhattacharyya, P., K. Converse, J. W. Ejnack, H. E. LaGarry, & A. Riesen. 2012 Studying uranium contamination levels in groundwater from the Pine Ridge Reservation, South Dakota: a community-university partnership. Geological Society...	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
CBR-023	Proceedings of the 118th Annual Meeting of the Nebraska Academy of Sciences (2008).	Admitted
CBR-024	Color Cross-Section and Cross-Section Locations (Figures).	Admitted
CBR-025	NTEA Class III UIC Figure F.4-1a.	Admitted
CBR-026	Figure 2.6-4 Showing White River Feature.	Admitted
CBR-027	Bozell and Pepperl, "A Cultural Resources Study of the Crow Butte Uranium Prospect, Dawes County, Nebraska," Main Report (September 1987) (REDACTED).	Admitted
CBR-028	Bozell and Pepperl, "A Cultural Resources Study of the Crow Butte Uranium Prospect, Dawes County, Nebraska," Appendices (September 1987) [NON-PUBLIC].	Admitted
CBR-029	RTG Technologies, "Survey of Traditional Cultural Properties, Crow Butte Project, Dawes County, Nebraska," dated April 2, 1998.	Admitted
CBR-030	Letter from Nebraska SHPO to B. Conroy, RTG, dated August 5, 1987.	Admitted
CBR-031	Letter from R Puschendorf, NSHS, to J Holonich, NRC, dated May 4, 1998.	Admitted
CBR-032	Spath and Walth, "Crow Butte Resources Evaluative Testing of Site 25DW198, Dawes County, Nebraska" (June 2003).	Admitted
CBR-033	Letter from Greystone to SHPO, "Evaluative Testing of 25DW198," Dated February 11, 2003.	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
CBR-034	Letter from NE SHPO to Spath, "Testing Plan for 25DW198," Dated February 24, 2003.	Admitted
CBR-035	Letter from NE SHPO to Spath, "Site Testing," Dated June 16, 2003.	Admitted
CBR-036	Figure Showing Locations of Cultural Resources on CBR Site [NON-PUBLIC].	Admitted
CBR-037	Groundwater Restoration Plan, Revision 2, Dated January 30, 2003 (ADAMS Accession No. ML030420521).	Admitted
CBR-038	Aqui-Ver, Inc., Pore Volume Restoration Analysis, Dated April 4, 2013.	Admitted
CBR-039	Letter from CBR to M Linder, NDEQ, Re MU-2 Restoration, Dated May 9, 2013.	Admitted
CBR-040	Letter from CBR to M Linder, NDEQ, Re MU-3 Restoration, Dated May 9, 2013.	Admitted
CBR-041	WorleyParsons, "Wellfield Restoration Modeling, Crow Butte Resources Mine, Units 2-5, Dated February 19, 2009.	Admitted
CBR-042	NRC Memorandum from J. Grimm, "Land Application of Restoration Waste Water - Ferret's Crow Butte ISL Facility," dated November 16, 1993.	Admitted
CBR-043	Crow Butte's NPDES Permit, dated October 3, 2011.	Admitted
CBR-044	Final Environmental Assessment for Crow Butte License Renewal (February 1998)(ADAMS Accession No. ML071520242).	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
CBR-045	Rebuttal Testimony of Crow Butte Resources Witnesses Wade Beins, Bryan Soliz, Robert Lewis, Matt Spurlin, and Larry Teahon on Contentions A, C, D, F, and 14, Dated June 8, 2015.	Admitted
CBR-046	Affidavit of Wade Beins, dated June 8, 2015.	Admitted
CBR-047	Affidavit of Robert Lewis, dated June 8, 2015.	Admitted
CBR-048	Affidavit of Bryan Soliz, dated June 8, 2015.	Admitted
CBR-049	Affidavit of Matt Spurlin, Dated June 8, 2015.	Admitted
CBR-050	Affidavit of Larry Teahon, Dated June 8, 2015.	Admitted
CBR-051	Rebuttal Testimony of Crow Butte Resources Witness Larry Teahon on Contention 1, dated June 8, 2015.	Admitted
CBR-052	Rebuttal Testimony of Crow Butte Resources Witnesses Doug Pavlick, Larry Teahon, and Robert Lewis on Contentions 6 and 9, dated June 8, 2015.	Admitted
CBR-053	Affidavit of Doug Pavlick, dated June 8, 2015.	Admitted
CBR-054	Rebuttal Testimony of Crow Butte Resources Witness Larry Teahon on Contention 12, dated June 8, 2015.	Admitted
CBR-055	Ore Body Map for Main Permit Area [NON-PUBLIC].	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
CBR-056	Drill Hole Map for Main Permit Area [NON-PUBLIC].	Admitted
CBR-057	Overview of Baseline Values by Mine Unit.	Admitted
CBR-058	Photo of Wyoming Fuels Water Use Map.	Admitted
CBR-059	Roll-Front Figures for Well House 60.	Admitted
CBR-060	NDEQ Letter to P. Goranson, Cameco Resources, re Stabilization for MUs 2 and 3, dated June 10, 2013.	Admitted



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Consolidated Intervenor's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
INT-001	2008 Consolidated Intervenor's Petition.	Stricken
INT-002	2008 Abitz Opinion.	Admitted
INT-003	2008 LaGarry Opinion.	Admitted
INT-004	2008 JR Engineering Opinion.	Admitted
INT-005	2008 Paul Robinson Opinion.	Admitted
INT-006	1982 NDEQ Baseline.	Admitted
INT-007	2008 List of CBR Violations, Spills and Leaks.	Admitted
INT-008	2008 NDEQ CBR Consent Decree.	Admitted
INT-009	1989 Petersen Whistleblower Letter.	Admitted
INT-010	2008 OST Petition.	Stricken
INT-011	2007 NDEQ Letter (Nov 8 2007 attached to OST Petition).	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
INT-012	Jan 2015 EA Contentions Filing.	Stricken
INT-013	Exhibit A - LaGarry Opinion.	Admitted
INT-014	J.K. Otton, S Hall, "In-situ Recovery Uranium Mining in the United States: Overview of Production and Remediation Issues," U.S. Geological Survey, 2009 (IAEA-CN-175/87, attached as Exhibit J to Jan 2015 filing.	Admitted
INT-015	Hall, S. "Groundwater Restoration at Uranium In-Situ Recovery Mines, South Texas Coastal Plain," USGS Open File Report 2009-1143 (2009), attached as Exhibit K to Jan 2015 filing.	Admitted
INT-016	Darling, B., "Report on Findings Related to the Restoration of In-Situ Uranium Mines in South Texas," Southwest Groundwater Consulting, LLC (2008), attached as Exhibit L to Jan 2015 filing.	Admitted
INT-017	Lustgarten, Abrahm, "On a Wyoming Ranch, Feds Sacrifice Tomorrow's Water to Mine Uranium Today," ProPublica, Dec. 26, 2012 attached as Exhibit M to Jan 2015 filing.	Admitted
INT-018	U.S. Fish and Wildlife Service letter to NRC 9/5/07, attached as Exhibit N to Jan 2015 filing.	Admitted
INT-019	U.S. Fish and Wildlife Service Contaminant Report Number R6/715C/00, Attached as Exhibit O to Jan 2015 Filing.	Admitted
INT-020	Rapid City Journal/Chadron News on November 15, 2011 and attached as Exhibit I to to Jan 2015 filing, "Two Earthquakes Strike Area."	Admitted
INT-021	April 30, 2015 Statement.	Admitted
INT-022	Opinion Letter dated May 5, 2015.	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
INT-023	Testimony of Chief Joe American Horse in North Trend Hearing January 16, 2008.	Admitted
INT-024	Testimony of Chief Oliver Red Cloud in North Trend Hearing January 16, 2008.	Admitted
INT-025	Testimony of Floyd Looks for Buffalo Hand in North Trend Hearing January 16, 2008.	Admitted
INT-026	Testimony of Wilmer Mesteth 2014 Powertech Hearing August 19, 2014.	Admitted
INT-027	Testimony Concerning Costs of TCP Surveys from 2014 Powertech hearing.	Admitted
INT-028	ASLB In re: Powertech DB - Hearing Transcript in re Powertech DB August 19, 2014 ML142338A449.	Admitted
INT-029	Declaration of Wilmer Mesteth.	Admitted
INT-030	Petitioners Brief re Indian Law and Rights Filed in North Trend Proceeding February 22, 2008.	Stricken
INT-031	15.05.08 - Declaration of Michael CatchesEnemy.	Admitted
INT-032	15.05.08 - Declaration of Dennis Yellow Thunder.	Admitted
INT-033	ML12243A161 - SRI Foundation Communications with Indian Tribes.	Admitted



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INT-034	11.01.31 - CatchesEnemy to NRC - ML110340107 - re NHPA and NEPA Cultural and Historic Resources Surveys.	Admitted
INT-035	11.08.30 - Cameco to NRC - ML112700455 - re NHPA Section 106 Consultation Process.	Admitted
INT-036	11.10.28 - NRC to Laysbad - ML112980555 - re Section 106 Consultation Process.	Admitted
INT-037	13.02.20 - Standing Rock to NRC - ML14247A401 - re problems with consultation process	Admitted
INT-038	13.03.15 - OST to NRC - ML13116A412 - withdrawing from the field surveys because of problems with the consultation process.	Admitted
INT-039	13.03.22 - Brewer to NRC - ML14247A402 - re problems with consultation process and demand for government to government consultation.	Admitted
INT-040	13.03.29 - Brewer to NRC - ML13106A197 - re consultation process and interests of OST in traditional cultural properties.	Admitted
INT-041	14.02.20 - Standing Rock to NRC - ML14059A199 - re continuing problems with consultation process	Admitted
INT-042	List of CBR Violations, Spills and Leaks as of February 2015.	Admitted
INT-043	May 8, 2015 Opinion.	Admitted
INT-044	Wyoming Fuels Company 1982 Map (Left Side).	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
INT-045	Wyoming Fuels Company 1982 Map (Right Side).	Admitted
INT-046	April 29, 2015 Opinion.	Admitted
INT-047	April 29, 2015 Opinion.	Admitted
INT-048	May 1, 2015 Expert Opinion Testimony of Linsey McLean.	Admitted
INT-049	Linsey McLean Powerpoint Slide Presentation.	Admitted
INT-050	CBR Letter to NRC Date 8/24/2001, ADAMS: ML010120424.	Admitted
INT-051	Jan 2015 EA Contentions Filing.	Stricken
INT-052	11.05.12 - NRC to Mesteth - ML111320232 - re: Initial Meeting.	Admitted
INT-053	11.06.08 - Meeting Transcript - ML111721938.	Admitted
INT-054	13.01.28 - Redmond to Frankel - Opinion re Marsland Expansion.	Admitted
INT-055	Diffendal, R. F. 1994. Geomorphic and Structural Features of the Alliance 10 x 20 Quadrangle, Western Nebraska, Discernible from Synthetic-Aperture Radar Imagery and Digital Shaded-Relief Maps. Rocky Mountain Geology 30(2):137-147.	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
INT-056	Balmat, J. L. 2011. Subtle Structures of the Pine Ridge Region, Northwestern Nebraska, Chadron State College, Unpublished Masters Thesis, 61 pp.	Admitted
INT-057	Sibray, S. S. & M. P. Carlson. 2010. Hydrostratigraphic Controls from Uranium Mineralization - Example: The Nebraska Panhandle*Search and Discovery Article #80077 (2010) Posted April 5, 2010.	Admitted
INT-058	Maher, H. Jr., R.D. Shuster. 2012. Significance of an ESE Fracture Direction in Tertiary Strata of South Dakota and Nebraska. Geological Society of America Abstracts with Programs 44(7):547. Poster 1 of 3.	Admitted
INT-059	Maher, H. Jr., R.D. Shuster. 2012. Significance of an ESE Fracture Direction in Tertiary Strata of South Dakota and Nebraska? Geological Society of America Abstracts with Programs 44(7):547. Poster 2 of 3.	Admitted
INT-060	Maher, H. Jr., and R. D. Shuster. 2012. Significance of an ESE fracture direction in Tertiary strata of South Dakota and Nebraska? Geological Society of America Abstracts with Programs 44(7):547. Poster 3 of 3.	Admitted
INT-061	Dr. Redmond Abbreviated CV.	Admitted
INT-062	Dr. LaGarry CV	Admitted
INT-063	Dr. Kraemer CV.	Admitted
INT-064	M Wireman CV.	Admitted
INT-065	McLean CV.	Admitted
INT-066	HWS Hydro Geology Report re Faulting Jun 1984.	Admitted



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Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
INT-067	May 4 1989 Ltr from Ferret Exploration Co. to NRC re: Petersen Whistleblower Ltr.	Admitted
INT-068	1989 NRC Letter to Petersen re: his letter and re: Elliot Hydrogeology Report of Jun 1984.	Admitted
INT-069	Rebuttal Statement of Dr David Kreamer dated June 8, 2015.	Admitted
INT-070	Rebuttal Statement of M Wireman dated June 8, 2015.	Admitted
INT-071	Rebuttal Statement of Linsey McLean.	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-001-R	Revised Testimony of David Back, Tianqing Cao, Nathan Goodman, Thomas Lancaster, Paul Nickens and Elise Striz (July 29, 2015).	Admitted
NRC-001A	Affidavit of David Back.	Admitted
NRC-001B	Affidavit of Tianqing Cao.	Admitted
NRC-001C-R	Affidavit of Nathan Goodman.	Admitted
NRC-001D	Affidavit of Thomas Lancaster.	Admitted
NRC-001E-R	Revised Affidavit of Paul Nickens.	Admitted
NRC-001F	Affidavit of Mirabelle Shoemaker.	Withdrawn
NRC-001G	Affidavit of Elise Striz.	Admitted
NRC-002	Statement of Professional Qualifications of David Back (May 8, 2015).	Admitted
NRC-003	Statement of Professional Qualifications of Tianqing Cao (May 8, 2015).	Admitted
NRC-004	Statement of Professional Qualifications of Nathan Goodman (May 8, 2015).	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-005	Statement of Professional Qualifications of Thomas Lancaster (May 8, 2015).	Admitted
NRC-006	Statement of Professional Qualifications of Paul Nickens (May 8, 2015).	Admitted
NRC-007	Statement of Professional Qualifications of Mirabelle Shoemaker (May 8, 2015).	Withdrawn
NRC-008	Statement of Professional Qualifications of Elise Striz (May 8, 2015).	Admitted
NRC-009	Safety Evaluation Report (Revised) (August 2014).	Admitted
NRC-010	Final Environmental Assessment (October 2014).	Admitted
NRC-011	Finding of No Significant Impact (October 2014).	Admitted
NRC-012	NRC Materials License SUA-1534.	Admitted
NRC-013	NUREG-1569, Standard Review Plan for In Situ Uranium Recovery Facilities (June 2003).	Admitted
NRC-014	NUREG-1748, Environmental Review Guidance for Licensing Actions Associated with NMSS Programs (August 2003).	Admitted
NRC-015	Final Environmental Assessment for Crow Butte ISR Project (1989) (excerpt).	Admitted



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NRC Staff's Exhibits		
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NRC-016	NRC (2007), NUREG/CR-6870, Consideration of Geochemical Issues in Groundwater Restoration at Uranium In-Situ Leach Mining Facilities.	Admitted
NRC-017	NRC (2001), NUREG/CR-6733, A Baseline Risk-Informed, Performance-Based Approach for In Situ Leach Uranium Extraction Licensees.	Admitted
NRC-018	NRC (1985), NUREG/CR-3709, Methods of Minimizing Ground-Water Contamination from In Situ Leach Uranium Mining.	Admitted
NRC-019	Staub et al (1986), NUREG/CR-3967, Analysis of Excursions at Selected In Situ Uranium Mines in Wyoming and Texas.	Admitted
NRC-020	Regulatory Guide 3.11, Design, Construction, and Inspection of Embankment Retention Systems at Uranium Recovery Facilities, Rev. 3 (Nov. 2008).	Admitted
NRC-021	Collings, S.P. and R.H. Knode, Geology and Discovery of the Crow Butte Uranium Deposit, Dawes County, Nebraska, 74th Annual Symposium on Uranium and Precious Metals, AIME (1984) (excerpts).	Admitted
NRC-022	South Dakota Dept. of Environment and Natural Resources, The 2014 South Dakota Integrated Report for Surface Water Quality Assessment (March 2014) (excerpts).	Admitted
NRC-023	Dickinson, K.A., Distribution of the basal clastic unit of the Oligocene Chadron Formation in the Alliance 2-degree quadrangle, northwestern Nebraska, U.S.G.S Open-File Report 90-416 (excerpts).	Admitted
NRC-024	Swinehart, J.B et al., "Cenezoic Paleogeography of Western Nebraska," in Cenozoic Paleogeography of West-Central United States, R.M. Flores and S.S. Kaplan, Eds.(1985) (Excerpts).	Admitted
NRC-025	Heaken, A.J., "Water Quality of Selected Springs and Public Supply Wells, Pine Ridge Indian Reservation, South Dakota, 1992-97," USGS Water Resources Investigations Report 99-4063 (2000).	Admitted
NRC-026	Davis, K.W., Putnam, L.D. and A.R. LaBelle, "Conceptual and Numerical Models of Groundwater Flow in the Ogallala and Arikaree Aquifers, Pine Ridge Indian Reservation Area, South Dakota, Water Years 1980-2009," USGS Scientific Investigations....	Admitted



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NRC-027	Diffendal, R.F. "Geomorphic and Structural Features of the Alliance 1 x 2 Quadrangle, Western Nebraska, Discernible from Synthetic-aperture Radar Imagery and Digital Shaded-relief Maps," Contributions to Geology, University of Wyoming, v.....	Admitted
NRC-028	Crow Butte Resources, Inc., Application for Nebraska Department of Environmental Quality (NDEQ) Class III Underground Injection Control (UIC) Permit (revised Jan. 6, 2010) (Excerpts).	Admitted
NRC-029	Dugan, J.T., McGrath, T. and R.B. Zelt,. "Water-Level Changes in the High Plains Aquifer - Predevelopment to 1992," U.S.G.S. Water Resources Investigations Report 1994-4027 (1994) (Excerpts).	Admitted
NRC-030	Gjelsteen, T.W. and S.P. Collings, Relationship Between Groundwater Flow and Uranium Mineralization in the Chadron Formation, Northwest Nebraska (1988) (excerpts).	Admitted
NRC-031	NRC, Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions, 69 Fed. Reg. 52,040 (Aug. 24, 2004).	Admitted
NRC-032	Final Environmental Assessment for the Proposed Renewal of U.S. Nuclear Regulatory Commission License No. SNM-124 U.S. Nuclear Regulatory Commission License No. SNM-124 (excerpts).	Admitted
NRC-033	Printed webpage -- USGS description of the White River Group in Nebraska, obtained from http://mrddata.usgs.gov/geology/state/sgmcunit.php?unit=NETw;0 on 4/24/2015.	Admitted
NRC-034	Printed webpage -- USGS-AAGS National Geologic Map Database - Geolex summary for White River Group, obtained from http://ngmdb.usgs.gov/Geolex/Units/WhiteRiver_11141.html on 4/22/2015)	Admitted
NRC-035	USGS-AAGS National Geologic Map Database - Geolex summary for Chadron Formation, obtained from http://ngmdb.usgs.gov/Geolex/Units/Chadron_7037.html on 4/22/2015).	Admitted
NRC-036	Crow Butte Resources, Inc., Application for Nebraska Department of Environmental Quality (NDEQ) Class II Underground Injection Control (UIC) Permit (revised Jan. 6, 2010) (excerpt - page E-32).	Admitted
NRC-037	Ferret Exploration Company of Nebraska, 1987 Environmental Report (excerpt).	Admitted



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ASLBP No. 08-867-02-OLA-BD01

NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-038	List of Consultation Communications Between the NRC Staff and the Oglala Sioux Tribe.	Admitted
NRC-039	Letter from Larry Camper, NRC Division Director, to Theresa Two Bulls, OST President (Jan. 13, 2011).	Admitted
NRC-040	Letter from Kevin Hsueh, NRC Branch Chief, to L. Robert Puschendorf, Nebraska SHPO (June 20, 2013).	Admitted
NRC-041	Letter from L. Robert Puschendorf, Nebraska Deputy SHPO, to Kevin Hsueh, NRC Branch Chief (July 15, 2013).	Admitted
NRC-042	Attendance Sheet for the February 14, 2012 Tribal Consultation Meeting for the Proposed Dewey Burdock, Crow Butte North Trend, and Crow Butte License Renewal Projects (Redacted).	Admitted
NRC-043	Letter from Larry Camper, NRC Division Director, to Bryan Brewer, OST President (Mar. 12, 2013).	Admitted
NRC-044	Letter from Bryan Brewer, OST President, to Larry Camper, NRC Division Director (Mar. 29, 2013).	Admitted
NRC-045	NUREG-1910, "Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities," (Excerpt).	Admitted
NRC-046	NUREG-2173, "Tribal Protocol Manual," (September 2012).	Admitted
NRC-047	NUREG-2173, "Tribal Protocol Manual" (December 2014).	Admitted
NRC-048	CEQ and ACHP, "NEPA and NHPA: A Handbook for Integrating NEPA and Section 106" (March 2013).	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-049	Nebraska State Historic Preservation Office, "National Historic Preservation Act, Archaeological Properties, Section 106 Guidelines" (May 22, 2006).	Admitted
NRC-050	SC&A Trip Report for June 2011 Site Visit (June 20, 2011).	Admitted
NRC-051A	SC&A Trip Report for October 2012 Site Visit (Nov 6, 2012) (Part 1 of 3).	Admitted
NRC-051B	SC&A Trip Report for October 2012 Site Visit (Nov 6, 2012) (Part 2 of 3).	Admitted
NRC-051C	SC&A Trip Report for October 2012 Site Visit Nov 6, 2012) (Part 3 of 3).	Admitted
NRC-052	Santee Sioux Nation Tribal Historic Preservation Office TCP Report for Crow Butte Project, Dawes County, Nebraska (Redacted).	Admitted
NRC-053	National Oceanic & Atmospheric Administration, Record of Climatological Observations for Fort Robinson and Chadron Stations (November-December 2012).	Admitted
NRC-054A	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 1 of 15).	Admitted
NRC-054B	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 2 of 15).	Admitted
NRC-054C	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 3 of 15).	Admitted
NRC-054D	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 4 of 15).	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-054E	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 5 of 15).	Admitted
NRC-054F	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 6 of 15).	Admitted
NRC-054G	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 7 of 15).	Admitted
NRC-054H	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 8 of 15).	Admitted
NRC-054I	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 9 of 15).	Admitted
NRC-054J	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 10 of 15).	Admitted
NRC-054K	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 11 of 15).	Admitted
NRC-054L	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 12 of 15).	Admitted
NRC-054M	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 13 of 15).	Admitted
NRC-054N	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 14 of 15).	Admitted
NRC-054O	Marsland Class III Cultural Resource Investigation (April 28, 2011) (Part 15 of 15).	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-055	Marsland Cultural Resources Inventory (March 5, 2012).	Admitted
NRC-056A	SC&A, Field Documentation of Potential Places of Tribal Religious or Cultural Significance (Dec. 2013) (Redacted) (Part 1 of 5).	Admitted
NRC-056B	SC&A, Field Documentation of Potential Places of Tribal Religious or Cultural Significance (Dec. 2013) (Redacted) (Part 2 of 5).	Admitted
NRC-056C	SC&A, Field Documentation of Potential Places of Tribal Religious or Cultural Significance (Dec. 2013) (Redacted) (Part 3 of 5).	Admitted
NRC-056D	SC&A, Field Documentation of Potential Places of Tribal Religious or Cultural Significance (Dec. 2013) (Redacted) (Part 4 of 5).	Admitted
NRC-056E	SC&A, Field Documentation of Potential Places of Tribal Religious or Cultural Significance (Dec. 2013) (Redacted) (Part 5 of 5).	Admitted
NRC-057	SRI Foundation, "Overview of Places of Traditional Religious and Cultural Significance: Cameco/PowerTech Project Areas" (June 8, 2012).	Admitted
NRC-058	Potentiometric Map Excerpts from 2009 RAI Response.	Admitted
NRC-059	Excerpts from May 2009 RAI Response.	Admitted
NRC-060	Memorandum from Nancy Sutley, CEQ Chair, to Heads of Federal Departments and Agencies, "Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact" (Jan. 14, 2011).	Admitted
NRC-061	NRC Regulatory Issue Summary 2009-05 (April 29, 2009).	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-062	1993 Land Application Proposal (June 1993) (excerpt).	Admitted
NRC-063	NDEQ, Title 118 - Ground Water Quality Standards and Use Classification (Rev. 2006).	Admitted
NRC-064	EPA, National Primary Drinking Water Regulations.	Admitted
NRC-065	Printed webpage - EPA, Basic Information About Selenium in Drinking Water, obtained from http://water.epa.gov/drink/contaminants/basicinformation/selenium.cfm on 5/5/2015.	Admitted
NRC-066	Table of Historic Earthquakes Within 100 Miles of CBR Facility and Histogram of Magnitudes.	Admitted
NRC-067	Printed Webpage -- USGS Earthquake Hazards Program, "Magnitude/Intensity Comparison", Obtained from http://earthquake.usgs.gov/learn/topics/mag_vs_int.php on 4/20/2015.	Admitted
NRC-068	NUREG-2115, Central-Eastern United States Seismic Source Characterization for Nuclear Facilities, Vol. 4, Appendices A and B (excerpts).	Admitted
NRC-069	Printed webpages containing data and map from search of USGS Advanced National Seismic System online catalog, obtained from (http://earthquake.usgs.gov/earthquakes/search/) on 4/24/2015.	Admitted
NRC-070	U.S. Seismic Zone Map based on 1997 Uniform Building Code (UBC) map.	Admitted
NRC-071	Petersen, M. D., T. E. Dawson, et al., Fault displacement hazards for strike-slip faults, Bull.Seism. Soc. Am 101, No. 2 (April 2011), pp. 805- 825 (excerpt).	Admitted
NRC-072	Wells, D. L., and K. J. Coppersmith, New empirical relationships among magnitude, rupture length, rupture width, rupture area, and surface displacement, Bull. Seism. Soc. Am. 84, No. 4. (August 1994), pp. 974-1002 (excerpt).	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-073	USGS, Ten percent probability of exceedances in 50 years map of peak ground acceleration.	Admitted
NRC-074	Wald, D.J., V. Quitariano, et al, Relationships between peak ground acceleration, peak ground velocity, and modified Mercalli intensity in California, Earthquake Spectra 15, No. 3 (August 1999), pp. 557-564 (excerpt).	Admitted
NRC-075	Hill, D.P., and S.G. Prejean, Dynamic Triggering (Sept. 5, 2006)(excerpt).	Admitted
NRC-076-R2	Revised Testimony of David Back, Tianqing Cao, Mark Fuhrmann Nathan Goodman, Thomas Lancaster, Paul Nickens and Elise Striz (July 29, 2015).	Admitted
NRC-077	Statement of Professional Qualifications of Mark Fuhrmann (June 8, 2015).	Admitted
NRC-078	Johnson, C.D. and A.H. Dunstan, "Lithology and Fracture Characterization from Drilling Investigations in the Mirror Lake Area, Grafton County, New Hampshire," USGS Water Resources Investigations Report 98-4183 (1998) (Excerpt).	Admitted
NRC-079	Regulatory Guide 4.14, Radiological Effluent and Environmental Monitoring at Uranium Mills, Revision 1 (1980).	Admitted
NRC-080	List of ASTM Aquifer Test Standards.	Admitted
NRC-081	Ferris, J.G., Knowles, D.B., Brown, R.H. and R.W. Stallman, "Theory of Aquifer Tests," Geological Survey Water Supply Paper 1536-E (1962).	Admitted
NRC-082	Rhodes, M.C., Keil, K.G., Frederick, W.T, Leithner, J.S, Peterson, J.M and M.M. MacDonell, Utilizing Isotopic Uranium Ratios in Ground-water Evaluations at NFSS, presented at 2007 NGWA Naturally Occurring Contaminants Conference: Arsenic....	Admitted
NRC-083	Parker, P.L. and T.F. King, "Guidelines for Evaluating and Documenting Traditional Cultural Properties," U.S. Department of the Interior, National Park Service, National Register Bulletin 38 (1998).	Admitted



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NRC Staff's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
NRC-084	Printed Webpage - National Park Service Guidelines for State Historic Preservation Plans, Obtained from http://www.nps.gov/preservation-planning/stateplanning.html on 5/31/2015.	Admitted
NRC-085	Nebraska State Historical Society, "Building on the Historic and Cultural Foundations of Nebraska," the State Historic Preservation Plan for Nebraska - 2012-2016.	Admitted
NRC-086	Letter from Larry Teahon, Cameco, to Ron Burrows, NRC, Regarding Restoration of Mine Units 2 and 3, with Enclosures (Letters from Cameco to NDEQ Dated May 9, 2013, and Aqui-Ver Report, "Pore Volume Restoration Analysis") (August 8, 2013).	Admitted
NRC-087	Actual vs. Projected Drawdown Map Prepared by NRC Staff.	Admitted
NRC-088	Letter from Daniel Gillen, NRC, to Michael Griffin, Cameco, Regarding Acceptance of Wellfield Unit 1 Restoration, with Enclosures (Technical Evaluation Report and Amended License (February 12, 2003).	Admitted
NRC-089	Technical Evaluation Report, Christensen Ranch Mine Units 2 through 6 Restoration Report, Uranium One USA, Inc., Willow Creek Facility (October 23, 2012).	Admitted
NRC-090	Striz, E.A., "ISR Wellfield Background and Restoration Ground Water Quality Data: Collection, Statistical Analysis and Public Access," Presented at National Mining Association 2013 Uranium Recovery Workshop (May 2013).	Admitted
NRC-091	American Geological Institute, "Dictionary of Geological Terms," 3rd Edition (R.L. Bates and J.A. Jackson, eds.), 1984 (excerpt).	Admitted
NRC-092	Errata to the Final Environmental Assessment (July 23, 2015).	Admitted



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Oglala Sioux Tribe's Exhibits		
Exhibit Number	Exhibit Title (as reflected in ADAMS)	Exhibit Status
OST-001	Statement of Charmaine White Face (AKA Zumila Wobaga).	Admitted

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 (Memorializing Admitted Exhibits and Providing Final Exhibit List)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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DOCKET NO. 40-8943-OLA

ORDER (Memorializing Admitted Exhibits and Providing Final Exhibit List)

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

Dated at Rockville, Maryland
 this 19th day of August , 2015