

August 21, 2015

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	Docket No. 40-8943
CROW BUTTE RESOURCES, INC.)	
)	ASLBP No. 08-867-02-OLA-BD01
(License Renewal))	

CROW BUTTE RESOURCES' OPENING STATEMENT

Crow Butte Resources would like to thank the judges and the parties for coming to Crawford, Nebraska, for these hearings. We welcome the opportunity to address the issues raised in the admitted contentions and answer questions from the judges.

As you know, Crow Butte submitted its application for a renewed license several years ago, and the Board subsequently admitted a number of contentions for hearing. Since then, the NRC Staff has conducted detailed technical assessments of the application and performed the required analyses under the National Environmental Policy Act and other statutes. As you'll hear from Crow Butte and NRC Staff witnesses, the issues raised in the admitted contentions have been the subject extensive reviews — by both Crow Butte and NRC Staff, as well as, in some cases, by the Nebraska Department of Environmental Quality and other agencies.

In December 2012 and August 2014, the NRC Staff issued its Safety Evaluation Report (“SER”) on the license renewal application. The SER documented the safety aspects of the NRC Staff's review of the application and included an assessment of Crow Butte's compliance with applicable 10 C.F.R. Part 40 requirements, including Appendix A. The SER concludes that the application complies with the standards and requirements of the Atomic

Energy Act and the Commission's regulations and that measures are in place to protect public health and minimize danger to life or property.

The NRC Staff completed its environmental review and issued a final Environmental Assessment ("EA") in October 2014. The NRC Staff concluded that the impacts from the proposed action would be small for all environmental resource areas, including cultural resources. In addition, the NRC Staff concluded that there would be no disproportionately high and adverse impacts to minority and low-income populations during the license renewal period. Based on its review of the proposed action relative to the requirements in 10 C.F.R. Part 51, the NRC Staff determined that license renewal will not significantly affect the quality of the human environment. The NRC subsequently issued the renewed license on November 5, 2014.

In contrast to the extensive reviews conducted by Crow Butte and the NRC Staff, the intervenors have made only broad, unsupported assertions regarding hydrogeology, restoration, and cultural resources and present only vague claims that additional (or alternative) analyses should be performed. None of these alleged deficiencies calls into question the adequacy of the application or SER or the reasonableness of the EA. The intervenors' witnesses do not identify any specific deficiency in the NRC Staff's environmental analysis or in the application regarding Crow Butte's ability to effectively control mining fluid at the site or complete restoration. Nor have the intervenors' witnesses identified any deficiencies in the cultural resource surveys that have been performed or any impacts that were overlooked by Crow Butte or the NRC Staff.

At bottom, Crow Butte has fully addressed those matters which NRC regulations require to be addressed and those matters raised in the contentions. The contentions all should be resolved in favor of Crow Butte. We look forward to answering any questions you have.

Respectfully submitted,

/s/ signed electronically by
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COUNSEL FOR CROW BUTTE
RESOURCES, INC.

Dated at San Francisco, California
this 21st day of August 2015

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CERTIFICATE OF SERVICE

I hereby certify that copies of “CROW BUTTE RESOURCES’ OPENING STATEMENT” in the captioned proceeding have been served this 21st day of August 2015 via electronic mail to Consolidated Intervenor at davidcoryfrankel@gmail.com, Arm.legal@gmail.com, and harmonicengineering@gmail.com and via the Electronic Information Exchange (“EIE”), which to the best of my knowledge resulted in transmittal of the foregoing to all those on the EIE Service List for the captioned proceeding other than Consolidated Intervenor.

/s/ signed electronically by _____
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