

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

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

December 3, 2015

ORDER

(Adopting Transcript Corrections and Closing Evidentiary Record)

From August 24 through August 28, 2015, the Board held an evidentiary hearing in Crawford, Nebraska on all admitted contentions in this proceeding. The Board extended the evidentiary hearing to include an additional day of testimony on hydrogeology issues, which was held on October 23, 2015 at the NRC Headquarters in Rockville, Maryland. The parties have jointly submitted transcript corrections for the evidentiary hearing.¹ The Board hereby adopts the proposed corrections, with certain modifications, as set forth in Appendix A to this Order. The transcript of the evidentiary hearing, as corrected, constitutes the official record of events at the evidentiary hearing.²

¹ Joint Proposed Transcript Corrections (Nov. 9, 2015); Joint Proposed Transcript Corrections (Oct. 9, 2015).

² 10 C.F.R. § 2.327(b), (d).

The Board hereby closes the evidentiary record for this proceeding.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
December 3, 2015

APPENDIX A

Page	Line(s)	Proposed Correction
GLOBAL		Global change “basal Chadron sandstone” to “Basal Chadron Sandstone” throughout
963	16	Change “witnesses” to “witnesses”
964	1	Change “in to” to “into”
973	1	Change “Class II” to “Class III”
984 ³	17	Change “PCPs” to “TCPs”
988	7	Change “principle” to “principal”
988	8	Change “principle” to “principal”
995	9	Change “DR. REDMOND” to “CHAIR GIBSON”
1008	5	Change “Yellowbird” to “Yellow Bird”
1027	7	Change “NUREG 15.69” to “NUREG 1569”
1036	21	Change “alluvial” to “alluvium”
1041	7	Change “2-11” to “2-111”
1052	4	Change “genetic” to “generic”
1074	23	Change “aerial” to “areal”
1119	9	Change “approximate” to “appropriate”
1120	20	Change “flow pass” to “flow paths”
1120	25	Change “vaults” to “faults”
1123	15	Change “tide” to “time”
1125	25	Change “unconsolidated” to “consolidated”
1129	20	Change “grates” to “grades”
1134	13	After “Well,” add “Crow” before “Butte,”
1140	7	Change “2153” to “2-153”
1177	25	Change “false.” to “faults.”
1189	21	Change “NEQ” to “NDEQ”
1203	1	Change “CBR 0455” to “CBR-045”
1208	8	Change “Tyce” to “Theis”
1216	15	Change “FERB” to “firm”
1223	17	Change “NRC sites” to “NRC cites”
1228	19	Change “radiant” to “gradient”
1228	25	Change “radiant” to “gradient”
1243	13	Change “Sauder” to “Souders”
1244	9	Change “Sauder’s” to “Souders”
1245	4	Change “Sauder” to “Souders”
1245	12	Change “Sauder’s” to “Souders”
1249	5	Change “Sauder” to “Souders”

³ The correction was proposed for page “987” of the transcript. However, the Board identified the correction as being instead for page 984 of the transcript.

Page	Line(s)	Proposed Correction
1251	24	Change "site" to "cite" (both instances)
1265	12	Change "DBR" to "CBR"
1268	7	Change "Bruce" to "Brule"
1277	4	Change "confine" to "confinement"
1284	20	Change "homogenous" to "homogeneous"
1297	24	Change "Tyce" to "Theis"
1345	8	Change "ceiling" to "sealing"
1346	16	Change "exist" to "extent"
1346	20	Change "minutes" to "meters"
1372	25	Change "Aquavar" to "Aquiver"; change "Aquatech" to "AquiferTek"
1373	1	Change "Aquavar" to "Aquiver"; change "Aquatech" to "AquiferTek"
1379	23	Change "pour" to "pore"
1395	4	Change "in" to "and"
1399	12	Change "every" to "very"
1411	4	Change "as" to "was"
1417	25	Change "MR. WIREMAN" to "MR. BACK"
1434	14	Change "help" to "held"
1437	19	Change "page 2,847" to "page 20 A47"
1441	3	Change "exclusion" to "excursion"
1459	24	Change "2010" to "210"
1460	5	Change "OR" to "RO"
1461	6	Change "2,010" to "2010"
1473	3	Change "Tyce" to "Theis"
1475	16	Change "iridium" to "radium"
1478	21	Change "base" to "based"
1521	16	Change "My" to "By"
1527	12	Change "DR. LAGARRY" to "DR. KREAMER"
1527	17	Change "DR. LAGARRY" to "DR. KREAMER"
1533	22	Change "page 44A, 83" to "page 44, A83"
1537	1	Change "531" to "5-31"
1539	15	Change "lead" to "leak"
1553	1	Change "JUDGE WARDWELL:" to "Ms. McLEAN:"
1556	13	Change "iridium" to "uranium"
1560	14	Change "reseated" to "reseeded"
1587	22	Change "LC10.4" to "(LC) 10.4"
1598	11	Change "MR. TEAHON" to "DR. KREAMER"
1615	14	Change "I'll NRC" to "I'll ask NRC"
1651	14	Change "F-9" to "F.9"
1697	21	Change "MR. BACK" to "MR. WIREMAN"
1729	20	Change "MR. BACK" to "MR. TEAHON"

Page	Line(s)	Proposed Correction
1748	23	Change "Whorley" to "Worley"
1822	6	Change "date" to "data"
1827	10	Change "LVP 15-11" to "LBP-15-11"
1848	15	Change "RIS-09005" to "RIS-09-05"
1911	5	Change "241" to "2.4.1"
1949	4	Change "334" to "3.3.4"
1949	16	Change "735" to "7.3.5"
1950	7	Change "255" to "2.5.5"
1952	19	Change "4.4-55" to "4-55"
1968	6	Change "USNRC-1979" to "USNRC 1979"
2015	4	Change "Section 10(c)" to "Section 106"
2022	7	Change "proposed" to "propose"
2023	14	Change "TPC" to "TCP"
2034	3	Change "contacted"" to "contacted"
2037	15	Change "here" to "year"
2045	2	Change "Carlin" to "Karlin"
2046	8	Change "undertakings" to "undertaking's"
2050	13	Change "as" to "a"
2058	25	Change "that's" to "that"
2073	2	Change "access a public" to "access public"
2075	2	Change "lots" to "logs"
2081	4	Change "trees" to "treaties"
2082	14	Delete "application."
2094	17	Change "Mentz" to "Mentz's"
2106	2	Change "GOODMAN" to "CATCHES-ENEMY"
2119	20	Change "REID" to "GOODMAN"
2120	4	Change "REID" to "GOODMAN"
2123	4	Change "Beard" to "Bird"
2130	18	Change "wouldn't" to "would've"
2131	12	Change "GRIFFIN" to "CATCHES-ENEMY"
2136	11	Change "confirm" to "confer"
2138	10	Change "their" to "there"
2143	10	Change "GRIFFIN" to "GOODMAN"
2146	2	Change "up" to "you"
2210	5	Change "REID" to "GOODMAN"
2212	18	Change "cope" to "scope"
2232	22	Change "It's in \$5000" to "It's not \$5000"
2252	9	Change "years" to "areas"
2266	2	Change "placed" to "played"
2282	16	Change "A-114" to "A.1.14"

Page	Line(s)	Proposed Correction
2283	1	Change "A-114" to "A.1.14"
2288	6	Change "A-114" to "A.1.14"
2304	19	Change "A-118" to "A.1.18"
2305	6	Change "TCPS" to "TCPs"
2318	15	Change "Fair Butte" to "Bear Butte"
2323	19	Change "CATECHES-ENEMY" to "CATCHES-ENEMY"
2328 ⁴	22	Change "Moheni" to "Mohseni"
2332	22	Change "FPOs (phonetic)" to "THPOs"
2346 ⁵	13	Change "SIMON;" to "SIMON:"
2346 ⁶	14	Change "NUREG's 1910" to "NUREG-1910"
2346 ⁷	15	Change "5133" to "51.33"
2365	18	Change "Redman" to "Redmond"
2421	14	Change "Burle" to Brule"
2430	19	Change "Marsha" to "Marcia"
2431	2	Change "Bines" to "Beins"
2474	5	Change "god" to "good"
2496	6	Change "ADMIN. JUDGE HENRY" to "JUDGE WARDWELL"
2497	20	Change "dissent" to "descent"
2503	25	Delete "at"
2509	9	Change JUDGE WARDWELL to Mr. TEAHON
2524	11	Change "can that" to "can see that"
2527	13	Change "better" to "bigger"
2527	16	Change "Marsha" to "Marcia"
2531	10	Delete "MR. WIREMAN:"
2533	3	Change "tie spit" to "Theis"
2533	20	Change "tie spit" to "Theis" (both instances)
2551	5	Change "shall" to "shallow"
2553	13-14	Change "is very" to "isn't"
2556	7	Change DR. KREAMER to JUDGE WARDWELL
2584	20	Change "cross" to "across"
2588	3	Change "a mission" to "an admission"

⁴ The correction was proposed for page "2329" of the transcript. However, the Board identified the correction as being instead for page 2328 of the transcript.

⁵ The correction was proposed for page "2347" of the transcript. However, the Board identified the correction as being instead for page 2346 of the transcript.

⁶ Supra note 5.

⁷ Supra note 5.

Page	Line(s)	Proposed Correction
2629 ⁸	25	Change “curb” to “curve”
2635	15	Change “available.3” to “available.”
2640	3	Change “efficient” to “deficient”

⁸ The correction as proposed was for page “2659” of the transcript. However, the Board identified the correction as being instead for page 2629 of the transcript.

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 (Adopting Transcript Corrections and Closing Evidentiary Record)** 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

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

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission.
Mail Stop T-3F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Marcia J. Simon, Esq.
David Cylkowski, Esq.
Emily Monteith, Esq.
Sabrina Allen, Law Clerk
OGC Mail Center
E-mail:
marcia.simon@nrc.gov
david.cylkowski@nrc.gov
sabrina.allen@nrc.gov
emily.monteith@nrc.gov
OGCMailCenter@nrc.gov

Michael M. Gibson, Chairman
Administrative Judge
E-mail michael.gibson@nrc.gov

Richard E. Wardwell
Administrative Judge
E-mail: richard.wardwell@nrc.gov

Brian K. Hajek
Administrative Judge
E-mail: brian.hajek@nrc.gov

Sachin Desai, Law Clerk
sachin.desai@nrc.gov

Winston & Strawn, LLP
101 California Street
San Francisco, CA 94111
Tyson R. Smith, Esq.
Counsel for Crow Butte Resources, Inc.
E-mail:
trsmith@winston.com

DOCKET NO. 40-8943-OLA

ORDER (Adopting Transcript Corrections and Closing Evidentiary Record)

Winston & Strawn, LLP
1700 K Street
Washington, DC 20006
Carlos L. Sisco, Paralegal
Counsel for Crowe Butte Resources, Inc.
E-mail: csisco@winston.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

Owe Oku, Debra White Plume,
and David House
P.O. Box 2508
Rapid City, South Dakota 57709
Bruce Ellison, Esq.
E-mail: belli4law@aol.com

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

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

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

[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of December, 2015