

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

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

June 7, 2016

NOTICE

(Providing Parties' Proposed Cross-Examination Questions)

At the evidentiary hearing held from August 24 through August 28, 2015, the parties were offered an opportunity to propose cross-examination questions. The Board hereby provides those questions proposed in relation to Contention 1 as Attachment A "for inclusion in the official record of the proceeding."<sup>1</sup> Insofar as the parties proposed questions that pertain to contentions other than Contention 1, those questions will be supplied after we dispose of those other contentions in a subsequent Partial Initial Decision.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Michael M. Gibson, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
June 7, 2016

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<sup>1</sup> 10 C.F.R. § 2.1207(a)(3)(iii).

## ATTACHMENT A

1. Ex. NRC050 p. 8: The notes stated that the “tribal people have had no access to the area for decades.” Therefore, were the tribal members prevented from exercising their cultural practices and protecting their cultural interests?
2. For Mr. CatchesEnemy: In the Tribe’s view was it appropriate for the applicant, Crow Butte Resources, or their contractor, to be allowed by the NRC to attend government-to-government meetings with the Tribe’s Staff? Did the NRC Staff seek prior permission from the tribal staff for this?
3. Did the applicant (CBR) have a representative (or contractor representative) on any of the calls between the NRC and OST Staff regarding the SOW or TCP? Why? What was the purpose or role of the representative? Who was it? Did the NRC Staff seek prior permission from the tribal staff participants for the CBR/contractor being on each call?
4. How can a government-to-government consultation meeting occur when and if only one of the governments has an intention to enter into a government-to-government meeting?
5. If the 106 materials were mailed to the Nebraska officials why were they not likewise mailed to the tribal officials at the same time?
6. Why didn’t NRC Staff email and/or mail notice in September/October 2013 of publication of draft 106 materials via the website?
7. Is OST THPO or President a Twitter follower of NRC Staff?
8. Did NRC Staff omit sending written notice to OST of the publication of draft 106 materials via its website in the hope such publication would go unnoticed by OST?
9. For Mr. CatchesEnemy or Mr. Yellow Thunder: The ACHP regulations at 36 C.F.R. Part 800 (36 C.F.R. 800.2(c)(2)(ii)(c)) states that the federal agency is to consult with a tribal representative designated by the tribal government. To your knowledge, did the OST tribal government identify such a representative for the Crow Butte license renewal Section 106 consultation? If so, do you know who that was? If not, do you know why not?
10. For Oglala Sioux Tribe: What specifically are your criticisms of the manner or procedures used to conduct the follow-up TCP surveys by the Crow Butte contractors and/or the NRC Staff?
11. For Oglala Sioux Tribe: How should a proper TCP survey be designed and conducted?
12. For Oglala Sioux Tribe: How should the nation-to-nation relationship between the United States and an Indian nation such as the Oglala Sioux Nation be respected and/or integrated into the design, process, and procedures for a TCP survey?
13. For Dr. Redmond: Are there any Indian burial sites indicated by Bozell being in or near the licensed area?

14. For Dr. Redmond: Why are there 12 sites not listed on the map that are described in exhibits to Bozell's report?
15. For Dr. Redmond: What is the significance of there being Indian burial sites listed in the exhibits to Bozell that are not mentioned in the reports?
16. For Dr. Redmond: Are there TCPs inside the license area that require further investigation, analysis and/or protection?
17. For Dr. Redmond: Were any knowledgeable Lakota elders involved with any of the Crow Butte surveys?
18. For Dr. Redmond: Was there adequate sub-surface testing done in connection with the Crow Butte surveys?
19. What "alleged upgraded reports" are you referring to? Are these reports specific to the license renewal area?

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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 **NOTICE (Providing Parties' Proposed Cross-Examination Questions)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail.

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DOCKET NO. 40-8943-OLA

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

Dated at Rockville, Maryland  
this 7<sup>th</sup> day of June, 2016