

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
)  
CROW BUTTE RESOURCES, INC. , ) Docket No. 40-8943-MLA-2  
) ASLBP No. 13-926-1-MLA-BD01  
(Marsland Expansion Project) )  
) September 7, 2018

**ONGLALA SIOUX TRIBE'S**  
**REBUTTAL STATEMENT**

The Oglala Sioux Tribe submits this Rebuttal Statement based on the Rebuttal Testimony of Dr. David Kreamer [OST014], the Rebuttal Testimony of Mickel Wireman [OST015] and the Rebuttal Testimony of Dr. Hannan LaGarry [OST016]. This testimony rebuts assertions made by both Crow Butte Resources, Inc. (“CBR”) and the NRC Staff in their Initial Statements of Position and Direct Testimony submitted on August 17, 2018.

The Initial Position Statements, Direct Testimony and Exhibits submitted by CBR and NRC Staff do not allay OST’s concerns about the sufficiency and rigor of the analysis of the MEA as required by the Atomic Energy Act, NRC Regulations and NEPA. The Rebuttal Testimony submitted by Dr. Kreamer, Dr. LaGarry and Mickel Wireman address, with specificity, numerous unsubstantiated assumptions and the resulting conclusions that are the substance of the CBR and NRC Staff submissions.

## CONCLUSION

The Rebuttal Testimony of Dr. David Kreamer, Dr. LaGarry and Mickel Wireman add further evidence to demonstrate that CBR failed to adequately comply with the Atomic Energy Act and applicable NRC Regulations and that the NRC Staff failed to adequately comply with NEPA, the Atomic Energy Act and applicable NRC Regulations in the submission, evaluation and issuance of CBR's source materials license for the MEA. Accordingly, the license should be revoked until the identified deficiencies are remedied.

Dated this 7th day of September, 2018.

Respectfully submitted,

*signed electronically*

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing '**OGLALA SIOUX TRIBE'S REBUTTAL STATEMENT**', in the captioned proceeding were served via the EIE on the 7th day of September, 2018.

Respectfully submitted,

*signed electronically*

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