

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Dr. Richard E. Wardwell
Dr. Thomas J. Hirons

In the Matter of

CROW BUTTE RESOURCES, INC.

(Marsland Expansion Area)

Docket No. 40-8943-MLA-2

ASLBP No. 13-926-01-MLA-BD01

October 25, 2018

MEMORANDUM AND ORDER
(Correcting Language of Contention 2
and Associated Concern 2)

It has come to the Licensing Board's attention that the language of Contention 2 as set forth in LBP-18-3, 88 NRC __ (July 20, 2018) requires two corrections. First, as set forth on page 43 of the slip opinion for that decision, the citation in the third line of the contention should be to 10 C.F.R. Part 40, Appendix A, criterion "5G(2)" rather than "G(2)". Also, the language of concern 2 as set forth on page 43, line 21, should not include the reference to "hydraulic porosity." See LBP-13-6, 77 NRC 253, 289 (2013), aff'd, CLI-14-2, 79 NRC 11 (2014).

These corrections will be made to the published version of this decision in volume 88 of Nuclear Regulatory Commission Issuances.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 25, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
CROW BUTTE RESOURCES, INC.)	Docket No. 40-8943-MLA-2
)	
In-Situ Leach Uranium Recovery Facility, Crawford, Nebraska)	ASLBP No. 13-926-01-MLA-BD01
)	
(License Amendment – Marsland Expansion Area))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Correcting Language of Contention 2 and Associated Concern 2)** have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Office of the Secretary of the Commission
Mail Stop O-4F00
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-14A44
Washington, DC 20555-0001
Susan Vrahoretis, Esq.
E-mail: susan.vrahoretis@nrc.gov
Marcia J. Simon, Esq.
E-mail: marcia.simon@nrc.gov
Emily Monteith, Esq.
E-mail: emily.monteith@nrc.gov
Robert G. Carpenter, Esq.
E-mail: robert.carpenter@nrc.gov
Krupskaya Castellon, Paralegal
E-mail: krupskaya.castellon@nrc.gov

G. Paul Bollwerk, III, Chair
Administrative Judge
E-mail: paul.bollwerk@nrc.gov

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

Dr. Thomas J. Hirons
Administrative Judge
E-mail: thomas.hirons@nrc.gov

Law Clerks
Sarah B. Ladin
E-mail: sarah.ladin@nrc.gov
Joseph D. McManus
E-mail: joseph.mcmanus@nrc.gov
Taylor Mayhall
E-mail: taylor.mayhall@nrc.gov
U.S. Nuclear Regulatory Commission

OGC Mail Center:
OGCMailCenter@nrc.gov

**MEMORANDUM AND ORDER (Correcting Language of Contention 2
and Associated Concern 2)**

W. Cindy Gillis, Esq.
522 Seventh Street, Suite 202
Rapid City, S.D. 57701-2756
Counsel for Oglala Sioux Tribe
Email: cindy@mariogonzalezlaw.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

Tyson R. Smith, Esq.
Counsel for Crow Butte Resources, Inc.
E-mail: trsmith@nuclear.law

Counsel for Oglala Sioux Tribe
David C. Frankel, Esq.
770 L Street
Suite 950
Sacramento, CA 95814
E-mail: arm.legal@gmail.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

[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 25th day of October, 2018