

October 14, 2011

Ann Marshall Young, Chair  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. Richard F. Cole  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. Fred W. Oliver  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

In the Matter of  
CROW BUTTE RESOURCES, INC.  
(License Amendment for the North Trend Expansion Project)  
Docket No. 40-8943; ASLBP No. 07-859-03-MLA-BD01

Dear Administrative Judges:

In its Order dated March 5, 2009, the Atomic Safety and Licensing Board (“Board”) directed the NRC staff (“Staff”) to tender each month a status report advising as to whether the estimated dates for issuance of the final Safety Evaluation Report (“SER”) (predicted for the late summer of 2009) and the final environmental review document (predicted for December of 2009) have changed.<sup>1</sup> The Staff continues to expect to issue the SER by December 2011. However, the Staff now expects to issue the final environmental review document by August 2012. This delay is due to the fact that the identification of historic properties,<sup>2</sup> as per Section 106 of the National Historic Preservation Act,<sup>3</sup> is taking significantly longer than previously anticipated by the Staff to complete. Based on feedback received by the Staff at the June 8, 2011 information gathering meeting conducted with interested Tribes, the Staff recently requested that the Applicant compile and proffer information regarding the identity and location of traditional cultural properties that could potentially be affected by the proposed project (*i.e.*, the grant of the application).<sup>4</sup> The Staff expects to receive the requested information from the Applicant by May 2012.

In keeping with the Board’s mandate, the Staff will tender its next monthly status report by November 16, 2011.

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<sup>1</sup> Order (Confirming Matters Addressed at March 4, 2009, Telephone Conference), at 1 (March 5, 2009).

<sup>2</sup> See 36 C.F.R. § 800.4(a)-(b).

<sup>3</sup> 16 U.S.C. § 470f (2011).

<sup>4</sup> See Letter from K. Hsueh to J. Schmuck (Aug. 5, 2011), *available at* ADAMS Accession No. ML112150567.

Young  
Cole  
Oliver

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Respectfully submitted,

**Executed in Accord with 10 CFR 2.304(d)**

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Dated at Rockville, Maryland  
This 14<sup>th</sup> day of October, 2011

cc: Attached Service List

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
In-Situ Leach Facility, Crawford, Nebraska	)	
	)	ASLBP No. 07-859-03-MLA-BD01
(License Amendment for the North Trend	)	
Expansion Project)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S LETTER TO THE ATOMIC SAFETY AND LICENSING BOARD" in the above captioned proceeding have been served via the Electronic Information Exchange ("EIE") this 14<sup>th</sup> day of October 2011, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the above captioned proceeding.

**Executed in Accord with 10 CFR 2.304(d)**

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