

March 20, 2013

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 ) Docket No. 40-8943-MLA-2  
CROW BUTTE RESOURCES, INC. )  
 ) ASLBP No. 13-926-01-MLA-BD01  
(Marsland Expansion Project) )

NRC STAFF RESPONSE TO BOARD ORDER REQUESTING ADDITIONAL INFORMATION

In its February 25, 2013, response to the hearing request of the Oglala Sioux Tribe (OST), the NRC Staff indicated that two tribes had conducted field surveys of the Marsland Expansion Area (MEA) site in November-December 2012, but the Staff had not yet received reports on those surveys.<sup>1</sup> In a Memorandum and Order dated March 15, 2013, the Board asked the Staff to provide additional information concerning the reports of those field surveys.<sup>2</sup> Specifically, the Board posed the following question to the Staff:

Has the staff subsequently received those survey reports, and (1) if so, what do the reports show about the presence of Native American cultural resources on the MEA site; or (2) if not, when does the staff expect to receive those survey reports? In answering this question, if the cultural survey reports in question have been received by the staff, the staff should indicate (1) whether the reports have been made available to the other participants to this proceeding, including petitioners OST and CP; and (2) if not, whether and when the reports will be made available to those other participants.<sup>3</sup>

In response to the Board's question, the Staff has received a report from the Santee Sioux Nation documenting the results of a field survey for traditional cultural properties (TCP)

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<sup>1</sup> NRC Staff Response to the Oglala Sioux Tribe's Request for Hearing and Petition to Intervene at 5 (February 25, 2013).

<sup>2</sup> Memorandum and Order (Requesting Additional Information) at 2 (March 15, 2013).

<sup>3</sup> *Id.*

performed by the Santee Sioux Nation and the Crow Tribe of Montana in November 2012.<sup>4</sup> The report identified nine sites and two items of interest to these tribes, and potentially to other Native American tribes, at the MEA site.

The Santee Sioux Nation's report was placed in ADAMS on March 5, 2013. However, because the report contains information concerning the locations of cultural resources, it is not publicly available. As part of the Section 106 consultation process, the Staff is currently preparing to send hardcopies of the complete, non-public version of this report to consulting tribes, including the OST, for their review and comment. Once that task is complete, the Staff plans to place a publicly available version of the report, with locations of the identified cultural resources redacted, in ADAMS. At that point, the redacted version of the report will be available to the Consolidated Petitioners and the applicant.

The Staff estimates that it will complete the above tasks within two weeks of the date of this response (i.e., by April 3, 2013). The Staff will notify the Board and other participants when the redacted version of the report is available in ADAMS and will provide the ADAMS accession number as part of that notification.

Respectfully submitted,

**/Signed (electronically) by/**

Marcia J. Simon  
Counsel for the NRC Staff  
[marcia.simon@nrc.gov](mailto:marcia.simon@nrc.gov)

Dated at Rockville, Maryland  
this 20<sup>th</sup> day of March, 2013

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<sup>4</sup> The two tribes worked together to perform the field surveys. Therefore, because the Santee Sioux Nation's report reflects the results of the combined effort of the two tribes, the Staff does not expect to receive a separate report from the Crow Tribe.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF RESPONSE TO BOARD REQUEST FOR ADDITIONAL INFORMATION" in the above-captioned proceeding have been served via the Electronic Information Exchange ("EIE"), the NRC's E-Filing System, this 20<sup>th</sup> day of March, 2013, 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.

**/Signed (electronically) by/**

Marcia J. Simon  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O-15 D21  
Washington, D.C. 20555-0001  
(301) 415-1261  
[Marcia.Simon@nrc.gov](mailto:Marcia.Simon@nrc.gov)