

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

April 17, 2014

MEMORANDUM AND ORDER

(Request for Clarification and Opportunity for Response)

By letter dated April 9, 2014, the Nuclear Regulatory Commission (NRC) staff has advised the Licensing Board of what it believes is a possible conflict between the Board's current general schedule for this proceeding, which was last revised in a March 20 Board issuance, and the staff's plans for issuing its draft environmental document. Noting that it anticipates issuing an environmental assessment (EA) and a finding of no significant impact (FONSI), the staff states that, while it does intend to make the cultural resources portion of the draft EA/FONSI publicly available in June 2015, it plans on providing the balance of the draft EA/FONSI only to the Nebraska Department of Environmental Quality (DEQ) for comment. As a consequence, the staff suggests that the general schedule for this proceeding be modified to permit the filing of new/amended environmental contentions after the staff's final EA/FONSI has been made publicly available, which the staff states is "currently scheduled for June 30, 2015." Letter from Marcia J. Simon, NRC Staff Counsel, to Licensing Board at 1 (Apr. 9, 2014).

Based on a staff clarification regarding estimated issuance dates for its draft and final EA/FONSI and the final safety evaluation report concerning the pending 10 C.F.R. Part 40 license amendment application of Crow Butte Resources, Inc., (CBR) for authorization to operate an in situ uranium recovery facility in the Marsland Expansion Area, in its last general schedule revision order the Board noted that the final EA/FONSI is to be issued on July 31, 2015. See Licensing Board Memorandum and Order (Revised General Schedule) (Mar. 20, 2014) at 1 (unpublished). This July 31 date also is consistent with what is currently on the NRC's website. See Application Review Schedule for Marsland, <http://www.nrc.gov/materials/uranium-recovery/license-apps/marsland/marsland-schedule.html> (page last reviewed/updated Apr. 9, 2014) (page last visited Apr. 17, 2014).

As a consequence, prior to making any further revisions to this proceeding's general schedule, the Board requests that the staff clarify the estimated date for issuance/public availability of the final EA/FONSI for this proceeding. This should be done on or before Tuesday, April 22, 2014. Additionally, before proceeding with any further schedule revisions, the Board will afford applicant CBR and intervenor Oglala Sioux Tribe the opportunity to file a response to both the staff's April 9 filing and its clarification submission, which should be submitted on or before Friday, April 25, 2014.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 17, 2014

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,) ASLBP No. 13-926-01-MLA-BD01
Crawford, Nebraska)
)
(License Amendment –)
Marsland Expansion Area))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Request for Clarification and Opportunity for Response)** have been served upon the following persons by Electronic Information Exchange.

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Crow Butte Resources, Inc., Docket No. 40-8943-MLA-2

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

Dated at Rockville, Maryland
this 17th day of April, 2014