

September 8, 2015

Michael M. Gibson, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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

Brian K. Hajek  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Alan S. Rosenthal  
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 Renewal for the In Situ Leach Facility, Crawford, Nebraska)  
Docket No. 40-8943; ASLBP No. 08-867-02-OLA-BD01

Dear Administrative Judges and parties,

As agreed to during the August 24-28 evidentiary hearing, and in accordance with the Board's September 4, 2015 Order, the NRC Staff is filing with this letter the following new exhibits: NRC-093, the Staff's response to Consolidated Intervenor's request for modeling information; NRC-094, NUREG/CR-6940, a report that is referenced in Exhibit NRC-093; and BRD-007A through BRD-007J, the NRC Staff modeling files that have now been made publicly available in ADAMS.

With regard to Ex. NRC-093, as Dr. Striz testified at the hearing, the modeling of the White River structural feature was conducted by an employee who is no longer with the NRC. Neither Dr. Striz nor the colleague who assisted her in compiling Exhibit NRC-093 were involved in preparing or conducting the modeling itself. Thus, as indicated in Exhibit NRC-093, Dr. Striz is unable to provide justifications for various decisions that were made in creating the model.

Last week, the Staff proposed to the other parties that the parties enter into a joint stipulation, pursuant to 10 C.F.R. § 2.330, whereby the parties would agree that the modeling should be given no weight in the Board's resolution of Contentions C and D. The Staff did so in order to obviate the need for the parties to provide written or oral testimony on the sufficiency of the model, given that the Staff witness is unable to support certain decisions associated with the model. The applicant agreed to such a stipulation, but Consolidated Intervenor did not agree. Counsel for the Oglala Sioux Tribe did not respond to the Staff's e-mails regarding this matter. Accordingly, the Staff is filing Exhibit NRC-093 and the other exhibits as directed, and will provide further discussion of this issue in its written testimony.

Gibson  
Cole  
Hajek  
Rosenthal

Respectfully submitted,

**Signed (electronically) by**

Marcia J. Simon

Counsel for the NRC Staff

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Dated at Rockville, Maryland  
This 8th day of September, 2015

cc: EIE 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
	)	
(License Renewal for the In Situ Leach	)	ASLBP No. 08-867-02-OLA-BD01
Facility, Crawford, Nebraska)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the following documents have been served in the above-captioned proceeding this 8th day of September, 2015, via the NRC's Electronic Information Exchange ("EIE"), and via e-mail to David Frankel and Thomas Ballanco, counsels for Consolidated Intervenor, 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:

- the NRC Staff's Letter to the Board and Parties dated September 8, 2015
- the NRC Staff's Revised Exhibit List, dated September 8, 2015
- Exhibit NRC-093 – the NRC Staff's Response to the Intervenor's Request for Model Information, dated September 8, 2015
- Exhibit NRC-094 – NUREG/CR-6940 (referenced in NRC-093)
- Board Exhibits BRD-007A to BRD-007J (NRC Staff's modeling input/output files)

**Signed (electronically) by**

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