

January 19, 2016

G. Paul Bollwerk, III, 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 E. Wardwell
Administrative Judge
Atomic Safety and Licensing Board Panel
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Dr. Thomas J. Hirons
Administrative Judge
Atomic Safety and Licensing Board Panel
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Washington, DC 20555-0001

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

Dear Administrative Judges:

On December 24, 2015, the Staff submitted a letter to the Board stating that, contingent upon the Staff's acceptance of Crow Butte's health physics RAI responses in March 2016, the Staff expects to issue its draft Environmental Assessment (EA) by August 31, 2016, and the final EA and Safety Evaluation Report by November 30, 2016.

On January 13, 2016, the Board issued a Memorandum and Order scheduling a prehearing conference to discuss, in part, the Staff's plans for the public availability of the draft EA. In that Order, the Board noted that the Staff's plan for issuance of the draft EA in the Crow Butte Marsland proceeding appeared to be inconsistent with its plan for issuance of a draft EA for public comment in the pending Crow Butte North Trend Expansion Area proceeding.¹

The Staff wishes to clarify its letter of December 24, 2015, by affirming that the publication of the draft EA for the Marsland Expansion Area will be for public comment. This is consistent with the Staff's current approach in the environmental review of the Crow Butte North Trend Expansion Area application.

¹ Memorandum and Order (Scheduling Prehearing Conference) (Jan. 13, 2016), at 2 n.3 (citing Licensing Board Memorandum and Order (Revised General Schedule) (Apr. 30, 2014) at 1-2 (unpublished); *Crow Butte Res., Inc.* (North Trend Expansion Project), Docket No. 40-8983-MLA, Letter from David M. Cylkowski, NRC Staff Counsel, to Licensing Board (June 15, 2015)).

Respectfully submitted,

/Signed (electronically) by/

Emily Monteith

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Dated at Rockville, Maryland
this 19th day of January, 2016.

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-MLA-2
(Marsland Expansion Area)) ASLBP No. 13-926-01-MLA-BD01

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC Staff Letter to the Atomic Safety and Licensing Board" in the above-captioned proceeding have been served via the Electronic Information Exchange ("EIE"), the NRC's E-Filing System, this 19th day of January, 2016, 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/

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