

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman  
G. Paul Bollwerk, III  
Nicholas G. Trikouros

In the Matter of  
RARE ELEMENT RESOURCES, INC.  
(Bear Lodge Project)

Docket No. 40-38367-ML  
ASLBP No. 16-945-01-MLA-BD01  
March 17, 2016

MEMORANDUM  
(Regarding Information Concerning  
Status of License Review Suspension)

On February 22, 2016, the Licensing Board conducted a telephone conference with the participants to this proceeding, including applicant Rare Element Resources, Inc. (RER), the NRC Staff, and petitioner Defenders of the Black Hills (Defenders or Petitioner). A principal focus of the conference was a then-pending RER request to suspend this proceeding in light of a recent Staff determination, also made at RER's request, to suspend Staff review of the RER license application that is the subject of Defenders' challenge before the Board.<sup>1</sup> During that conference, in response to a Board inquiry, the Staff indicated that if Staff's current license review suspension is lifted at some point in the future, that action would be reflected in the public record by a letter from the Staff to RER, not by another Federal Register notice.<sup>2</sup>

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<sup>1</sup> See Tr. at 6. RER indicated in its suspension request to the Staff that the review deferral would be for approximately one year. See id.

<sup>2</sup> See Tr. at 29–30.

Now pending before the Licensing Board is a March 4, 2016, filing in which Petitioner indicates its desire to withdraw its hearing petition,<sup>3</sup> which potentially would have the impact of terminating this adjudicatory proceeding. Under the circumstances, the Board wishes to inquire of applicant RER and the NRC Staff whether, in the event RER makes a request to lift the current Staff license review suspension and/or the Staff makes a determination regarding such an RER request, either (or both) would commit to providing Petitioner with a copy of the correspondence making and responding to that RER request contemporaneous with issuance of that request/determination.

The Board asks that RER and the Staff provide a response to this inquiry (which may be in a joint pleading) on or before Wednesday, March 23, 2016.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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William J. Froehlich, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 17, 2016

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<sup>3</sup> See Reply of Defenders of the Black Hills to ASLB Order Dated Feb. 24, 2016 (Mar. 4, 2016) at 3.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM (Regarding Information Concerning Status of License Review Suspension)** in the above-captioned proceeding have been served upon the following persons by Electronic Information Exchange.

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Docket No. 40-38367-ML

**MEMORANDUM (Regarding Information Concerning Status of License Review  
Suspension)**

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[Original Signed by Clara Sola \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 17<sup>th</sup> day of March, 2016