

January 11, 2017

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

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,

The purpose of this letter to inform the Board and parties of developments related to the Staff's efforts to address the Board's decisions on Contentions 1 and 12B in this proceeding.¹

On November 18, 2016, the NRC Staff (Staff) sent a letter to Crow Butte Resources, Inc. (CBR) to confirm that CBR would be billed under 10 C.F.R. Part 170 for the Staff's efforts to address the Board's decision on Contention 1 and complete the Staff's NHPA and NEPA review for Crow Butte's license renewal application.² On December 13, 2016, the Staff received a letter from Cameco "providing notice to the NRC that Cameco does not want the NRC to conduct any work or to be billed for any work regarding this matter until the NRC Commission has ruled on all appeals to the Board's finding."³ On January 10, 2017, CBR's counsel provided NRC Staff

¹ On January 9, 2017, NRC Staff counsel reached out to CBR's counsel, Tyson Smith, to ask whether CBR intended to notify the Board and parties of these letters. He responded that CBR did not intend to do so.

² Letter to Brent Berg, CBR, from Marc Dapas, Director, NRC Office of Nuclear Material Safety and Safeguards (Nov. 18, 2016) (ADAMS Accession No. ML16309A419). On November 1, 2016, the Staff notified the Board and parties of the Staff's change in position with regard to billing. Letter to Administrative Judges from David Cylkowski, Counsel for the NRC Staff (Nov. 1, 2016).

³ Letter to Marc Dapas, NRC, from Mike Thomas, Cameco Resources (Dec. 7, 2016) (ADAMS Accession No. ML16349A381).

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counsel with a copy of a letter that Cameco has sent to the NRC containing a similar notice regarding work on Contention 12B.⁴

The Staff is currently considering these letters and will keep the Board and parties apprised.

Respectfully submitted,

Signed (electronically) by
Marcia J. Simon
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O16-F3
Washington, DC 20555-0001
(301) 287-9176
marcia.simon@nrc.gov

Dated at Rockville, Maryland
This 11th day of January, 2017

Attachment: Letter to NRC from Cameco dated January 10, 2017

cc: EIE Service List

⁴ Letter to Marc Dapas, NRC, from Mike Thomas, Cameco Resources (Jan. 10, 2017). A copy of the letter provided by CBR's counsel is attached. The Staff has not yet received the mailed copy.



CAMECO RESOURCES
Smith Ranch-Highland
Operation
Mail:
P. O. Box 1210
Glenrock, WY
82637 USA

January 10, 2017

CERTIFIED MAIL # 7015 1520 0000 2613 4540

Tel: (307) 358-6541
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Mr. Mark Dapas, Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Mailstop T8 F5
11545 Rockville Pike
Two White Flint North
Rockville, MD 20852-2738

Re: Billing for Post-Hearing Work Regarding Contention 12B of the Atomic Safety and Licensing Board In the Matter of the Crow Butte Resources, Inc. License Renewal

Dear Mr. Dapas:

Cameco Resources (Cameco) is herein providing notice to the Nuclear Regulatory Commission (NRC) that Cameco does not want the NRC to expend additional resources resolving Contention 12B of the Crow Butte Resources, Inc. license renewal until after the NRC Commission has ruled on all appeals to the Board's finding.

If you have any questions regarding this submittal or need additional information, please contact me at 307-358-6541, ext. 458 or by email at: Mike.Thomas@cameco.com

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Thomas".

Mike Thomas
Director Safety, Health, Environment, Quality (SHEQ)

cc: CBO File
Nathan Goodman, NRC Environmental Project Manager, via email
Document Control Desk, NRC, U.S Nuclear Regulatory Commission, Washington, D.C. 20555-0001 - CERTIFIED
MAIL # 7015 1520 0000 2613 4533

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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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 foregoing "NRC STAFF'S LETTER TO THE ATOMIC SAFETY AND LICENSING BOARD" in the above captioned proceeding have been served this 11th day of January 2017 via the NRC's Electronic Information Exchange ("EIE"), 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
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U.S. Nuclear Regulatory Commission
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(301) 287-9176
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