

February 1, 2017

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  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dr. Thomas J. Hiron  
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.  
(Marsland Expansion Area)  
Docket No. 40-8943-MLA-2; ASLBP No. 13-926-01-MLA-BD01

Dear Administrative Judges:

The purpose of this letter is to update the Board and parties concerning the NRC Staff's review schedule for the Marsland Expansion Area (MEA) license amendment application.

On July 21, 2016, the Staff notified the Board and parties that it had revised its review schedule and estimated dates for issuing the draft Environmental Assessment (EA), final EA, and Safety Evaluation Report (SER).<sup>1</sup> The Staff stated that the revised schedule and estimated dates were contingent upon timely receipt of additional information from CBR by the end of February 2017.<sup>2</sup>

On January 10, 2017, the Staff received a letter from Crow Butte Resources (CBR) providing an updated schedule for CBR's responses to the Staff's requests for additional information.<sup>3</sup> In this letter, CBR stated that responses for non-health physics related issues would be provided by the end of the 2nd quarter of 2017. CBR also stated that further discussions with the Staff would be needed to provide additional information necessary for the Staff to complete its review on health physics related issues. CBR did not provide a specific date for its response on these issues.

Because the Staff will not receive CBR's responses to all of its open issues by the end of February 2017, completion of the Staff's review and issuance of the EA and SER will be delayed. Because the Staff has not received an updated schedule from CBR for the submission of all of those responses, the Staff does not have sufficient information at this time to provide an updated review schedule and estimated dates for issuing the draft EA, final EA, and SER. In

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<sup>1</sup> Letter from Marcia J. Simon, NRC Staff Counsel, to Licensing Board (July 21, 2016).

<sup>2</sup> The Staff's requests for additional information are related to open issues identified during the Staff's review of the updated Technical Report submitted by CBR in November 2015. Although the issues were identified as part of the Staff's safety review, some of them are also relevant to the Staff's environmental review.

<sup>3</sup> Letter from Mike Thomas, Cameco Resources, to Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, NRC (Jan. 10, 2017).

accordance with the Board's order dated June 14, 2013,<sup>4</sup> the Staff will promptly notify the Board and parties when it has sufficient information to provide an updated schedule for the Staff's safety and environmental reviews and the issuance of the draft EA, final EA, and SER.

Respectfully submitted,

**/Signed (electronically) by/**

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Dated at Rockville, Maryland  
this 1st day of February, 2017.

cc: EIE Service List

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<sup>4</sup> Licensing Board Memorandum and Order (Initial Prehearing Conference and Scheduling Order) (June 14, 2013) at 12.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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 1st day of February, 2017, 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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