

May 3, 2021

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

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

G. Paul Bollwerk, III
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,

In its Partial Initial Decision (LBP-16-7) issued May 26, 2016, the Board directed the NRC Staff to submit monthly status reports updating the Board and parties as to the status of the Staff's curative actions in response to the Board's resolution of Contention 1.

On April 12, 2021, the Staff held a second meeting with representatives of the Oglala Sioux Tribe and its counsel. Topics discussed at the meeting included (1) an initial site visit to allow Tribal participants to become familiar with the Crow Butte Resources (CBR) site; (2) suggestions from the Tribal participants about materials that would help them become familiar with the site and to aid in identification of potential sites of significance; (3) a request from the Staff for the Tribe to provide publicly available information it has regarding sites of significance near the CBR site; (4) a request from the Staff for the Tribe's input on a survey methodology, including the elements referred to in the Staff's March 5, 2021 letter to the Tribe; (5) the Tribe's feedback on the proposed project schedule; (6) a request for the Tribe to respond in writing to the Staff's March 5 letter; and (7) the possibility of a presentation by CBR about the site and its operations. The Staff provided a draft meeting summary to the Tribe for review and comment on April 21, 2021, and the Tribe provided comments on April 29. The final meeting summary should be publicly available in the Agencywide Documents Access and Management System (ADAMS) this week.

On April 21, the Staff also sent an email to the Tribe proposing dates in May for an initial site visit and providing a list of documents (with hyperlinks to publicly available documents in ADAMS) related to previous cultural resource surveys, site visits, and communications with the Nebraska State Historic Preservation Officer that the Tribe had requested during the April 12 meeting.

Gibson
Arnold
Bollwerk

On April 28, the Staff was informed that Sanford Cohen & Associates (SC&A) will be providing contractor support for the work to resolve Contention 1, with Mr. Jerry Spangler as the subject matter expert.

On April 29, Mr. Reid informed the Staff that the Tribe is available May 18 and 19 for an initial site visit. The Staff will work with the licensee and Tribe to coordinate this visit. A Staff member and Mr. Spangler plan to attend.

Finally, the Staff provides the following response to the request in the Board's Order dated April 15, 2021:¹

1. Publicly available documents related to the March 5, 2021 letters:²
 - Staff letter to the Tribe dated 3/5/2021 – ADAMS Accession No. ML21061A263
 - Staff letter to CBR dated 3/5/2021 – ADAMS Accession No. ML21061A272
 - CBR response to Staff letter – ADAMS Accession No. ML21090A177
2. There are no publicly available documents related to the potential scheduling of a meeting between the Staff and the Tribe in early April.
3. There are no publicly available documents related to the Staff's expectation of receiving proposals during the week of April 5, 2021.

The Staff will submit its next monthly status report by June 1, 2021, in accordance with the Board's mandate.

Respectfully submitted,

Signed (electronically) by

Marcia J. Simon
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O14-A44
Washington, DC 20555-0001
(301) 287-9176
marcia.simon@nrc.gov

Dated May 3, 2021.

cc: EIE Service List

¹ Order (Scheduling Third Status Conference) at 1-2 (April 15, 2021) (unpublished).

² The Tribe did not respond in writing to the March 5 letter, and indicated at the April 12 meeting that it did not intend provide input on a methodology (either verbally or in writing) until after the initial site visit.

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 Facility, Crawford, Nebraska))	ASLBP No. 08-867-02-OLA-BD01

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 3rd day of May, 2021, 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
Brian Newell
Senior Paralegal Specialist
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O14-A44
Washington, DC 20555-0001
(301) 415-4659
brian.newell@nrc.gov