

June 1, 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  
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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.

Prior to the scheduled site visit, the NRC Staff organized a virtual meeting with representatives from Crow Butte Resources, Inc. (CBR) and the Oglala Sioux Tribe which was held on May 13, 2021. Counsel for the Staff and the Tribe also attended. At the meeting, CBR provided an overview of its facility and operations, answered questions from Mr. Reid and the tribal representatives, and discussed logistics of the May 18 site visit. A handout containing CBR's PowerPoint slides, which was provided to the participants prior to the meeting, is publicly available in the Agencywide Documents Access and Management System (ADAMS) at ML21146A216.

The site visit was held as scheduled on May 18, 2021. Attendees included one NRC Staff project manager and the Staff's contractor, Mr. Spangler; seven representatives of the Tribe; the Tribe's counsel, Mr. Reid; and Dr. Hannan LaGarry, a geologist who was invited by the Tribe. The visitors spent approximately three hours in the field, including stops at several vantage points to become familiar with the topography, landscape, and location and extent of the wellfields. The group also stopped at the nine tribal sites that were identified in the 1987 Bozell and Pepperl survey report. There were opportunities for questions and interactions among the visitors before and during the field portion of the visit. The NRC staff is preparing a trip report that will include a summary of the site visit. The trip report will be publicly available in ADAMS once it is completed.

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On May 24, the Staff provided to Mr. Brings, Mr. Salway, and Mr. Reid the non-public documents that the Tribe had requested during the April 12, 2021 meeting.<sup>1</sup> Those documents include the unredacted Bozell and Pepperl survey report appendices and two maps showing locations of identified tribal sites.

On May 25, the Staff sent a follow-up letter to Mr. Brings, with copies to Mr. Salway and Mr. Reid, thanking the site visit participants for attending and requesting input on elements of a survey methodology that would help to identify sites of significance to the Tribe within the CBR site license area boundary. In the letter, the Staff requested written input from the Tribe by June 11, 2021. The Staff's May 25 letter is publicly available in ADAMS at ML21144A326.

After receiving the Staff's May 25 letter, Mr. Reid emailed the Staff project manager and Staff counsel requesting an additional site visit on June 1, 2, or 3 for up to three people who did not attend the initial site visit (Mr. Tim Mentz, Sr.; Mr. Mentz's son who works with him; and Mr. Michael Catches-Enemy).<sup>2</sup> Mr. Reid indicated that the scope of the additional visit would be limited to taking these individuals to see the nine known tribal sites that were visited on May 18. As requested, the Staff coordinated with CBR, which agreed to host a second site visit for these three individuals from 12:00 to 2:00pm MST on June 2.<sup>3</sup>

Although the Tribe has requested an additional site visit, the Staff has asked that the Tribe honor the June 11 date for providing written input on a survey methodology, as originally requested in the Staff's May 25 letter.

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

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<sup>1</sup> As mentioned during the May 6, 2021 teleconference with the Board, the documents were provided under the 2009 Protective Order for this proceeding.

<sup>2</sup> Mr. Mentz and his son are affiliated with Makoche Wowapi, a cultural resources consulting firm. Mr. Catches-Enemy is a former Tribal Historic Preservation Officer (THPO) who currently works in the Tribe's Fifth Member's office. Mr. Mentz is not a member of the Oglala Sioux Tribe but is assisting the Tribe in this matter.

<sup>3</sup> On May 28, Mr. Reid confirmed that Mr. Mentz and his son would attend, that Mr. Catches-Enemy would not attend, and that Mr. Thomas Brings, the current THPO, might attend to accompany Mr. Mentz.

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Respectfully submitted,

**Signed (electronically) by**

Marcia J. Simon

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Dated June 1, 2021.

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
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	)	

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 1st day of June, 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**  
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