

August 2, 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  
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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.

On July 8, 2021, the Staff held a virtual meeting with Mr. Brings, Mr. Reid, and Mr. Mentz, Sr., to discuss the Oglala Sioux Tribe's June 17, 2021 written response to the Staff's request for input on elements of a survey methodology and the clarification questions that the Staff provided to the Tribe on July 1, 2021.<sup>1</sup> A transcript of the meeting is publicly available in ADAMS at ML21204A021.

On July 19, 2021, at the request of Crow Butte Resources, Inc. (CBR), the Staff held a brief virtual meeting with CBR staff and counsel, to clarify that the Staff intended to develop a draft survey methodology and provide it to the Tribe and CBR for review.

On July 19, the Staff also sent clarification questions to CBR related to the size of the license area, the presence of state or federal land within the license area, and the extent of disturbance within the wellfield area. CBR provided its response to the Staff on July 25.<sup>2</sup>

The Staff continues to work on the draft survey methodology. The goal is to provide the draft methodology to the parties on or about August 9, 2021. The Staff plans to meet individually with

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<sup>1</sup> The Tribe's written response and the Staff's clarification questions can be found in ADAMS at ML21172A163 and ML21182A225, respectively.

<sup>2</sup> The Staff's questions and CBR's response can be found at ML21201A097 and ML21207A072, respectively.

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CBR and the Oglala Sioux Tribe during the week of August 16 to discuss their comments on the draft methodology, including any written comments they choose to provide ahead of the meetings. The Staff would then consider the parties' comments and any additional input and revise the draft survey methodology, as appropriate, with the goal of providing a final version to the parties on or about September 8. Allowing time for the parties to coordinate arrangements for the survey, the Staff anticipates that field work could begin in mid-October 2021.

Based on the above schedule, the Staff anticipates the draft EA supplement would be issued for public comment in August 2022, and the final EA supplement would be issued in November 2022.

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

Respectfully submitted,

**Signed (electronically) by**

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Dated August 2, 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 2<sup>nd</sup> day of August, 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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