

September 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
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 August 10, 2021, the Staff sent its draft methodology to Crow Butte Resources, Inc. (CBR) and the Oglala Sioux Tribe.¹

On August 18, 2021, the Staff held a virtual meeting with CBR to obtain comments and answer questions related to the draft methodology. A transcript of the meeting is publicly available in ADAMS at ML21243A566.

On August 19, 2021, CBR provided written comments on the draft methodology reflecting the comments that they provided during the August 18 meeting. This document is available in ADAMS at ML21242A189.

On August 25, 2021, the Staff held a virtual meeting with the Tribe to obtain comments and answer questions related to the draft methodology. A transcript of the meeting will be publicly available in ADAMS at ML21243A569 within the next week.

Based on the discussions, it appears that there is general agreement on the main aspects of the methodology: the survey will consist of three main elements (field investigation, oral history interviews, and final report preparation), and will take place from early- to mid-October through

¹ On August 12, Staff counsel emailed a copy of the methodology to counsel for Consolidated Intervenor. The Staff's draft methodology is publicly available in ADAMS at ML21222A186.

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November 2021. The parties also appear to generally agree on the Staff's proposed prioritization of the areas within the license area to be investigated.

Additionally, it appears that the Tribe and CBR are working towards agreement on CBR's proposed firm fixed price, or "lump sum" payment to the Tribe. The Tribe would use the payment to conduct the survey, with or without assistance of a contractor of its choosing, and (in either case) with facilitation by the NRC contractor.

As discussed in the August 5 status conference, the Staff's goal is to provide the final version of the methodology to the parties on or about September 8, 2021. The Staff plans to hold a meeting with both CBR and the Oglala Sioux Tribe (together) during the week of September 13, 2021 to begin coordinating logistics for the final survey methodology implementation, such as dates, times, and attendees.

Allowing time for the parties to coordinate arrangements for the survey, the Staff anticipates that field work could begin in early- to mid-October 2021.

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

Respectfully submitted,

Signed (electronically) by

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Dated September 1, 2021.

cc: EIE Service List

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
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(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 1st day of September, 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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