

April 9, 2014

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. Hirons  
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:

Although the five day deadline for filing comments regarding the Board's March 20 Memorandum and Order (Revised General Schedule) has passed,<sup>1</sup> the NRC staff wishes to notify the Board and parties of a conflict between the hearing schedule in Appendix A of the March 20 Order and the staff's plans for issuing the draft environmental document.

Based on the current status of its review, the staff anticipates that the draft environmental document will be an environmental assessment (EA) and finding of no significant impact (FONSI). Consistent with staff practice in other cases, the staff plans to provide the draft EA and FONSI to the Nebraska Department of Environmental Quality (DEQ) for comment, but does not plan to issue the draft EA and FONSI for public review and comment.<sup>2</sup> This plan does not align with the current schedule in Appendix A of the March 20 Order, which contemplates the filing of new and amended contentions, and associated responses and replies, after the draft environmental document is issued. The staff therefore suggests that the schedule should be modified to provide for filing of new and amended contentions, and associated responses and replies, after the final EA and FONSI are issued (currently scheduled for June 30, 2015).

The staff apologizes for any inconvenience caused by the delay in identifying this issue. The staff will notify the Board and parties of any further changes to the staff's review schedule or other developments that could affect the hearing schedule, should they arise.

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<sup>1</sup> Memorandum and Order (Revised General Schedule) at 3 (March 20, 2014) ("March 20 Order").

<sup>2</sup> The staff plans to make available the cultural resources section of the draft EA, along with supporting information, for public review and comment on the NRC's public website prior to completion of the entire draft EA. Currently, the staff expects to make the cultural resources section available on the NRC website in June 2014. The staff will notify the Board and parties to the Marsland proceeding, as well as Section 106 consulting parties, when the cultural resources section is available on the NRC website. The staff also plans to announce the opportunity to review and comment on the cultural resources section via social media (Twitter).

Bollwerk  
Wardwell  
Hirons

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Respectfully submitted,

**/Signed (electronically) by/**

Marcia J. Simon  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O15-D21  
Washington, DC 20555-0001  
(301) 415-1261  
[marcia.simon@nrc.gov](mailto:marcia.simon@nrc.gov)

Dated at Rockville, Maryland  
This 9<sup>th</sup> day of April, 2014

cc: EIE Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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CROW BUTTE RESOURCES, INC.	)	
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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 9<sup>th</sup> day of April, 2014, 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/**

Marcia J. Simon  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O-15 D21  
Washington, D.C. 20555-0001  
(301) 415-1261  
[marcia.simon@nrc.gov](mailto:marcia.simon@nrc.gov)