

June 23, 2015

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:

By Order dated March 23, 2015, the Board requested that the Staff provide an estimate of the timeframe by which the Staff would be able to issue a revised schedule for the completion of the MEA safety and environmental reviews.¹

By letter dated March 30, 2015, the Staff estimated that it would be able to provide the Board and parties with a revised schedule for the completion of the MEA safety evaluation report (SER) and environmental assessment (EA) by June 30, 2015.² This estimate was calculated from CBR's target date of May 22, 2015 for submission of its last RAI response plus sufficient time for the Staff to assess the responses provided by CBR and determine that they are complete.

However, the Staff explained in its March 30 letter that this estimate was predicated upon the receipt of all of CBR's responses to the Staff's RAIs by the target dates identified in their February 26 letter³ and an assumption that all of the responses provided would be complete. The Staff also stated that, should CBR fail to provide its responses to the Staff's RAIs by the target dates identified in their February 26 letter, or should the Staff determine that these responses are not sufficient to support the Staff's safety or environmental review of the MEA, the Staff would not be able to set the revised schedule for issuance of the SER and EA by June 30 as anticipated. In that case, the Staff committed to notifying the Board and parties on or before June 30, 2015 if it was unable to provide a revised schedule at that time for the reasons discussed above.

¹ Memorandum and Order (Requesting Update Regarding Timing of Issuance of Final NRC Staff Safety and Environmental Documents) (Mar. 23, 2015) (unpublished).

² Letter from Emily Monteith, Counsel for the NRC Staff, to the Board at 1 (Mar. 30, 2015) (ADAMS Accession No. ML15089A251).

³ Letter from Larry Teahon, Cameco, to Thomas Lancaster, NRC, at 1, 4 (Feb. 26, 2015) (ADAMS Accession No. ML15071A363).

As of the date of this letter, the Staff has not received all of CBR's responses to the Staff's RAIs or an updated schedule from CBR for the submission of these responses. Therefore, in accordance with its March 30 letter to the Board, the Staff is providing notice to the Board and parties that it is unable at this time to provide a revised schedule for the completion of the MEA SER and EA. This will remain the case until all responses to the Staff's RAIs have been submitted by CBR and have been determined by the Staff to be complete and sufficient to support the Staff's safety and environmental review of the MEA.

Respectfully submitted,

/Signed (electronically) by/

Emily Monteith

Counsel for the NRC Staff

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Dated at Rockville, Maryland
this 23th day of June, 2015.

cc: EIE Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 40-8943-MLA-2
CROW BUTTE RESOURCES, INC.)	
)	ASLBP No. 13-926-01-MLA-BD01
(Marsland Expansion Area))	

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 23rd day of June, 2015, 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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