

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
RARE ELEMENT RESOURCES, LLC	)	Docket No. 40-38367-ML
	)	
(Bear Lodge Project)	)	

NRC STAFF AND RARE ELEMENT RESOURCES JOINT  
RESPONSE TO BOARD MEMORANDUM

On March 17, 2016, the Atomic Safety and Licensing Board (Board) issued a Memorandum, inquiring the NRC Staff (Staff) and Rare Element Resources (RER or Applicant) whether, in the event that RER should request the Staff to resume its review of RER's license application, and/or the Staff should make a determination on such request, the Parties would commit to providing Defenders of the Black Hills (Petitioner) with a copy of the associated correspondence.<sup>1</sup> The Board requested that the Parties provide the response (which may be a joint pleading) to the Board no later than March 23, 2016. Below, the Staff and RER provide a response to the Board's question.<sup>2</sup>

In a letter to the Commission dated January 21, 2016, RER requested that the Staff temporarily suspend review of the license application associated with Docket No. 40-38367.<sup>3</sup> In a conference call with the Board on February 22, 2016, the Staff stated that the docket would remain open and the Staff would not issue subsequent notice in the Federal Register should

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<sup>1</sup> See Memorandum (Regarding Information Concerning Status of License Review Suspension) at 2 (Mar. 17, 2016).

<sup>2</sup> *Id.*

<sup>3</sup> See Letter from RER to Chairman Stephen Burns and Commissioners, Nuclear Regulatory Comm'n (Jan. 21, 2016) (ADAMS Accession No. ML16021A468).

RER request resumption of the license application.<sup>4</sup> Therefore, RER commits to providing a copy of any request to the Staff to resume the review of the license application associated with Docket No. 40-38367 to Petitioner at PO Box 2003, Rapid City, SD 57709. The Staff commits to providing a copy of any communication regarding a determination on the resumption of the review of the application to the same mailing address. Also, the Staff notes that because the deadline has passed for filing hearing requests or petitions to intervene,<sup>5</sup> any subsequent request must be in accordance with 10 C.F.R. §2.309(c) unless otherwise ordered by the Board.

Respectfully submitted,  
**/RA/**

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Robert Carpenter  
Counsel for NRC Staff

Tyson R. Smith  
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Counsel for Rare Element Resources, Inc.

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<sup>4</sup> See Transcript of Teleconference at 18 (Feb. 22, 2016) (ADAMS Accession No. ML16063A453).

<sup>5</sup> See 80 Fed. Reg. 70,846 (November 16, 2015).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NRC STAFF AND RARE ELEMENT RESOURCES JOINT RESPONSE TO BOARD MEMORANDUM (Regarding Information Concerning Status of License Review Suspension)** in the above-captioned proceeding have been served via the Electronic Information Exchange this 22nd day of March 2016.

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**/Signed (electronically) by/**

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Dated at Rockville, Maryland

This 22<sup>nd</sup> day of March, 2016