

# CROW BUTTE RESOURCES, INC.

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June 24, 2002

Mr. Daniel M. Gillen  
Branch Chief  
Fuel Cycle Licensing Branch  
Division of Fuel Cycle Safety and Safeguards  
c/o Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555

Subject: License Amendment Request Dated September 12, 2001  
Source Materials License SUA-1534  
Docket Number 40-8943

Dear Mr. Gillen:

On September 12, 2001, Crow Butte Resources, Inc. (CBR) submitted a request to the U.S. Nuclear Regulatory Commission (NRC) to amend Source Materials License SUA-1534. The purpose of this amendment request was to update SUA-1534 to include standard License Conditions that had been developed by the NRC staff. CBR would like to change our amendment request as follows.

CBR requested that License Condition 9.4, which incorporates the performance-based License Condition, be amended based upon the staff's proposed standard License Condition. Recently, the Nuclear Energy Institute (NEI) identified several concerns with the current version of the proposed License Condition, which differs slightly from the version requested by CBR. We agree with NEI that the License Condition as written requires that the licensee Safety and Environmental Review Panel (SERP) would need to consider process hazard and accident scenario analyses that have not been performed for these facilities and determine quantifiable changes in the likelihood or consequences of an accident. The SERP would be unlikely to approve any change that could have a measurable change on the facility accident scenarios since the baseline analysis does not provide a quantitative examination.

Based upon these concerns, CBR wishes to withdraw our request to amend License Condition 9.4 until the NRC staff can address the NEI concerns. At such time, CBR would consider submitting an amendment request to incorporate any final version of the performance-based License Condition.

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CBR recognizes that the NRC is attempting to “risk-inform” the regulatory approach for uranium recovery facilities and we support that effort. We would be pleased to assist NRC in any efforts to revise the performance-based License Condition to achieve this goal.

If you have any questions, please feel free to contact me at (308) 665-2215.

Sincerely,  
CROW BUTTE RESOURCES, INC.

A handwritten signature in black ink, appearing to read 'M. Griffin'. The signature is fluid and cursive, with a large loop at the end.

Michael L. Griffin  
Manager of Health, Safety, and Environmental Affairs

cc: Steve Collings – CBR, Denver

U.S. Nuclear Regulatory Commission  
Mr. John Lusher - ADDRESSEE ONLY – VIA Email  
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