

May 24, 2018

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
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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 and Parties:

In accordance with 10 C.F.R. § 2.1202(a), the Nuclear Regulatory Commission (NRC) Staff hereby notifies the Atomic Safety and Licensing Board (Board) and parties that the NRC Staff has issued amended Source Materials License SUA-1534 (Amendment 3) to Crow Butte Resources, Inc. (CBR).¹ This license amendment authorizes CBR to construct and operate the Marsland Expansion Area (MEA) for in situ recovery of uranium in conjunction with the existing Crow Butte in situ uranium recovery facility in Dawes County, Nebraska. The amended license is available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML18117A295.²

Pursuant to 10 C.F.R. § 2.1202(a), when the NRC Staff issues a license while a hearing is pending under Subpart L of 10 C.F.R. Part 2, as is the case here, its notice to the Board and parties "must include the NRC staff's explanation why the public health and safety is protected and why the action is in accord with the common defense and security despite the pendency of the contested matter before the presiding officer."

As documented in the NRC Staff's Safety Evaluation Report for CBR's license amendment application for the MEA, the Staff finds that the application complies with the Atomic Energy Act and the NRC's regulations. More specifically, the NRC Staff finds that CBR's application meets

¹ The license conditions in SUA-1534 have been reorganized and renumbered in Amendment 3. Attached to this letter is a reference table showing the new license condition numbers in Amendment 3 and the corresponding license condition numbers from previous versions of the license that are referenced in the NRC Staff's Safety Evaluation Report and Environmental Assessment for the MEA.

² ADAMS Accession Package Number ML18117A293 includes the license, transmittal letter, and enclosure to the transmittal letter containing a description of administrative revisions to Amendment 3. Staff counsel previously notified the Board and parties of the availability of the Safety Evaluation Report (ML18009A976) and the final Environmental Assessment (ML18103A145) in ADAMS, and the issuance of the Staff's final Finding of No Significant Impact in the *Federal Register* (83 Fed. Reg. 19,576 (May 3, 2018)).

all applicable requirements in 10 C.F.R. Parts 20 and 40. In particular, the NRC Staff finds that in accordance with § 40.32(b), CBR is qualified by reason of training and experience to use source material for its requested purpose, and that in accordance with § 40.32(c), the equipment and procedures CBR proposes to use at the Crow Butte facility are adequate to protect public health and minimize danger to life or property.

Based on these findings and the specific analysis in its Safety Evaluation Report, the NRC Staff finds that in accordance with § 40.32(d), issuing the license amendment to CBR authorizing construction and operation of the MEA is not inimical to either public health and safety or common defense and security. The pending hearing before the Board does not affect these conclusions. The NRC Staff has considered the safety-related arguments raised by the Intervenor and has determined that those arguments do not affect the conclusions in the Safety Evaluation Report.

Respectfully submitted,

/Signed (electronically) by/

Emily Monteith

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U.S. Nuclear Regulatory Commission

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Dated at Chicago, Illinois
this 24th day of May, 2018.

Attachment: NRC License SUA-1534 Amendment 3 – License Condition Reference Table

cc: EIE Service List

ATTACHMENT

NRC License SUA-1534, Amendment 3 – License Condition (LC) Reference Table

LC numbers in Amendment 3	LC numbers in prior versions ³
9.1 to 9.12	Same
9.13	n/a
10.1.1	10.1
10.1.2	10.3
10.1.3	10.4
10.1.4	10.5
10.1.5	10.6
10.1.6	10.7
10.1.7	10.8
10.1.8	10.9
10.1.9	10.10
10.1.10	10.11
10.1.11	10.12
10.1.12	10.14
10.2.1	10.2
10.2.2	10.6 (last ¶)
10.2.3	10.13
10.2.4	10.15
10.2.5	10.16
10.2.6	10.17
10.2.7	10.18
10.2.8	10.19
10.3.1	n/a
10.3.2	n/a
10.3.3	n/a
10.3.4	n/a
11.1.1	11.1
11.1.2	11.2
11.1.3	11.3
11.1.4	11.4
11.1.5	11.5

³ The prior version referenced in the Environmental Assessment (EA) is the renewed license issued on November 5, 2014 (ADAMS Accession No. ML13324A101). The prior version referenced in the Safety Evaluation Report (SER) is Amendment 2, issued on October 5, 2017 (ADAMS Accession No. ML17062A588). License condition numbering was the same in both prior versions. License conditions marked “n/a” are new in Amendment 3.

ATTACHMENT

NRC License SUA-1534, Amendment 3 – License Condition (LC) Reference Table

LC numbers in Amendment 3	LC numbers in prior versions ³
11.1.6	11.6
11.1.7	11.7
11.1.8	11.8
11.1.9	11.10
11.1.10	11.11
11.2.1	11.9
11.2.2	11.12
11.2.3	11.13
11.2.4	11.14
11.2.5	11.15
11.2.6	11.16
11.3.1	n/a
11.3.2	n/a
11.3.3	n/a
11.3.4	n/a
12.1	n/a
12.2	n/a
12.3	n/a
12.4	n/a
12.5	n/a

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 24th day of May, 2018, 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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