

# NEBRASKA

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Pete Ricketts, Governor

November 13, 2019

Patricia K. Holahan, Director  
Division of Decommissioning, Uranium Recovery and  
Wastes Programs  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Ms. Holahan,

This correspondence is in response to your letter dated September 30, 2019, subject: Resolution of Crow Butte Financial Surety Requirements. Your letter was in regards to the irrevocable letter of credit (ILOC) used as a surety by Crow Butte Resources (CBR) in accordance with Nebraska Department of Environment and Energy's (NDEE) Title 122 - *Rules and Regulations for Underground Injection and Mineral Production Wells*.

NDEE will not request CBR to modify the language of the current ILOC. The current ILOC has been in place for over 30 years and continues to satisfy the requirements of NDEE Title 122 and Neb. Rev. Stat. § 81-1505(21). The addition of language identifying an amount in the ILOC for NRC-related activities carries an unnecessary risk of complicating NDEE's ability to draw upon the line of credit and has the potential to conflict with Nebraska State Statutes and the regulations promulgated thereof.

NDEE will continue to work with the NRC in accordance with the 1982 MOU between the two agencies.

Sincerely,

Steve Goans  
Deputy Director  
Department of Environment and Energy