

# CROW BUTTE RESOURCES, INC.

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November 24, 1999

Mr. John Surmeier, Chief  
Uranium Recovery Branch  
Division of Waste Management  
Office of Nuclear Material Safety and Safeguards  
Mail Stop T-7-J-8  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike  
Rockville, Maryland 20850

Re: Source Materials License SUA-1534  
Docket No. 40-8943  
Request to Amend License Condition 10.9

Dear Mr. Surmeier:

Crow Butte Resources, Inc. (CBR) is providing this letter to request an amendment to Source Materials License SUA-1534. License Condition 10.9 states the following:

*"The licensee shall be required to use a Radiation Work Permit (RWP) for all work or non-routine maintenance jobs where the potential for significant exposure to radioactive material exists and for which no standard written operating procedure exists. All RWPs shall be accompanied by a breathing zone air sample or an applicable area air sample. The RWP shall be issued by the CRSO, or designee qualified by way of specialized radiation protection training, and RWPs shall include, as a minimum, the information described in Section 2.2 of Regulatory Guide 8.31."*

Specifically, CBR requests that NRC remove the requirement that all RWPs include air sampling. An RWP is intended to control non-routine work where a radiological hazard exists. By definition, it is not possible to specify standard precautions, monitoring or controls for these non-routine tasks or they would be controlled with a standard operating procedure (SOP). The potential pathways for exposure to radioactive material vary with the task and may or may not include the inhalation pathway. CBR believes that the Radiation Safety Officer (RSO) should have the flexibility to determine the monitoring that is necessary for an RWP. Section 2.2 of USNRC Regulatory Guide 8.31, *Information Relevant to Ensuring That Occupational Exposures at Uranium Mills Will Be As Low As Reasonably Achievable*, supports this view. Section 2.2 specifies the content of an RWP, including "...*(T)he radiological monitoring and sampling necessary before, during and following completion of the job.*" Regulatory Guide 8.31 places the responsibility for determining the appropriate monitoring and sampling with the RSO or a qualified

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designee. License Condition 10.9 lessens this responsibility by specifying air sampling, regardless of whether sampling is justified by the potential hazards.

Air sampling requirements are clearly stated in NRC regulations and other regulatory guidance. 10 CFR 20.1501(a) contains requirements for surveys as part of radiation protection programs. USNRC Regulatory Guide 8.30, *Health Physics Surveys in Uranium Mills* contains extensive guidance for uranium recovery licensees for implementation of air sampling programs to determine concentrations of radioactive materials in air. CBR implements the regulations and guidance to determine air sampling requirements for all activities involving potential exposure to radioactive material. This program is described in detail in the License Renewal Application for SUA-1534 submitted in December 1995 and is incorporated in SUA-1534, License Condition 9.3.

CBR proposes that License Condition 10.9 be amended to remove the air sampling requirement and read as follows:

*" The licensee shall be required to use a Radiation Work Permit (RWP) for all work or non-routine maintenance jobs where the potential for significant exposure to radioactive material exists and for which no standard written operating procedure exists. The RWP shall be issued by the CRSO, or designee qualified by way of specialized radiation protection training, and RWPs shall include, as a minimum, the information described in Section 2.2 of Regulatory Guide 8.31."*

If you have any questions concerning this amendment request, please do not hesitate to contact me at (308) 665-2215.

Sincerely,  
CROW BUTTE RESOURCES, INC.



Michael Griffin  
Manager of Environmental and Regulatory Affairs

cc: Mr. Steve Collings – CBR, Denver  
Mr. William Ford - NRC