

CROW BUTTE RESOURCES, INC.

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June 3, 2009

Mr. Mathews George
c/o Document Control Desk
U.S. Nuclear Regulatory Commission
Mail Stop T-8F5
Washington D.C. 20555-0001

40-8943

Subject: Response to letter received May 4, 2009 (Dated April 29, 2009) – Request for Additional Information (RAI), License Amendment Application for the North Trend Expansion Area, Crow Butte Resources, Inc., (CBR) Crawford, Nebraska, Source Materials License SUA-1534 (TAC J00814)

Dear Mr. George:

By letter dated April 29, 2009, the U.S. Nuclear Regulatory Commission (NRC) staff, upon its review of the License Renewal Application Technical Report has requested additional information to assess compliance with the Migratory Bird Treaty Act (MBTA). Specifically, the affect of the facility construction on active migratory birds, eggs, young and nests during nesting. The following information was requested in order to assess the impacts.

Item #1

A copy of any survey(s) for migratory birds done in conjunction with this proposed project, if any. The survey should provide detail in regards to survey methods, date and time of survey, species observed/heard, and location of species observed relative to the proposed project site.

CBR Response

Beginning in March, 1981, plans were initiated to undertake ecological studies for Wyoming Fuel Company's Crow Butte Uranium Prospect near Crawford, Nebraska. At this time, all appropriate state and federal regulations pertaining to uranium solution mining were reviewed, and studies were designed which were deemed appropriate to comply with legislative precedents in the region, drawing heavily upon U.S. Nuclear Regulatory Commission (NRC) guidelines for ecological studies. This study titled *Application and Supporting Environmental Report for Research and Development Source Material License, Volume II*, was submitted to the NRC on February 11, 1983. The ecological study included the North Trend Expansion Area.

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Item #2

Written description of any avoidance measures implemented at the proposed project site to avoid the take of migratory birds.

CBR Response

CBR contracts with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS) to mitigate issues concerning migratory birds. Current practices include; 1) Not allowing hunting on mine property, 2) restricting public access, and 3) minimizing mowing activities during the nesting season. These same practices will be implemented at the North Trend Expansion Area.

Item #3

Written description of any circumstances where it has been determined by the project proponent that one or more active bird nests cannot be avoided by the planned construction activities.

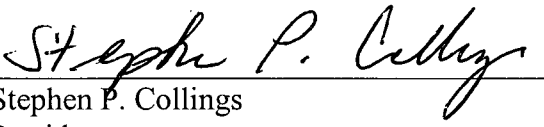
CBR Response

CBR does not foresee any construction activities where active bird nests cannot be avoided.

If you have any questions, please feel free to contact me at (720) 879-5518 or Larry Teahon at (308) 665-2215 ext 114.

Sincerely,

Crow Butte Resources, Inc.



Stephen P. Collings
President

c: Jim Stokey, CBR
Larry Teahon, CBR
Rhonda Grantham, CBR
CBR File