

**CROW BUTTE RESOURCES, INC.**

**86 Crow Butte Road  
P.O. Box 169  
Crawford, Nebraska 69339-0169**



**(308) 665-2215  
(308) 665-2341 – FAX**

May 30, 2007

Mr. Charles L. Miller, Director  
Office of Federal and State Materials and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Two White Flint North, Mailstop T8F5  
11545 Rockville Pike  
Rockville, MD 20852

Subject: Crow Butte Uranium Project  
Source Materials License SUA-1534, Docket Number 40-8943  
License Amendment Request- North Trend Expansion Area Amendment  
Affidavit to Withhold Cultural Resource Information from Public Disclosure

Dear Mr. Miller:

Crow Butte Resources, Inc. (CBR) is requesting by this affidavit that the cultural resource information (Appendix A of the Technical Report) submitted with the North Trend Expansion Area Amendment Application under cover dated May 30, 2007 be considered confidential information under 10 CFR 2.390 and withheld from public disclosure. Accompanying this request is information required by 10 CFR 2.390 (b)(1)(i) and (ii). The affidavit has been notarized by a certified Notary Public.

Each page of the applicable cultural resource information contained in Appendix A of the Technical Report has been marked as follows:

*Confidential Information Submitted under 10 CFR 2.390*

The cover pages for each of these appendices have been marked with a more detailed statement, as follows:

*Confidential Information Submitted under 10 CFR 2.390*

*Disclosure is Limited Under the National Historic Preservation Act, Section 304 (16 U.S.C. 470w-3(a)), and under the Nebraska Public Records Statutes (Neb. Rev. Stat. 84-712.05(13)).*

Information required by this affidavit in accordance with 10 CFR 2.390 (b)(1)(ii) is listed below.

# CROW BUTTE RESOURCES, INC.

86 Crow Butte Road  
P.O. Box 169  
Crawford, Nebraska 69339-0169



(308) 665-2215  
(308) 665-2341 – FAX

Mr. Charles L. Miller  
May 30, 2007  
Page 2

## **A. Document or Part Sought to be Withheld:**

*Crow Butte Resources North Trend Expansion Area Class III Cultural Resource Inventory, Dawes County, Nebraska, February 2006, Appendix B, Site Location Map.*

*Crow Butte Resources North Trend Expansion Area Class III Cultural Resource Inventory, Dawes County, Nebraska, February 2006, Appendix C, Site Forms.*

## **B. Name and Official Position of the Person Making the Affidavit:**

Jim Stokey, Mine Manger, Crow Butte Resources, Inc.

## **C. Basis for Proposing the Information Withheld:**

In accordance with the National Historic Preservation Act Section 304 (16 U.S.C. 470w-3(a)) information on the nature or location of archaeological and historical sites shall not be made available to the public. In addition, disclosure is protected under Nebraska State Statute Section 84-712.05 (13 and 14). Accordingly, disclosure is specifically exempted by statute as specified in 10 CFR §2.390(a)(3).

## **D. Statement of Harm that Would Result if the Information Sought to be Withheld is Disclosed to the Public:**

Both federal and state agency policies hold that public disclosure of information on the nature or location of archaeological and historical sites will increase the likelihood of trespassing, vandalism, and theft, and will contribute to illegal traffic in antiquities.

## **E. Location in the Document of All Information Sought to be Withheld:**

The cultural resource information sought to be withheld is located in Appendix A of the Technical Report of the North Trend Expansion Area License Amendment Application submitted under cover dated May 30, 2007.

**CROW BUTTE RESOURCES, INC.**

86 Crow Butte Road  
P.O. Box 169  
Crawford, Nebraska 69339-0169



(308) 665-2215  
(308) 665-2341 – FAX

Mr. Charles L. Miller  
May 30, 2007  
Page 3

CBR appreciates your attention to this request. If you or your staff has any questions, please feel free to call:

Jim Stokey, Mine Manager  
(308) 665-2215 ext. 111

Rhonda Grantham, Supervisor of Radiation Safety and Regulatory Affairs  
(308) 665-2215 ext. 115

Sincerely,  
CROW BUTTE RESOURCES, INC.

Jim Stokey, Mine Manager  
Crow Butte Resources, Inc.

STATE OF NEBRASKA     )  
                                      ) ss.  
County of Dawes         )

SUBSCRIBED and sworn to before me this 30<sup>th</sup> day of May, 2007.



Notary Public

Cc: Stephen Cohen, USNRC