

July 14, 2009

Mr. Wayne W. Heili  
President  
Lost Creek ISR, LLC  
5880 Enterprise Drive, Suite 200  
Casper, WY 82609

SUBJECT: ACKNOWLEDGMENT OF RECEIPT OF EXEMPTION REQUEST FOR PRE-LICENSE CONSTRUCTION ACTIVITIES AT THE PROPOSED LOST CREEK URANIUM IN SITU RECOVERY FACILITY, LOST CREEK ISR, LLC, SWEETWATER COUNTY, WYOMING (TAC J00595)

Dear Mr. Heili:

By letter dated July 2, 2009, Lost Creek ISR, LLC (LCI) submitted to U.S. Nuclear Regulatory Commission (NRC) staff a request for an exemption from the provisions of 10 CFR 40.32(e). Specifically, LCI requested an exemption for pre-license construction activities for the ten items listed in its submittal. This letter acknowledges receipt of the exemption request and notifies LCI that NRC staff has started the acceptance review. NRC staff expects to complete this review by August 7, 2009, at which time the staff will inform LCI of its determination of acceptability.

As you know, NRC staff is in the process of finalizing guidance in the form of a regulatory issue summary (RIS) that addresses NRC's policy regarding pre-licensing construction activities at proposed uranium recovery facilities. Please note that staff will not make any specific decisions on your request until this RIS is published in final form.

If you have any questions regarding this letter, please contact me at 301-415-6443 or by email at [ronald.burrows@nrc.gov](mailto:ronald.burrows@nrc.gov).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

**/RA/**

Ronald A. Burrows, Project Manager  
Uranium Recovery Licensing Branch  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 40-9068

cc: John Cash, LCI  
Mark Thiesse, WDEQ  
Melissa Bautz, WDEQ  
Don McKenzie, WDEQ  
Mark Neuman, BLM

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Sincerely,

**/RA/**

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