COLORADO OFFICE

10758 W. CENTENNIAL RD., STE. 200 LITTLETON, CO 80127 TEL: (866) 981-4588 FAX: (720)-981-5643



WYOMING OFFICE 5880 ENTERPRISE DR., STE. 200 CASPER, WY 82609 TEL: (307) 265-2373 FAX: (307) 265-2801

LOST CREEK ISR, LLC

November 7, 2014

ATTN: Document Control Desk Director, Office of Nuclear Material Safety and Safeguards U.S. Nuclear Regulatory Commission Washington, DC 20555-0001

Re: Submittal of LC East Site Map and Confidential Cultural Resource Report Lost Creek ISR Project License SUA-1598, Docket 040-09068

To Whom It May Concern:

On September 23, 2014 Lost Creek ISR, LLC submitted the LC East Amendment request to the NRC for consideration. In response to that submittal, the NRC Project Manager has requested that the map on the last page of Attachment D9-2 be resubmitted without the "Confidential" watermark. To that end, please find attached two copies of the map without the confidential watermark. Please extract the original map and replace it with the two maps supplied herein. This map is not confidential.

Also, the NRC Project Manager has requested that Lost Creek ISR, LLC supply the cultural resource report, entitled "A Cultural Resource Inventory of the Lost Creek East Property for the Proposed Lost Creek ISR, LLC Project in Sweetwater County, Wyoming," by Centennial Archaeology Inc., dated February 2013, so it can be reviewed by NRC's contract archaeologist. Please find enclosed two copies of the report along with an affidavit requesting confidentially for the entire document pursuant to 10 CFR §2.390. The report has already been submitted to the U.S. Bureau of Land Management for review.

Sincerely.

John W. Cash Vice President

Attachments: Two copies of the Attachment D9-2 map Two confidential copies of the cultural resource report

Cc: Theresa Horne, Ur-Energy, Littleton (via e-mail, w/o attachments) Mark Newman, Rawlins BLM Field Office (via e-mail, w/o attachments) John Saxton, NRC (via e-mail, w/o attachments) Brian Wood, WDEQ-LQD, Lander (via e-mail, w/o attachments)

LOST CREEK ISR, LLC AFFIDAVIT OF JOHN CASH VICE PRESIDENT OF LOST CREEK ISR, LLC

- 1. My name is John Cash and I am the Vice President of Lost Creek ISR, LLC. I am authorized to execute this affidavit on behalf of Lost Creek ISR, LLC (LC ISR, LLC) and may bind LC ISR, LLC to the statements contained herein;
- LC ISR, LLC has submitted an application to the United States Nuclear Regulatory Commission (NRC) requesting an amendment to Source Material License SUA-1598 for the Lost Creek Project in Sweetwater County Wyoming. The amendment seeks permission to recover uranium from the LC East Project which is immediately adjacent to the Lost Creek Project;
- 3. With this affidavit, LC ISR, LLC is submitting a cultural resource report entitled "A Cultural Resource Inventory of the Lost Creek East Property for the Proposed Lost Creek ISR, LLC Project in Sweetwater County, Wyoming," by Centennial Archaeology, Inc., dated February 2013. Referred to hereafter as the "report." The report includes descriptions that qualify for withholding pursuant to both 10 CFR § 2.390(a) and 43 CFR § 7.18;
- 4. The report contains information that LC ISR, LLC believes may be misused by unscrupulous artifact collectors to disturb archeological sites;
- Pursuant to NRC regulations, LC ISR, LLC has labeled all pages of the report as confidential following the requirements in 10 CFR § 2.390(b)(1)(i);
- 6. For the following reasons, LC ISR, LLC asserts that the entire report should be withheld from public disclosure as confidential information:
 - i. The data and information contained in the above-mentioned document has been held in confidence by LC ISR, LLC. LC ISR, LLC does not provide such information to public or private entities;
 - ii. The data and information contained in the above-mentioned document is customarily held in confidence by businesses and other organizations seeking to protect information related to certain cultural resources;
 - The data and information contained in the above-mentioned document is being transmitted to the Commission as part of an amendment to an existing license. Indeed, any such data and information shown to NRC Staff were only revealed in a non-public context;
 - iv. The data and information regarding cultural resources listed in the LC ISR LLC report are not available in any public sources;

- v. Release of the data and information contained in the above-mentioned portions of the report may cause substantial harm to cultural resources on public property for the following reason:
 - a. Certain individuals may use the information to unlawfully collect cultural artifacts for personal use.
- vi. Withholding the data and information designated by LC ISR, LLC for confidentiality protection will not cause any harm to members of the public. The information contained in the report will provide no tangible benefit to members of the public since artifacts cannot be legally collected. As stated above, releasing the location of cultural resource sites may result in the theft or destruction of potentially significant cultural artifacts; and
- vii. LC ISR, LLC fully understands that withholding the designated data and information does not deprive any independent party from inspecting the confidential information under the terms of an appropriate protective order in the context of an NRC licensing hearing or other administrative proceeding.

Dated this 7th day of November, 2014

Signature: Jucah

Name: John W. Cash

Title: Vice President

The foregoing instrument was acknowledged before me by <u>John & Cash</u>. this 7th day of November, 2014.

Witness my hand and official seal.

Notary Public

