

July 28, 2009

Mr. John W. Cash
Manager EHS and Regulatory Affairs
Lost Creek ISR, LLC
5880 Enterprise Drive, Suite 200
Casper, WY 82609

SUBJECT: REQUEST FOR EXEMPTION FROM 10 CFR PART 40.32(E), LOST CREEK
ISR, LLC, LOST CREEK IN SITU RECOVERY FACILITY, SWEETWATER
COUNTY, WYOMING

Dear Mr. Cash:

By letter dated July 2, 2009, Lost Creek ISR, LLC (LCI) submitted a request for exemption from the commencement of construction requirements in 10 CFR Part 40.32(e) to the U.S. Nuclear Regulatory Commission (NRC) staff. The application was made publicly available in NRC's Agencywide Documents Access and Management System (ADAMS) on July 13, 2009. NRC staff has found the application acceptable for detailed technical and environmental review.

This request was submitted per 10 CFR Part 40.14, which allows the NRC staff to issue exemptions to specific requirements of the regulation in Part 40 if determined are authorized by law and will not imperil life, property, or the common defense and security and are otherwise in the public interest. Please note that the detailed technical and environmental review may identify issues that require additional information. If you have any questions, please contact Tanya Palmateer Oxenberg at tanya.oxenberg@nrc.gov or (301) 415-6142.

Sincerely,

/RA/

Stephen J. Cohen, Team Leader
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: Bill Boberg, LCI
Mark Newman, BLM
Melissa Bautz, WDEQ

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