

September 10, 2014

Mr. Jerry Roose, Director
North American Environmental Operations
Freeport-McMoRan Copper and Gold
333 North Central Avenue
Phoenix, Arizona 85004

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION STAFF REVIEW OF 2014
FINANCIAL ASSURANCE UPDATE FOR WESTERN NUCLEAR INC'S. SPLIT
ROCK, WYOMING SITE (Docket 040-01162)

Dear Mr. Roose:

By letter dated March 27, 2014, you submitted the 2014 financial assurance update for the Western Nuclear Incorporated site in Jeffery City, Wyoming (Agencywide Document Access and Management System (ADAMS) Accession Number ML14093B353). On June 23, 2014, the U.S. Nuclear Regulatory Commission (NRC) staff informed you that additional information was necessary in order for the NRC staff to continue its review of your update (ML14160B46). To date, you have not provided the information requested by the NRC staff.

Please provide the requested information within 30 days of the date of this letter. If you cannot provide the information within 30 days of the date of this letter, please provide the NRC staff with a schedule for the submission of the information as soon as possible, but not to exceed 30 days of the date of this letter.

In addition, your March 27, 2014, letter included an affidavit, executed by Kathleen Quirk, requesting that the information contained in the "Total U.S. Assets Schedule" be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 2.390.

The affidavit stated that the submitted Total U.S. Assets Schedule should be considered exempt from mandatory public disclosure as trade secrets or confidential commercial or financial information for the following reasons:

- a. this information is considered confidential by Freeport-McMoRan Copper & Gold Inc.
- b. the information is not available through public sources;
- c. the disclosure of the information will cause substantial harm to Freeport-McMoRan Copper & Gold Inc.'s competitive position; and
- d. disclosure of the information subject to this confidential claim could harm

Freeport-McMoRan Copper & Gold Inc.'s business interests, including future sale of assets, procurement of insurance, and other business transactions if the information is released to the public.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the Total U.S. Assets Schedule, marked as confidential, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5), and §103(b) of the Atomic Energy Act of 1954 as amended. A nonproprietary copy of your transmittal letter and signed affidavit has been placed in the NRC's Public Document Room and added to the ADAMS Electronic Reading Room.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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>.

J. Roose

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If you have any questions concerning this letter, please contact me at 301-415-6749 or by email at Dominick.Orlando@nrc.gov.

Sincerely,

/RA/

Dominick A. Orlando, Senior Project Manager
Materials Decommissioning 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.: 40-01162
License No.: SUA-56

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Sincerely,

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