

WWC ENGINEERING

**AFIDAVIT OF BENJAMIN J. SCHIFFER, WWC ENGINEERING, LEAD
PROJECT MANAGER FOR STRATA ENERGY, INC'S ROSS ISR PROJECT**

1. My name is Benjamin J. Schiffer and I am a Certified Professional Geologist on the staff of WWC Engineering (WWC), and I am currently serving as the Lead Project Manager for Strata Energy, Inc. (Strata) in their effort to obtain a combined source and 11e.(2) byproduct material license from the United States Nuclear Regulatory Commission (NRC). I served as the Lead Project Manager for Strata in preparation of its NRC license application;
2. In addition to my duties preparing Strata's NRC license application, I actively participated in Strata's extensive efforts at public outreach to a variety of members of the public and interested stakeholders, including the Powder River Basin Resource Council (PRBRC) and their lead representative, Shannon Anderson;
3. I am aware that the PRBRC, in conjunction with the Natural Resources Defense Council (NRDC), (hereinafter the "Council") has filed an August 10, 2011, motion with the Commission requesting a forty-five (45) day extension in which to file a request for a hearing before NRC's Atomic Safety and Licensing Board (ASLB) and that the Acting Secretary has issued an August 17, 2011, Order granting such motion;
4. In my review of the Council's motion, I have discovered that the primary basis for this motion is that the allotted sixty (60) day time period in a July 13, 2011 Federal Register notice in which to file a request for a hearing is insufficient based on the length and substance of Strata's license application. Based on my activities in support of Strata's public outreach efforts, I am prepared to state for the record additional facts that support Strata's Motion for Reconsideration of the Acting Secretary's grant of Council's motion;
5. As a result of Strata's efforts at public outreach, I believe that several important facts have been left out of the Council's motion and should be made available to the Commission for its review when considering whether to grant Strata leave to file its Motion for Reconsideration. The following summary details relevant facts that have been included in Strata's Motion for Reconsideration and that demonstrate that the Council has had ample time to review Strata's license application and to prepare a request for a hearing:

a. Strata scheduled a pre-license application submission audit meeting with NRC Staff on October 26-28, 2011 that was classified as a Category 1 public meeting meaning that members of the public and interested stakeholders are welcome to attend and witness the proceedings. PRBRC was represented at this meeting by Ms. Anderson and several Crook County landowners who currently serve as Board members of PRBRC. At this meeting, Strata made clear that its license application would be filed by the end of 2010, and Strata did indeed file the electronic version of its license application prior to January 1, 2011;

b. Strata scheduled a Category 1 public meeting with NRC Staff which was held on January 4, 2011 at which Strata formally presented the bound copies of its license application. At this meeting, members of NRC Staff were present and discussed the licensing process for the review of this license application, including its internal "acceptance review" which typically takes approximately ninety (90) days. Strata specifically informed PRBRC on January 4, 2011 that the application had been submitted. However, on January 19, 2011, NRC Staff informed Strata that the "acceptance review" would be delayed until May 2, 2011 due to agency resource constraints. But, while the "acceptance review" and formal docketing of the license application resulted in a delay of almost six (6) months from the date the application was submitted, NRC did make the license application publicly available on its ADAMS database on January 26, 2011. Thus, the Council's ability to access Strata's license application was not after publication of the July 13, 2011 Federal Register notice, but rather on the aforementioned January 26, 2011 ADAMS publication date;

c. Strata has maintained constant communication with PRBRC regarding opportunities to meet with Strata personnel to discuss questions and concerns with the proposed Ross ISR Project and the license application. On at least two (2) occasions prior to submission of the license application, including the aforementioned NRC site visit on October 26-28, 2011, PRBRC was present at public meetings regarding this license application.

On February 7, 2011, Strata provided the hyperlink to PRBRC for NRC's license application review schedule website, including the 60 day time period for requesting a hearing.

On May 5, 2011, Strata notified PRBRC that the "acceptance review" of the application had commenced. Thus, PRBRC and, hence, the Council had advance notice of the commencement of the "acceptance review" and the imminent docketing of the license application.

d. Further, after the "acceptance review" of the license application had commenced, PRBRC informed Strata that they had retained an expert hydrologist (Mr. Robert Moran) to review the application and, on June 9, 2011, specifically requested a meeting with WWC staffers who had prepared the license application. On June 16, 2011, a telephone conference between Mr. Moran and WWC staffers took place during which Strata provided Mr. Moran with direct references to his areas of interest in the license application.



Benjamin J. Schiffer, P.G.
WWC Engineering

State of Wyoming)
)
)
County of CROOK)

The foregoing Affidavit was affirmed and acknowledged before me this 22nd day of August, 2011, by Mr. Benjamin Schiffer of WWC Engineering, a Wyoming corporation.

Witness my hand and official seal.



My commission expires: 9/16/11



Notary Public