

June 4, 2012

G. Paul Bollwerk, III, Chair
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dr. Kenneth L. Mossman
Administrative Judge
Atomic Safety and Licensing Board Panel
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Washington, DC 20555-0001

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
Strata Energy, Inc. (Ross In Situ Recovery Uranium Project)
Docket No. 40-9091-MLA; ASLBP No. 12-915-01-MLA-BD01

Dear Administrative Judges:

Pursuant to 10 C.F.R. §§ 2.336(b) and (c) and 2.1203 and the Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) issued by the Atomic Safety and Licensing Board (Board) on May 2, 2012, the U.S. Nuclear Regulatory Commission (NRC) staff (Staff) provides the Board and the parties with an index listing documents required to be disclosed by the Staff. (Attachment 1.) These documents may be viewed by accessing the hearing file for this proceeding that is maintained by the NRC's Office of the Secretary. The Staff is also attaching one (1) index listing documents that, under 10 C.F.R. § 2.390, are exempt from disclosure and for which the Staff is asserting a privilege or immunity. (Attachment 2.)

Along with the attached lists, the Staff is providing affidavits (1) certifying that all relevant materials have been disclosed to the extent required by 10 C.F.R. § 2.336(b) and (c), as modified by the Board's Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) (unpublished); and (2) formally invoking the deliberative process privilege for certain documents.

Respectfully submitted,

/Signed (electronically) by/

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Enclosures: Attachment 1: Hearing File Index
Attachment 2: Deliberative Process Log
Affidavit of John Saxton
Declaration of Keith McConnell

cc: Attached Service List

ATTACHMENT 1
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Update – June 4, 2012

	Accession Number	Document Date	Title/Description
648	ML12130A422	04/23/2012	2012/04/23 Strata Energy Ross LA - RE: Ross ISR Project, Temporary WYPDES Permit Attached as Requested
649	ML12136A001	05/09/2012	2012/05/09 Strata Energy Ross LA - NRC Staff Notification re ArcGIS Files Related to the Strata Ross Proceeding
650	ML12136A004	05/11/2012	2012/05/11 Strata Energy Ross LA - RE: Ross Project ER References
651	ML12137A001	05/14/2012	2012/05/14 Strata Energy Ross LA - Re: Ross Project ER References
652	ML12143A008	05/17/2012	2012/05/17 Strata Energy Ross LA - FW: Question Regarding Distribution List
653	ML12143A007	05/17/2012	2012/05/17 Strata Energy Ross LA - RE: SML Process For Strata Docket No. 40-9091
654	ML12143A004	05/17/2012	2012/05/17 Strata Energy Ross LA - RE: Strata Energy SML Assessment
655	ML12143A005	05/18/2012	2012/05/18 Strata Energy Ross LA - Letter From Strata Energy re Ross Project
656	ML12143A006	05/18/2012	2012/05/18 Strata Energy Ross LA - RE: Letter From Strata Energy re Ross Project
657	ML12145A007	05/23/2012	2012/05/23 Strata Energy Ross LA - PERIODIC STATUS UPDATE ON NEPA AND NHPA SECTION 106 CONSULTATION ACTIVITIES FOR PROPOSED URANIUM RECOVERY PROJECTS
658	ML12139A251	05/23/2012	A. Reider Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
659	ML12139A194	05/23/2012	A.T. Stafne Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
660	ML12132A173	05/16/2012	April 12-2012 Meeting Report between NRC with Strata Energy, Inc.
661	ML12139A345	05/23/2012	B. Sun Child Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
662	ML12139A229	05/23/2012	C. Black Eagle Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.

	Accession Number	Document Date	Title/Description
663	ML12139A080	05/23/2012	C. Murphy Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
664	ML120930124	05/23/2012	Crow Butte Resource, Inc., License Application for Uranium Recovery Projects in Dawes County, Nebraska.
665	ML12139A174	05/23/2012	D. Big Eagle Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
666	ML12139A333	05/23/2012	J. Durglo Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
667	ML12139A142	05/23/2012	J. Shakespeare Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
668	ML12139A120	05/23/2012	J. Yellow Bird Steele Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
669	ML12139A168	05/23/2012	K. Keckler Ltr. re: Periodic Status Updates on NEPA and NHPA Section 106 Consultation Activities.
670	ML12139A085	05/23/2012	L. Spang Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
671	ML120930114	05/23/2012	Letter re: Periodic Status Update on National Environmental Policy Act and National Historic Preservation Act Section 106 Consultation Activities for Proposed Uranium Recovery Projects.
672	ML12139A186	05/23/2012	Letter re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
673	ML12130A149	05/10/2012	Letter to Mal James of Strata Energy Inc. re: Acceptance of Responses to Request for Additional Information in Review of Strata Energy, Inc., Materials License Application for the Ross in Situ Recovery Uranium Project, Crook County, Wyoming (TAC J0040).
674	ML12139A112	05/23/2012	M. Jandreau Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
675	ML12139A156	05/23/2012	M. LaJeunesse Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.

	Accession Number	Document Date	Title/Description
676	ML12135A358	08/31/1978	Nuclear Dynamics 1st Quarterly Report 1978.
677	ML120930125	05/23/2012	Powertech, Inc. License Application for a Uranium Recovery Project Near Edgemont, South Dakota.
678	ML12139A072	05/23/2012	R. Bordeaux Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
679	ML12139A255	05/23/2012	R. Shepherd Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
680	ML12139A098	05/23/2012	R. Trudell Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
681	ML12139A223	05/23/2012	R. TwoHatchet Ltr. re: Periodic Status Updates on NEPA and NHPA Section 106 Consultation Activities.
682	ML12139A297	05/23/2012	R. Yankton Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
683	ML120930129	05/23/2012	Strata Energy, Inc., License for a Uranium Recovery Project in Crook County, Wyoming.
684	ML12139A237	05/23/2012	T. Cournoyer Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
685	ML12139A338	05/23/2012	T. King Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
686	ML12139A329	05/23/2012	W. Sharp Ltr. re: Periodic Status Update on NEPA and NHPA Section 106 Consultation Activities.
687	ML12123A189	04/25/2012	WWC Engineering Letter of Transmittal Regarding ER Figures for Ross ISR Project.

ATTACHMENT 2
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
DELIBERATIVE PROCESS LOG
Update – June 4, 2012

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain information subject to withholding from public disclosure as predecisional, deliberative information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents withheld under the deliberative process privilege.

ID#	Accession Number	Author/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Affiliation	Comment	Page Count
DP-00-185	ML12130A507	Kindred, Scott (NRC contractor)	2012/04/10 Strata Energy Ross LA - RE: Ross: Oshoto Reservoir	04/10/2012	E-Mail	Burgess, Anthony (NRC contractor)	Internal discussion between NRC contractors regarding groundwater	2
DP-00-186	ML12130A387	Johnson, Kathryn (NRC contractor)	2012/04/13 Strata Energy Ross LA - RE: Some Answers	04/13/2012	E-Mail	Minor, Doris (NRC contractor)	Internal discussion between NRC contractors regarding geology and surface water	4
DP-00-187	ML12130A522	Whipple, Valerie (NRC/ADM)	2012/04/20 Strata Energy Ross LA - Request for Revised Proposal - TO #1 F1179 (Mod 6)	04/20/2012	E-Mail and Attachment	Minor, Doris (NRC contractor); Knox-Davin, Edna (NRC/FSME); Moore, Johari (NRC/FSME); Whipple, Valerie (NRC/ADM)	Email transmitting draft contract modification for NRC contractor and internal comments regarding the scope of the NRC's Supplemental Environmental Impact Statement (SEIS) and Section 106 consultation activities for the Strata Ross ISR Project	19
DP-00-188	ML12130A509	Burgess, Anthony (NRC contractor)	2012/04/20 Strata Energy Ross LA - Ross telecon record	04/20/2012	E-Mail and Attachment	Johnson, Kathryn; Minor, Doris (both NRC contractors)	Email transmitting a draft summary of a teleconference between the NRC staff and the NRC contractor	3

ID#	Accession Number	Author/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Affiliation	Comment	Page Count
DP-00-189	ML12130A506	Burgess, Anthony (NRC contractor)	2012/04/25 Strata Energy Ross LA - RE: Rev1_Geol Soils and Water Sections	04/25/2012	E-Mail and Attachment	Johnson, Kathryn; Kindred, Scott; Minor, Doris (all NRC contractors)	Email transmitting draft sections of the Draft SEIS and containing internal comments regarding the draft sections	22
DP-00-190	ML12130A392	Kindred, Scott (NRC contractor)	2012/04/27 Strata Energy Ross LA - RAI EM-1, WR-3(A) and WR-3(B)	04/27/2012	E-Mail	Johnson, Kathryn; Minor, Doris (both NRC contractors)	Internal discussion between NRC contractors regarding surface water	2
DP-00-191	ML12130A390	Trenary, Barbara (NRC contractor)	2012/04/28 Strata Energy Ross LA - Section 3	04/28/2012	E-Mail and Attachment	Minor, Doris; Ola, Yinka (both NRC contractors)	Email transmitting draft sections of the Draft SEIS and containing internal comments regarding the draft sections	9
DP-00-192	ML12130A521	Moore, Johari (NRC/FSME)	2012/05/01 Strata Energy Ross LA - RE: Strata Reference	05/01/2012	E-Mail	Saxton, John (NRC/FSME); Albert, Michelle (NRC/OGC)	Internal discussion regarding data files	3
DP-00-193	ML12130A520	Moore, Johari (NRC/FSME)	2012/05/01 Strata Energy Ross LA - RE: Strata Reference	05/01/2012	E-Mail	Saxton, John (NRC/FSME)	Internal discussion regarding data files	4
DP-00-194	ML12150A006	Minor, Doris (NRC contractor)	2012/05/02 Strata Energy Ross LA - Johari's Request	05/02/2012	E-Mail	Trenary, Barbara; Chapman, Cheryl; Miss, Chris; Reber, Deb; Vitucci, Jeff; Boese, Jerry; Johnson, Kathryn; Evans, Lauren; Gould, Linn; Kenner, Mary; Kindred, Scott; Burgess, Anthony; Piper, Jessie (all NRC contractors)	Internal discussion between NRC contractors regarding preparation of the Draft SEIS and consultation under Section 106 of the National Historic Preservation Act	3
DP-00-195	ML12150A001	Minor, Doris (NRC contractor)	2012/05/08 Strata Energy Ross LA - RE: Cumulative Impacts Guidance	05/08/2012	E-Mail	Kindred, Scott (NRC contractor)	Internal discussion between NRC contractors regarding cumulative impacts	5

ID#	Accession Number	Author/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Affiliation	Comment	Page Count
DP-00-196	ML12150A005	Minor, Doris (NRC contractor)	2012/05/09 Strata Energy Ross LA - RE: Visual Question DISREGARD PREVIOUS EMAIL	05/09/2012	E-Mail	Reber, Deb (NRC contractor)	Internal discussion between NRC contractors regarding visual impacts	4
DP-00-197	ML12150A003	Burgess, Anthony (NRC contractor)	2012/05/11 Strata Energy Ross LA - RE: [HEADER-SPAM] - Water Usage	05/11/2012	E-Mail	Johnson, Kathryn; Kindred, Scott; Minor, Doris (all NRC contractors)	Internal discussion between NRC contractors regarding projected water usage	2
DP-00-198	ML12150A004	Evans, Lauren (NRC contractor)	2012/05/21 Strata Energy Ross LA - RE: Cumulative Effects - Consideration	05/21/2012	E-Mail	Minor, Doris (NRC contractor)	Internal discussion between NRC contractors regarding cumulative impacts	5
DP-00-199	ML12143A002	Saxton, John (NRC/FSME)	2012/05/21 Strata Energy Ross LA - RE: Pre-Construction	05/21/2012	E-Mail	Moore, Johari (NRC/FSME); Albert, Michelle (NRC/OGC); Waldron, Ashley (NRC/FSME); Cohen, Stephen (NRC/FSME)	Internal discussion regarding pre-construction activities	2
DP-00-200	ML12145A006	Moore, Johari (NRC/FSME)	2012/05/22 Strata Energy Ross LA - FW: Final Rule for Definition of Construction Under Parts 30, 36, 40 and 70; and Treatment of Preconstruction in NRC NEPA Documents for Materials Licenses	05/22/2012	E-Mail and Attachment	Albert, Michelle (NRC/OGC); Safford, Carrie (NRC/OGC); Waldron, Ashley (NRC/FSME)	Internal discussion regarding pre-construction activities	19
DP-00-201	ML12145A005	Moore, Johari (NRC/FSME)	2012/05/22 Strata Energy Ross LA - RE: Final Rule for Definition of Construction Under Parts 30, 36, 40 and 70; and Treatment of Preconstruction in	05/22/2012	E-Mail	Minor, Doris (NRC contractor); Waldron, Ashley (NRC/FSME)	Internal discussion between the NRC staff and the NRC contractor regarding pre-construction activities	4

ID#	Accession Number	Author/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Affiliation	Comment	Page Count
			NRC NEPA Documents for Materials Licenses					
DP-00-202	ML12145A003	Moore, Johari (NRC/FSME)	2012/05/22 Strata Energy Ross LA - RE: Pre-Construction	05/22/2012	E-Mail	Albert, Michelle (NRC/OGC); Saxton, John (NRC/FSME); Waldron, Ashley (NRC/FSME); Cohen, Stephen (NRC/FSME)	Internal discussion regarding pre-construction activities	3
DP-00-203	ML12145A800	Minor, Doris (NRC contractor)	2012/05/23 Strata Energy Ross LA - SER-Dependent SEIS Sections	05/23/2012	E-Mail	Moore, Johari; Waldron, Ashley (both NRC/FSME)	Internal discussion between the NRC staff and the NRC contractor regarding preparation of the Draft SEIS	2

June 4, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

STRATA ENERGY, INC.)

(Ross In Situ Recovery Uranium Project))

Docket No. 40-9091-MLA

ASLBP No. 12-915-01-MLA-BD01

AFFIDAVIT OF JOHN SAXTON CONCERNING
MANDATORY DISCLOSURE

REQUIREMENT OF 10 C.F.R. § 2.336(c)

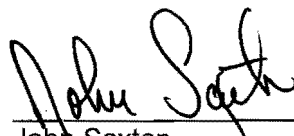
I, John Saxton, do hereby state as follows:

1. I am employed as a Hydrogeologist in the U.S. Nuclear Regulatory Commission's Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection, Decommissioning and Uranium Recovery Licensing Directorate. Among my responsibilities, I serve as Project Manager for Strata Energy, Inc.'s (Strata) application for a license to be used in connection with the proposed Ross *in situ* uranium recovery project. In this capacity, I am managing the preparation of the NRC Staff's hearing file and mandatory disclosures in connection with Strata's application.

2. I hereby certify that all materials that the Staff must disclose in this proceeding under 10 C.F.R. § 2.336(b) and (c), as modified by the Atomic Safety and Licensing Board's Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) (unpublished), have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed in Rockville, MD
this 4th day of June, 2012



John Saxton

June 4, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
STRATA ENERGY, INC.)	Docket No. 40-9091-MLA
)	
(Ross In Situ Recovery Uranium Project))	ASLBP No. 12-915-01-MLA-BD01
)	

DECLARATION OF KEITH McCONNELL

I, Keith McConnell, do hereby state as follows:

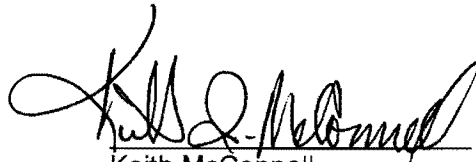
1. I am employed as Deputy Director in the U.S. Nuclear Regulatory Commission's Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection, Decommissioning and Uranium Recovery Licensing Directorate. My supervisory responsibilities include oversight of the NRC Staff's review and evaluation of Strata Energy, Inc.'s (Strata) application for a license to be used in connection with the proposed Ross *in situ* uranium recovery project.
2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for this proceeding, NRC staff members under my supervision identified a number of documents as privileged because they contain information concerning the Staff's deliberative process. Those documents are listed in Attachment 2 to the Staff's June 2012 Update to the Hearing File, which I understand will be filed on June 4, 2012.
3. I have personally reviewed the documents identified as privileged in Attachment 2 and have determined, in accordance with the guidance set forth in Management Directive 3.4, that all documents contain predecisional information concerning the Staff's review of Strata's license application. These documents contain the Staff's analyses, recommendations, opinions or evaluations, and they may not necessarily reflect the final agency position with respect to the

matters discussed therein. Each of the documents comprises part of the deliberative process necessary to the Staff's review of Strata's license application.

4. Further, I have determined that disclosure of the documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members or the Staff prior to reaching a final agency decision, potentially creating confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, when no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 to the Staff's June 2012 Update to the Hearing File, dated June 4, 2012.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



Keith McConnell

Executed in Rockville, Maryland
this 4th day of June, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
STRATA ENERGY, INC.)	Docket No. 40-9091-MLA
)	
(Ross In Situ Recovery Uranium Project))	ASLBP No. 12-915-01-MLA-BD01
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S JUNE 2012 UPDATE TO HEARING FILE AND DISCLOSURES" in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 4th day of June, 2012:

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/Signed (electronically) by/

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