

July 2, 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Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) (unpublished); and (2) formally invoking the deliberative process privilege for certain documents.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/

Michelle D. Albert
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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 – July 2, 2012**

| | Accession Number | Document Date | Title/Description |
|------------------|-------------------------|----------------------|--|
| 688 | ML12157A022 | 05/29/2012 | 2012/05/29 Strata Energy Ross LA - May 2012 Periodic Status Update on NEPA and NHPA for UR Projects |
| 689 | ML12157A025 | 05/29/2012 | 2012/05/29 Strata Energy Ross LA - Re: May 2012 Periodic Status Update on NEPA and NHPA for UR Projects |
| 690 | ML12157A027 | 05/31/2012 | 2012/05/31 Strata Energy Ross LA - Re: Ross Project Section 106 Support Activities - Statement of Work |
| 691 | ML12157A026 | 05/31/2012 | 2012/05/31 Strata Energy Ross LA - Ross Project Section 106 Support Activities - Statement of Work |
| 692 | ML12166A001 | 06/12/2012 | 2012/06/12 Strata Energy Ross LA - Ross ISR Project, Responses to 4th Round Comments |
| 693 | ML12179A404 | 06/27/2012 | 2012/06/27 Strata Energy Ross LA - Ross ISR Project, Docket #40-09091, TR RAI Response Figures 3.2-6 and 5.7-2 Non-Confidential Versions |
| 694 | ML12166A133 | 06/12/2012 | Letter from Strata Energy re: submittal of 4th round responses to Technical Comments on Strata Energy's Ross ISR project permit to Mine Application. |
| 695 | ML12142A196 | 06/27/2012 | NRC Responses to Strata's Requests for Clarification and Additional Questions. |
| 696 ¹ | ML12142A124 | 06/27/2012 | R. Knode ltr. re: Status of Section 106 Compliance for Strata Energy, Inc. Proposed Ross ISR Project. |
| 697 ² | ML12179A394 | 06/25/2012 | Redacted - TR Figure 5.7-2, Yellowcake Product Area Flowsheet. |
| 698 ³ | ML12179A389 | 06/27/2012 | Redacted TR Figure 3.2-6 |

¹ Enclosures 2 through 6 to this letter are not being disclosed in this month's update because these enclosures were previously disclosed by the Staff (in its initial disclosure on April 2, 2012). Enclosure 1 to this letter is being disclosed in this update.

² The non-public version of this document is identified in the Staff's May 2012 Proprietary Information Log as ADAMS Accession No. ML121020387.

| | Accession Number | Document Date | Title/Description |
|-----|-------------------------|----------------------|--|
| 699 | ML12166A146 | 06/12/2012 | Strata's Change Index. |
| 700 | ML12166A143 | 06/12/2012 | Strata's Response to 4th Round Technical Comments, Ross ISR Project. |

³ The non-public version of this document is identified in the Staff's May 2012 Proprietary Information Log as ADAMS Accession No. ML121020366.

ATTACHMENT 2
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
DELIBERATIVE PROCESS LOG
Update – July 2, 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-00-204 | ML12157A019 | Minor, Doris (NRC contractor) | 2012/05/22 Strata Energy Ross LA - Cumulative Impacts | 05/22/2012 | E-Mail and Attachment | Trenary, Barbara; Chapman, Cheryl; Miss, Chris; Reber, Deb; Vitucci, Jeff; Boese, Jerry; Johnson, Kathryn; Evans, Lauren; Gould, Linn; Kenner, Mary; Kindred, Scott; Burgess, Anthony; Weinman, Richard; Loucks-Jaret, Tina; Piper, Jessie (all NRC contractors) | Email transmitting draft sections of the Draft Supplemental Environmental Impact Statement (SEIS) and containing internal comments regarding the draft sections | 12 |
| DP-00-205 | ML12157A021 | Minor, Doris (NRC contractor) | 2012/05/24 Strata Energy Ross LA - FW: Preconstruction in the Ross Project SEIS | 05/24/2012 | E-Mail and Attachment | Trenary, Barbara; Chapman, Cheryl; Miss, Chris; Reber, Deb; Vitucci, Jeff; Boese, Jerry; Johnson, Kathryn; Evans, Lauren; Gould, Linn; Kenner, Mary; Kindred, Scott; Burgess, Anthony; Weinman, Richard; Loucks-Jaret, Tina; Piper, Jessie (all NRC contractors) | Internal discussion between NRC contractors regarding preconstruction activities | 6 |
| DP-00-206 | ML12157A020 | Minor, Doris (NRC contractor) | 2012/05/25 Strata Energy Ross LA - No-Action Alternative | 05/15/2012 | E-Mail | Miss, Chris; Weinman, Richard (both NRC contractors) | Internal discussion between NRC contractors regarding | 7 |

| ID# | Accession Number | Author/Affiliation | Title/Description | Document Date | Document Type | Addressee/Affiliation | Comment | Page Count |
|-----------|------------------|-----------------------------------|---|---------------|-----------------------|---|---|------------|
| | | | | | | | the no-action alternative | |
| DP-00-207 | ML12157A024 | Evans, Lauren (NRC contractor) | 2012/05/30 Strata Energy Ross LA - FW: Cumulative Effects - Consideration | 05/21/2012 | E-Mail | Minor, Doris (NRC contractor) | Internal discussion between NRC contractors regarding cumulative impacts | 5 |
| DP-00-208 | ML12157A023 | Johnson, Kathryn (NRC contractor) | 2012/05/30 Strata Energy Ross LA - RE: Questions Section 3: Geology, Soils, Water | 05/30/2012 | E-Mail and Attachment | Minor, Doris; Johnson, Kathryn (both NRC contractors) | Internal discussion between NRC contractors regarding geology, soils, and water resources | 30 |
| DP-00-209 | ML12171A021 | Minor, Doris (NRC contractor) | 2012/06/14 Strata Energy Ross LA - SWCA Deliverable for Subtask 5-D.2.A | 06/14/2012 | E-Mail and Attachment | Moore, Johari; Waldron, Ashley (NRC/FSME) | Email transmitting an internal, draft document from the NRC contractor regarding ethnographic context development | 13 |
| DP-00-210 | ML12171A025 | Vitucci, Jeff (NRC contractor) | 2012/06/19 Strata Energy Ross LA - FW: IDSEIS Socioeconomics Section 3.2.10, Table 3.RDN-A, and additional references | 04/30/2012 | E-Mail and Attachment | Minor, Doris (NRC contractor) | Email transmitting draft sections of the Draft SEIS and containing internal comments regarding the draft sections | 6 |
| DP-00-211 | ML12172A108 | Kindred, Scott (NRC contractor) | 2012/06/19 Strata Energy Ross LA - RE: CI of Geology and Soils | 06/19/2012 | E-Mail | Minor, Doris; Johnson, Kathryn (both NRC contractors) | Internal discussion between NRC contractors regarding geology and soils | 3 |

June 29, 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 |
| |) | |

AFFIDAVIT OF JOHN SAXTON CONCERNING
MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

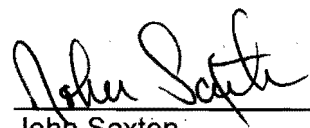
I, John Saxton, do hereby state as follows:

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 29th day of June, 2012



John Saxton

July 2, 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 July 2012 Update to the Hearing File, which I understand will be filed on July 2, 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 July 2012 Update to the Hearing File, dated July 2, 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 2nd day of July, 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 JULY 2012 UPDATE TO HEARING FILE AND DISCLOSURES" in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 2nd day of July, 2012:

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/Signed (electronically) by/

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