

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Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) (unpublished); and (2) formally invoking the deliberative process privilege for certain documents.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

Molly Barkman Marsh
Counsel for the NRC Staff
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Enclosures: Attachment 1: Hearing File Index
Attachment 2: Deliberative Process Log
Affidavit of John Saxton
Declaration of Bruce Watson

cc: Attached Service List

ATTACHMENT 1
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Update – August 2, 2012

	Accession Number	Document Date	Title/Description
701	ML12206A379	07/23/2012	Letter Re: Submittal of Reclamation Performance Bond Certificate, Ross ISR Project Permit to Mine Application, TFN 5 5/217.
702	ML121210004	06/28/2012	R. Knode Ltr Re: U.S. Nuclear Regulatory Commission Approval of Strata Energy, Inc.'s Request for Withholding Information From Public Disclosure for the Ross in Situ Recovery Project (TAC J00640).
703	ML12213A480	07/25/2012	Email re: Background Information on Ross Project Area, Crook County, Wyoming.

ATTACHMENT 2
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
DELIBERATIVE PROCESS LOG
Update – August 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-00-212	ML12192A044	Burgess, Tony (NRC Contractor)	2012/06/15 Strata Energy Ross LA - RE: CI Questions	06/15/2012	E-Mail	Minor, Doris; Johnson, Kathryn (both NRC contractors)	Internal discussion among NRC contractors regarding cumulative impacts	4
DP-00-213	ML12192A043	Piper, Jessie (NRC contractor)	2012/06/18 Strata Energy Ross LA - RE: Question	06/18/2012	E-Mail	Minor, Doris; Miss, Chris (both NRC contractors)	Internal discussion among NRC contractors regarding cultural resources	4
DP-00-214	ML12192A042	Johnson, Kathryn (NRC contractor)	2012/06/19 Strata Energy Ross LA - RE: Question	06/19/2012	E-Mail	Minor, Doris (NRC contractor)	Internal discussion between NRC contractors regarding changes to hydrogeology portions of a draft document	3
DP-00-215	ML12192A041	Johnson, Kathryn (NRC contractor)	2012/06/19 Strata Energy Ross LA - RE: Section 3 plus	06/19/2012	E-Mail	Minor, Doris; Loucks-Jaret, Tina (both NRC contractors)	Internal discussion between NRC contractors regarding geology, soils, and water resources	3

ID#	Accession Number	Author/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Affiliation	Comment	Page Count
DP-00-216	ML12192A040	Kindred, Scott (NRC contractor)	2012/06/20 Strata Energy Ross LA - RE: CI Questions	06/20/2012	E-Mail	Minor, Doris; Johnson, Kathryn (both NRC contractors)	Internal discussion among NRC contractors regarding cumulative impacts	3
DP-00-217	ML12201A004	Kenner, Mary (NRC contractor)	2012/07/18 Strata Energy Ross LA - Memo regarding status of SOW - Ross Site	07/18/2012	E-Mail with attachment	Moore, Johari; Waldron, Ashley, (both NRC/FSME); Minor, Doris; Miss, Chris (both NRC contractors)	E-mail transmitting attached memo discussing ongoing development of statement of work for cultural resource analysis	3

August 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
)	

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 Accord with 10 CFR 2.304(d)

John Saxton
U.S. Nuclear Regulatory Commission
Mail Stop T-8F5
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301-415-0697
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Executed in Rockville, MD
this 2nd day of August, 2012

August 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 BRUCE WATSON

I, Bruce Watson, do hereby state as follows:

1. I am employed as Chief of the Reactor Decommissioning Branch in the 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. On this date, I am acting for Keith McConnell, who is Deputy Director in the Division of Waste Management and Environmental Protection, with responsibility for the Decommissioning and Uranium Recovery Licensing Directorate. Keith McConnell's supervisory responsibilities, which have been delegated to me while I am acting on his behalf, 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 (ISR) 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 August Update to the Hearing File, which I understand will be filed on August 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 August Update to the Hearing File, dated August 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.

Executed in Accord with 10 CFR 2.304(d)

Bruce Watson
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301-415-6221
Bruce.Watson@nrc.gov

Executed in Rockville, Maryland
this 2nd day of August, 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 AUGUST 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 August, 2012:

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/Signed (electronically) by/

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