

August 8, 2012

U.S. Nuclear Regulatory Commission
Attn: Mr. John Saxton, Hydrogeologist – Mail Stop T8F5
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
11545 Rockville Pike, Two White Flint North
Rockville, MD 20852-2738

RE: Ross ISR Project, Docket #040-09091, Response to ER RAI Cultural-1(A), Supplement to the Environmental Report, Addendum 3.8-A National Register of Historic Places Evaluations: Testing of Selected Sites at the Proposed Ross ISR Project, Crook County, Wyoming


Dear John:

On behalf of Strata Energy, Inc. (Strata), WWC hereby submits the following in response to ER RAI Cultural-1(A). Three (3) bound copies of the Supplement for staff review and the enclosed confidentiality affidavit per 10 CFR Section 2.390(a)(3) as this document is Privileged and Confidential. The original bound version, cover letter, affidavit and one (1) compact disc is also being provided to the document control desk at:

ATTN: Document Control Desk
Director, Office of Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

If you have any questions or comments, please do not hesitate to contact Mr. Ralph Knode with Strata or myself.

Respectfully submitted,



Benjamin J. Schiffer,
WWC Project Manager

Enclosures: as noted

Cc: Dr. Alice Tretabas, BLM-NFO
Ms. Doris Minor, AEC
Ms. Mary Hopkins, WSHPO (via GCM Services)
Mr. Ralph Knode, Strata Energy
Mr. Miles Bennett, WDEQ/LQD-District 3 (cover letter only in duplicate)

FSMEZ1

STRATA ENERGY, INC.

Docket #040-09091

AFFIDAVIT OF RALPH KNODE, CHIEF EXECUTIVE OFFICER, STRATA ENERGY, INC.

1. **My name is Ralph Knode and I am the Chief Executive Officer (CEO) of Strata Energy, Inc. (Strata). I am authorized to execute this affidavit on behalf of Strata and may bind Strata to the statements contained herein;**
2. **This affidavit is attached to Strata's submission of an application to the United States Nuclear Regulatory Commission (NRC) for a combined source and 11e.(2) byproduct material license for its proposed in situ leach uranium recovery (ISR) project to be located near Oshoto in the State of Wyoming, NRC Docket #040-09091;**
3. **As part of its license application, Strata submitted a Technical Report (TR) and an Environmental Report (ER) that include data, information, and other items that qualify for withholding pursuant to 10 CFR § 2.390;**
4. **Portions of the license application submitted by Strata include cultural resources information that could be misused by unscrupulous artifact collectors to disturb archaeological or other historic and cultural sites and that should be subject to protection from public disclosure pursuant to 10 CFR § 2.390(a)(3):**
 - i. **Pursuant to NRC regulations at 10 CFR § 2.390, Strata has labeled the relevant pages of its license application, including its TR and ER, that pertain to historic and cultural resource sites requiring protection from public disclosure with the mandatory statement: "10 CFR Section 2.390(a)(3); Privileged and Confidential;"**
 - ii. **The ER Addendum 3.8-A has been supplemented in response to ER RAI Cultural-1(A) and contains information relating to historic and cultural resource sites requiring protection from public disclosure, and Strata hereby requests that these updates be withheld from public disclosure:**

--National Register of Historic Places Evaluations: Testing of Selected Sites at the Proposed Ross ISR Project, Crook County, Wyoming.
5. **For the following reasons, Strata asserts that the aforementioned supplement to its ER regarding historic and cultural resources should be withheld from public disclosure as privileged and confidential information:**

- i. The data and information contained in the above-mentioned portions of the ER are customarily held in confidence by businesses and other organizations seeking to protect information related to certain historic and cultural resources or confidential and/or proprietary business information;**
- ii. The data and information regarding historic and cultural resources or confidential and/or proprietary business information listed in Strata's license application are not available in any public sources;**
- iii. Release of the data and information contained in the above-mentioned portions of the ER may cause substantial harm to cultural resources on private and public property or Strata as a corporate entity for the following reasons:**
 - a. Certain individuals may use the information to unlawfully collect cultural artifacts for personal use; and**
 - b. The Wyoming State Historic Preservation office is responsible for the study and protection of cultural sites and artifacts and will be issued a full report detailing the location(s) and artifact(s) discovered;**
- iv. If it were to become publicly available, the historic and cultural resource information would provide no tangible benefit to members of the public since artifacts cannot be legally collected. Therefore, withholding the data and information designated by Strata for protection from public disclosure will not harm members of the public. However, as stated above, releasing the location of historic and cultural resource sites could result in the theft or destruction of potentially significant cultural artifacts; and**
- v. Strata fully understands that withholding the designated data and information does not deprive any independent party from inspecting the confidential information under the terms of an appropriate protective order in the context of an NRC licensing hearing or other administrative proceeding.**

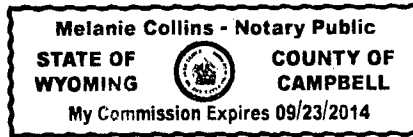


Ralph Knode, CEO
Strata Energy, Inc.

State of Wyoming)

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County of Campbell)



The foregoing Affidavit was affirmed and acknowledged before me this 10 day of August, 2012, by Mr. Ralph Knode, CEO of Strata Energy, Inc., a Wyoming corporation.

Witness my hand and official seal.

Melanie Collins
Notary Public

My commission expires: 9/23/14