

August 27, 2012

U.S. Nuclear Regulatory Commission
Attn: Ms. Johari A. Moore, Project Manager– Mail Stop T-8F05
FSME/DWMEP/Environmental Review Branch B
11545 Rockville Pike, Two White Flint North
Rockville, MD 20852-2738

RE: Ross ISR Project, Docket #040-09091, Draft Supplemental Map ‘Indirect APE Analysis’ for Section 106 Tribal Consultation

Dear Johari:

On behalf of Strata Energy, Inc. (Strata), WWC Engineering (WWC) hereby submits the following confidentiality affidavit and draft map depicting the prehistoric sites on record within three (3) miles of the Ross ISR Project license boundary.

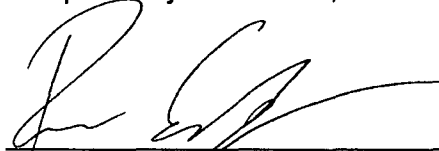
As indicated on the map, none of the previously recorded sites that could be of interest to Native American groups is within the viewshed of the Ross Project. Additionally, only three (3) of 58 total sites fall in areas that may be visible from the Project. With this in mind, we would suggest that there is zero indirect effect on prehistoric sites within this APE.

A copy of the affidavit, cover letter, map and CD is also being provided to the document control desk at:

ATTN: U.S. Nuclear Regulatory Commission
Document Control Desk
Director, Office of Federal and State Materials and Environmental Management Programs
11555 Rockville Pike,
Rockville, MD 20852-2739

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, P.G.
WWC Project Manager

Enclosures: as noted

cc: Ralph Knode, Strata Energy
Doris Minor, AEC
Dr. Alice Tretabas, BLM-NFO
Dave Ferguson, GCM Services
Miles Bennett, WDEQ/LQD (w/o enclosures)

FSME20

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. **As part of the ongoing Section 106 consultation, Strata has been asked to develop a draft map depicting previously recorded archeological sites adjacent to the Ross ISR Project while incorporating the viewshed analysis presented in the Ross ER. Strata hereby requests that this draft map be withheld from public disclosure:**

--Ross ISR Project, Draft Indirect APE Analysis
5. **For the following reasons, Strata asserts that the aforementioned map depicting prehistoric and cultural resources should be withheld from public disclosure as privileged and confidential information:**

- i. The data and information contained in the above-mentioned draft map are customarily held in confidence by businesses and other organizations seeking to protect information related to certain prehistoric and cultural resources or confidential and/or proprietary business information;**
- ii. The data and information regarding prehistoric 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 draft map 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.

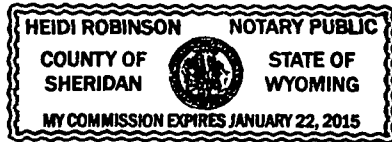
State of Wyoming)

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County of SHERIDAN)

The foregoing Affidavit was affirmed and acknowledged before me this 27 day of August, 2012, by Mr. Ralph Knode, CEO of Strata Energy, Inc., a Wyoming corporation.

Witness my hand and official seal.



Heidi Robinson
Notary Public

My commission expires: 1/22/2015