

February 4, 2013

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
Mail Stop T-3 F23
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 an affidavit 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Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) (unpublished).

Respectfully submitted,

/Signed (electronically) by/

Emily Monteith
Counsel for the NRC Staff
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Enclosures: Attachment 1: Hearing File Index
Attachment 2: Sensitive Information Log
Affidavit of John Saxton

cc: Attached Service List

ATTACHMENT 1
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Update – February 4, 2013

	Accession Number	Document Date	Title/Description
729	ML13024A325	12/31/1964	Stratigraphy and Structure of the Northern and Western Flanks of the Black Hills Uplift, Wyoming, Montana and South Dakota.
730	ML13023A235	12/31/1975	Stratigraphic and Paleoenvironment Data for the Uranium-Bearing Lance and Fox Hills Formations, Crook and Northern Weston Counties, Northeastern Wyoming.
731	ML13015A552	11/01/1978	Protective Noise Levels Condensed Version of EPA Levels Document.
732	ML13022A452	12/31/1982	Probabilistic Estimates of Maximum Acceleration and Velocity in Rock in the Contiguous United States.
733	ML13014A664	01/17/1986	Manual H-84-8410-1 - Visual Resource Inventory.
734	ML13011A379	01/17/1986	Visual Resource Contrast Rating.
735	ML13011A329	12/31/1990	Earthquake Hazard Associated with Deep Well Injection - A Report to the USEPA.
736	ML13022A443	12/31/1992	The Lance Formation - Petrography and Stratigraphy, Powder River Basin and Nearby Basins, Wyoming and Montana.
737	ML13024A064	08/01/1994	Topsoil and Overburden.
738	ML13011A269	02/28/1995	Decommissioning of U.S. Uranium Production Facilities.
739	ML13023A373	06/30/1995	Highway Traffic Noise Analysis and Abatement Policy and Guidance.
740	ML13011A281	12/31/1996	Stratigraphy and Tectonic Implications of Upper Cretaceous Rocks in the Powder River Basin, Northeastern Wyoming and Southeastern Montana.
741	ML13024A059	12/11/1997	Approval of the Non-Significant Revision of the State of Wyoming Underground Injection Control Program Comprised by the Aquifer Exemption of the Minnelusa Formation of Underlying Portions of Campbell County, WY.
742	ML13011A335	12/31/1998	National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties.
743	ML13023A267	01/04/2000	Status Review of the Ute Ladies Tresses (<i>Spiranthes Diluvalis</i>) in Wyoming in Wyoming Natural Diversity Database.
744	ML13016A384	09/01/2000	Record of Decision and Approved Resource Management Plan for Public Lands Administered by the Newcastle Field Office.

	Accession Number	Document Date	Title/Description
745	ML13015A557	03/01/2001	Class 1 Underground Injection Control Program: Study of the Risks Associated with Class I Underground Injection Wells.
746	ML13016A388	06/21/2001	Wyoming Surface Water Classification List.
747	ML13024A156	02/28/2002	Northeast Wyoming River Basin Plan, Final Report.
748	ML13023A274	09/01/2002	Basic Seismological Characterization for Crook County, Wyoming.
749	ML13016A323	11/01/2004	Bureau of Land Management, National Sage-Grouse Habitat Conservation Strategy.
750	ML13015A691	04/06/2005	Groundwater Sampling for Metals Summary.
751	ML13015A683	05/06/2005	Implementation Policy for Radium Effluents Limits in WYPDES Permits.
752	ML13024A147	07/12/2005	A Comprehensive Wildlife Conservation Strategy for Wyoming.
753	ML13016A451	07/31/2005	Task 2 Report for the Powder River Basin Coal Review, Past and Present and Reasonably Foreseeable Development Activities.
754	ML13011A392	12/31/2005	Task 3C Report for the Powder River Basin Coal Review Cumulative Social and Economic Effects.
755	ML13016A281	08/15/2006	Northeast Wyoming Sage-Grouse Conservation Plan.
756	ML13016A463	03/09/2007	Final Report, Mountain Plover (<i>Charadrius Montanus</i>) Biological Evaluation.
757	ML13011A261	04/30/2007	Wyoming Greenhouse Gas Inventory and Reference Case Projections 1990-2020.
758	ML13024A331	03/01/2008	Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region.
759	ML13015A579	04/01/2008	Technical Report on Technologically Enhanced Naturally Occurring Radioactive Materials from Uranium Mining, Volume 1: Mining and Reclamation Background.
760	ML13016A474	10/31/2008	Update of Task 3A Report for the Powder River Basin Coal Review, Cumulative Air Quality Effects for 2015.
761	ML13024A061	11/30/2008	Black-Footed Ferret (<i>Mustela Nigripes</i>), Five-Year Review: Summary and Evaluation.
762	ML13016A478	12/31/2008	Final Environmental Impact Statement for the West Antelope II Coal Lease Application WYW163340.
763	ML13022A455	05/31/2009	Conservation Plan for the Mountain Plover (<i>Charadrius Montanus</i>).
764	ML13011A248	07/31/2009	Sage-Grouse and Wind Energy: Biology, Habits, and Potential Effects from Development.
765	ML13014A657	12/01/2009	Update of the Task 2 Report for the Powder River Basin Coal Review Past and Present and Reasonably Foreseeable Development Activities.

	Accession Number	Document Date	Title/Description
766	ML13014A730	12/31/2009	2007 Census of Agriculture, Volume 1, Geographic Area Series - Part 51.
767	ML13016A480	03/01/2010	Recommendations for Development of Oil and Gas Resources Within Important Wildlife Habitats.
768	ML13015A591	04/01/2010	Cumulative Hydrological Impact Assessment of Coal Mining in the Northern Powder River Basin, Wyoming.
769	ML13015A695	04/23/2010	Authorization to Discharge Wastewater Associated with Pump Testing of Water Wells Under the Wyoming Pollutant Discharge Elimination System.
770	ML13023A281	04/06/2011	Memorandum of Understanding for Improvement and Maintenance of Crook County Roads Providing Access to the Ross ISR Project.
771	ML13015A702	06/02/2011	Greater Sage-Grouse Core Area Protection.
772	ML13014A670	06/30/2011	Environmental Assessment Bentonite Mine Plan of Operation Update to Wyoming Mining Permit 321C WYW-165212.
773	ML13029A254	11/10/2011	Wyoming Climate Summary, Temperature.
774	ML13011A271	05/31/2012	2011 Domestic Uranium Production Report.
775	ML13008A006	01/04/2013	2013/01/04 Strata Energy Ross LA - Org Chart for Strata Energy
776	ML13008A007	01/04/2013	2013/01/04 Strata Energy Ross LA - Ross ISR Project, Follow-up to December 20, 2012 Public Meeting
777	ML13014A499	01/08/2013	M. Griffin email re: Strata Energy Letter Regarding Cultural Resource Inventory of Ross ISR Project.
778	ML13011A278	01/11/2013	Hydrogeologic Framework and Estimates of Groundwater Volumes in Tertiary and Upper Cretaceous Hydrogeologic Units in the Powder River Basin, Wyoming.
779	ML13029A247	01/15/2013	Available [GIS] Data, Wyoming.
780	ML13024A346	01/15/2013	Collection of Fossil Vertebrates Database.
781	ML13029A319	01/15/2013	Final Environmental Impact Statement for the Northern Great Plains Management Plan.
782	ML13024A347	01/15/2013	Powder River Basin Interactive Map.
783	ML13015A528	01/15/2013	U.S. EPA Region 8 Climate Change Strategic Plan, Appendix B, "Summary of State Greenhouse Gas Emissions Inventories in EPA Region 8, Draft."
784	ML13016A279	01/16/2013	Guidelines for Evaluating and Documenting Traditional Cultural Properties.
785	ML13017A259	01/17/2013	Earthquakes in Wyoming.
786	ML13017A256	01/17/2013	Regional Climate Impacts: Great Plains.

	Accession Number	Document Date	Title/Description
787	ML13024A320	01/24/2013	Ground-water-flow Systems in the Powder River Structural Basin, Wyoming and Montana.
788	ML13024A164	01/24/2013	How to Apply the National Register Criteria for Evaluation.
789	ML13024A167	01/24/2013	Oil and Gas Map of the Powder River Basin, Wyoming.
790	ML13024A154	01/24/2013	The Chemical Quality of the Ground Water in Harold A. Whitcomb and Donald A. Morris, Ground-Water Resources and Geology of Northern and Western Crook County, Wyoming.
791	ML13024A069	01/24/2013	Water Quality Rules and Regulations, Chapter 1.
792	ML13024A344	01/25/2013	Energy Development and Greater Sage-Grouse, Chapter 21, under Ecology and Conservation of Greater Sage-Grouse: A Landscape Species and its Habitats.
793	ML13024A342	01/25/2013	Wyoming Climate Summaries for Colony, Wyoming (481905).
794	ML13029A270	01/29/2013	Wyoming Climate Summary, Precipitation.

ATTACHMENT 2
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
SENSITIVE INFORMATION LOG
Update – February 4, 2013

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 sensitive information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents withheld because they contain sensitive information that, under 10 C.F.R. § 2.390(a)(3), is exempt from disclosure.

ID#	Accession Number	Author/ Affiliation	Title / Description	Document Date	Document Type	Comment	Page Count
S-00-21	ML13016A305	The Uranium Institute	The Uranium Institute: The Smith Ranch Uranium Project.	09/05/1997	Report	Copyright protected.	14
S-00-22	ML13014A530	Strata Energy, Inc.	M. Griffin ltr. re: Response to Comments Regarding Supplement to Class III Cultural Resource Inventory for Ross Project.	01/8/2013	Letter	Use controlled by Section 304 of the National Historic Preservation Act.	19
S-00-23	ML13017A252	Smithsonian Institution	Volume 13 Part 1 of 2 Plains: "Hunting and Gathering Tradition: Northwestern and Central Plains".	01/17/2013	Article	Copyright protected.	18
S-00-24	ML13022A460	Avian Power Line Interaction Committee, Edison Electric Institute, and California Energy Commission	Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.	01/22/2013	Report	Copyright protected.	227
S-00-25	ML13023A313	Smithsonian Institution	"Introduction" in Plains (Raymond J. DeMallie, Volume Editor) in Handbook of the American Indian.	01/23/2013	Article	Copyright protected.	18
S-00-26	ML13023A252	Wyoming Geological Association	"The Lewis, Fox Hills and Lance Formations of Upper Cretaceous Age in the Powder River Basin, Wyoming" in Thirteenth Annual Field Conference Guidebook, Powder River Basin.	01/23/2013	Article	Copyright protected.	3

February 4, 2013

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
Washington, DC 20555-0001
301-415-0697
John.Saxton@nrc.gov

Executed in Rockville, MD
this 4th day of February, 2013

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

Pursuant to 10 C.F.R § 2.305 (revised), I hereby certify that copies of the foregoing "NRC STAFF'S FEBRUARY 2013 UPDATE TO HEARING FILE AND DISCLOSURES" in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 4th day of February, 2013.

/Signed (electronically) by/

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Date of Signature: February 4, 2013