

March 4, 2014

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 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Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) (unpublished); and (2) formally invoking the deliberative process privilege for certain documents.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
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-1117
Molly.BarkmanMarsh@nrc.gov

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Deliberative Process Log
Affidavit of Johari Moore
Declaration of Andrew Persinko

cc: Attached Service List

ATTACHMENT 1
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Update – March 4, 2014

	Accession Number	Document Date	Title/Description
987	ML14034A007	01/28/2014	2014/01/28 Strata Energy Ross LA - Ross Final Draft PA Interim Review
988	ML14034A012	01/30/2014	2014/01/30 Strata Energy Ross LA - RE: Ross Final Draft PA Interim Review
989	ML14002A105	02/04/2014	B. VonTill Memo Re: Corrected Safety Evaluation Report Materials License No. SUA-1601 Strata Energy, Inc., Ross ISR Project, Crook County, WY.
990	ML14002A111	02/04/2014	Fifth Draft License for Strata Energy, Inc.
991	ML14002A107	02/04/2014	Final Safety Evaluation Report (SER) (Revised Jan 2014).
992	ML14051A013	02/13/2014	2014/02/13 Strata Energy Ross LA - RE: FW: Ross tribal site boundary shapefiles, attached
993	ML14051A016	02/14/2014	2014/02/14 Strata Energy Ross LA - RE: Ross Project Draft Programmatic Agreement - FINAL DRAFT FOR COMMENT
994	ML14051A017	02/18/2014	2014/02/18 Strata Energy Ross LA - RE: Ross Project Draft Programmatic Agreement - FINAL DRAFT FOR COMMENT
995	ML14051A020	02/18/2014	2014/02/18 Strata Energy Ross LA - Ross ISR Project, Docket # 040-09091, TR Replacement Pages
996	ML14052A003	02/20/2014	2014/02/20 Strata Energy Ross LA - Ross tribal site boundary shapefiles, attached
997	ML14056A112	02/24/2014	2014/02/24 Strata Energy Ross LA - Ross Project Draft Programmatic Agreement - WORKING DRAFT for 2-26-14 Webinar and Webinar Agenda

Attachment 2
STRATA ROSS Hearing File and Mandatory Disclosures
Deliberative Process Log
Update – March 4, 2014

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-00-223	ML14057A764	Minor, Doris (NRC contractor)	2014/01/15 Strata Energy Ross LA - RE: 032-065	01/15/2014	Email	Moore, Johari (NRC/FSME)	Internal discussion regarding draft of Final SEIS	4
DP-00-224	ML14057A768	Saxton, John (NRC/FSME)	2014/01/15 Strata Energy Ross LA - RE: Info Request	01/15/2014	Email	Moore, Johari (NRC/FSME)	Internal discussion regarding draft of Final SEIS	5
DP-00-225	ML14057A758	Johnson, Kathryn (NRC contractor)	2014/01/16 Strata Energy Ross LA - RE: RP032-089 Missing from B3	01/16/2014	Email	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Minor, Doris (NRC contractor)	Internal discussion regarding draft of Final SEIS	4
DP-00-226	ML14057A504	Moore, Johari (NRC/FSME)	2014/01/16 Strata Energy Ross LA - RE: Comments: RP017-011; RP032-055	01/16/2014	Email	Johnson, Kathryn (NRC contractor); Minor, Doris (NRC contractor)	Internal discussion regarding draft of Final SEIS	3
DP-00-227	ML14057A507	Minor, Doris (NRC contractor)	2014/01/16 Strata Energy Ross LA - RE: RP041-007	01/16/2014	Email	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Johnson, Kathryn (NRC contractor)	Internal discussion regarding draft of Final SEIS	3
DP-00-228	ML14057A508	Moore, Johari (NRC/FSME)	2014/01/16 Strata Energy Ross LA - RE: B.5.23 Waste Management	01/16/2014	Email	Minor, Doris (NRC contractor); Johnson, Kathryn (NRC contractor)	Internal discussion regarding draft of Final SEIS	10
DP-00-229	ML14057A760	Minor, Doris (NRC contractor)	2014/01/16 Strata Energy Ross LA - RE: Missing Comments in B3	01/16/2014	Email	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Johnson, Kathryn (NRC	Internal discussion regarding draft of Final SEIS	4

ID#	Accession Number	Author/Affiliation	Title/Description	Document Date	Document Type	Addressee/Affiliation	Comment	Page Count
						contractor)		
DP-00-230	ML14057A763	Moore, Johari (NRC/FSME)	2014/01/16 Strata Energy Ross LA - FW: RP032-033 and RP032-020	01/16/2014	Email and attached document	Minor, Doris (NRC contractor); Johnson, Kathryn (NRC contractor)	Internal discussion regarding draft of Final SEIS	11
DP-00-231	ML14057A491	Moore, Johari (NRC/FSME)	2014/01/22 Strata Energy Ross LA - AppendixB2 - Responses to Final OGC Comments	01/22/2014	Email and attached document	Minor, Doris (NRC contractor); Johnson, Kathryn (NRC contractor)	Internal discussion regarding draft of Final SEIS	23
DP-00-232	ML14057A503	Moore, Johari (NRC/FSME)	2014/01/22 Strata Energy Ross LA - AppendixB2 - Responses to Final JLS Comments	01/22/2014	Email and attached document	Minor, Doris (NRC contractor); Johnson, Kathryn (NRC contractor); Waldron, Ashley (NRC/FSME)	Internal discussion regarding draft of Final SEIS	21
DP-00-233	ML14057A497	Moore, Johari (NRC/FSME)	2014/01/22 Strata Energy Ross LA - AppendixB1 - Responses to Final OGC Comments	01/22/2014	Email and attached document	Minor, Doris (NRC contractor); Johnson, Kathryn (NRC contractor); Waldron, Ashley (NRC/FSME)	Internal discussion regarding draft of Final SEIS	14
DP-00-234	ML14057A475	Minor, Doris (NRC contractor)	2014/01/23 Strata Energy Ross LA - RE: AppendixB1 - Responses to Final JLS Comments	01/23/2014	Email and attached document	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Johnson, Kathryn (NRC contractor)	Internal discussion regarding draft of Final SEIS	7
DP-00-235	ML14057A482	Minor, Doris (NRC contractor)	2014/01/23 Strata Energy Ross LA - RE: AppendixB1 - Responses to Final JLS Comments	01/23/2014	Email and attached document	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Johnson, Kathryn (NRC contractor)	Internal discussion regarding draft of Final SEIS	7
DP-00-236	ML14057A488	Moore, Johari (NRC/FSME)	2014/01/23 Strata Energy Ross LA - RE: AppendixB2 - Responses to Final JLS Comments	01/23/2014	Email and attached document	Minor, Doris (NRC contractor)	Internal discussion regarding draft of Final SEIS	56

ID#	Accession Number	Author/Affiliation	Title/Description	Document Date	Document Type	Addressee/Affiliation	Comment	Page Count
DP-00-237	ML14057A215	Moore, Johari (NRC/FSME)	2014/01/24 Strata Energy Ross LA - RE: Section 4	01/24/2014	Email	Minor, Doris (NRC contractor); Johnson, Kathryn (NRC contractor); Waldron, Ashley (NRC/FSME)	Internal discussion regarding draft of Final SEIS	3
DP-00-238	ML14057A234	Minor, Doris (NRC contractor)	2014/01/24 Strata Energy Ross LA - FW: Final OGC Comments on the Front Matter	01/24/2014	Email and attached document	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Johnson, Kathryn (NRC contractor)	Internal discussion regarding draft of Final SEIS	8
DP-00-239	ML14057A220	Johnson, Kathryn (NRC contractor)	2014/01/24 Strata Energy Ross LA - RE: Section 4	01/24/2014	Email	Moore, Johari (NRC/FSME); Minor, Doris (NRC contractor)	Internal discussion regarding draft of Final SEIS	2
DP-00-240	ML14057A237	Moore, Johari (NRC/FSME)	2014/01/24 Strata Energy Ross LA - RE: SEIS Revised Section 6	01/24/2014	Email and attached document	Johnson, Kathryn (NRC contractor); Minor, Doris (NRC contractor)	Internal discussion regarding draft of Final SEIS	20
DP-00-241	ML14057A473	Moore, Johari (NRC/FSME)	2014/01/24 Strata Energy Ross LA - FW: AppendixB2 - Responses to Final JLS Comments	01/24/2014	Email and attached document	Saxton, John (NRC/FSME)	Internal discussion regarding draft of Final SEIS	9
DP-00-242	ML14057A468	Moore, Johari (NRC/FSME)	2014/01/24 Strata Energy Ross LA - FW: SEIS Revised Section 4	01/24/2014	Email and attached document	Saxton, John (NRC/FSME)	Internal discussion regarding draft of Final SEIS	128
DP-00-243	ML14057A223	Johnson, Kathryn (NRC contractor)	2014/01/24 Strata Energy Ross LA - RE: AppendixB2 - Responses to Final OGC Comments	01/24/2014	Email	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Minor, Doris (NRC contractor)	Internal discussion regarding draft of Final SEIS	3
DP-00-244	ML14057A214	Johnson, Kathryn (NRC contractor)	2014/01/27 Strata Energy Ross LA - RE: Final OGC Comments on the Front Matter	01/27/2014	Email	Moore, Johari (NRC/FSME); Minor, Doris (NRC contractor)	Internal discussion regarding draft of Final SEIS	5

March 4, 2014

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 JOHARI MOORE CONCERNING
MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, Johari Moore, do hereby state as follows:

1. I am employed as a Project Manager 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, Environmental Protection and Performance Assessment Directorate. Among my responsibilities, I serve as the Environmental Review 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) (June 3, 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)

Johari Moore
U.S. Nuclear Regulatory Commission
Mail Stop T-8F5
Washington, DC 20555-0001
301-415-7694
Johari.Moore@nrc.gov

Executed in Rockville, MD
This 4th day of March, 2014

March 4, 2014

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 ANDREW PERSINKO

I, Andrew Persinko, do hereby state as follows:

1. I am employed as Deputy Director 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. 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 (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 twenty-two (22) documents as privileged because they contain information concerning the Staff's deliberative process. These documents are listed in Attachment 2 to the Staff's March 2014 Update to the Hearing File, which I understand will be filed March 3, 2014.

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 the documents contain predecisional information concerning the Staff's review of Strata's license application. The 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. These documents comprise 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 the documents listed in Attachment 2 to the Staff's March 2014 Update to the Hearing File, dated March 3, 2014.

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)/

Andrew Persinko
U.S. Nuclear Regulatory Commission
Mail Stop T-8F5
Washington, DC 20555-0001
301-415-7479

Executed in Rockville, Maryland
this 27th day of February, 2014

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 MARCH 2014 UPDATE TO HEARING FILE AND DISCLOSURES" in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 4th day of March, 2014.

/Signed (electronically) by/

Molly Barkman Marsh
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-1117
Molly.BarkmanMarsh@nrc.gov

Date of Signature: March 4, 2014