

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Memorandum and Order (Additional Provisions Governing Mandatory Disclosures/Hearing File Updates) (May 2, 2012) (unpublished); and (2) formally invoking the deliberative process privilege for certain documents.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

Emily Monteith
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-2718
Emily.Monteith@nrc.gov

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Deliberative Process Log
Affidavit of Johari Moore
Declaration of Bill Von Till

cc: Attached Service List

**ATTACHMENT 1
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Update – May 2, 2014**

	Accession Number	Document Date	Title/Description
1017	ML14086A681	03/31/2014	M. Griffin Ltr Re: Response to February 21, 2014 Letter and March 18,2014 Email.
1018	ML14086A687	03/31/2014	Additional Information Regarding Ross Project Site Boundary Delineation
1019	ML14104A136	04/03/2014	2014/04/03 Strata Energy Ross LA - Proposed Met License Condition for Ross
1020	ML14104A143	04/08/2014	2014/04/08 Strata Energy Ross LA - Ross Draft License
1021	ML14079A478	04/10/2014	Ross Project Programmatic Agreement.
1022	ML14083A572	04/10/2014	Ross Project PA Appendix A.
1023	ML14083A577	04/10/2014	Ross Project PA Appendix B.
1024	ML14104A147	04/11/2014	2014/04/11 Strata Energy Ross LA - Ross Project Final Programmatic Agreement for Signature
1025	ML14107A055	04/14/2014	2014/04/14 Strata Energy Ross LA - RE: Additional materials to SHPO
1026	ML14107A482	04/17/2014	Strata Programmatic Agreement Signature Page for Ralph Knode.
1027	ML14107A513	04/17/2014	2014/04/17 Strata Energy Ross LA - Draft License Condition 12.13
1028	ML14107A509	04/17/2014	2014/04/17 Strata Energy Ross LA - Final Draft Ross License for Strata's Agreement
1029	ML14107A508	04/17/2014	2014/04/17 Strata Energy Ross LA - RE: Ross Project Final Programmatic Agreement for Signature
1030	ML14112A094	04/17/2014	Signature Pages for Strata Programmatic Agreement from Wyoming State Historic Preservation Officer and Wyoming Attorney General.
1031	ML14083A240	04/18/2014	Supplemental Safety Evaluation Report: Ross Isr Project, Crook County, Wyoming Evaluation Of Long-Term Representativeness Of The Meteorological Data (TAC No. J00649).
1032	ML14112A251	04/21/2014	Letter from Strata Energy re: Response to NRC letter of March 31, 2014.
1033	ML14113A292	04/22/2014	Signatures from Bureau of Land Management and Wyoming SHPO for Ross Programmatic Agreement.
1034	ML14113A151	04/23/2014	NUREG-1910 Supp 5 Errata, "Final Environmental Impact Statement for the Ross ISR Project in Crook County, Wyoming: Supplement to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities."
1035	ML14114A657	04/24/2014	Advisory Council on Historic Preservation Signature Page for Ross Programmatic Agreement.

ATTACHMENT 1
STRATA ROSS HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Update – May 2, 2014

	Accession Number	Document Date	Title/Description
1036	ML14073A103	04/24/2014	L. Camper Memo Re: Approval to Publish "U.S. Nuclear Regulatory Commission Record of Decision for the Ross Uranium In-Situ Recovery Project in Crook County, Wyoming".
1037	ML14073A107	04/24/2014	Ross Record of Decision for the proposed Ross Uranium In-Situ Recovery (ISR) Project in Crook County, Wyoming (Ross Project).
1038	ML14069A322	04/24/2014	R. Knode Ltr Re: Issuance of Source and Byproduct Materials License SUA-1601 Strata Energy, Inc. Ross ISR Project in Crook County, Wyoming.
1039	ML14069A335	04/24/2014	Source and Byproduct Materials License SUA-1601: Strata Energy Inc., Ross ISR Project.

Attachment 2
STRATA ROSS Hearing File and Mandatory Disclosures
Deliberative Process Log
Update – May 2, 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-00-245	ML14104A084	Johnson, Kathryn (NRC contractor)	2014/04/08 Strata Energy Ross LA - RE: Letter to the Board re license issuance	04/08/2014	Email	Moore, Johari (NRC/FSME); Waldron, Ashley (NRC/FSME); Minor, Doris (NRC contractor)	Internal discussion regarding letter to the Board re license issuance	23
DP-00-246	ML14107A053	Johnson, Kathryn (NRC contractor)	2014/04/11 Strata Energy Ross LA - RE: Discuss Groundwater Restoration	04/11/2014	Email	Moore, Johari (NRC/FSME); Minor, Doris (NRC contractor)	Internal discussion regarding groundwater restoration	58

May 2, 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 2nd day of May, 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 BILL VON TILL

I, Bill Von Till, do hereby state as follows:

1. I am employed as Branch Chief of the Uranium Recovery Licensing Branch in the U.S. Nuclear Regulatory Commission's (NRC's) Office of Federal and State Materials and Environmental Management Programs, Division of Waste Management and Environmental Protection, Decommissioning and Uranium Recovery Licensing Directorate. I am currently acting on behalf of Andrew Persinko, who is Deputy Director in the NRC'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 two (2) documents as privileged because they contain information concerning the Staff's deliberative process. These documents are listed in Attachment 2 to the Staff's May 2014 Update to the Hearing File, which I understand will be filed May 2, 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 May 2014 Update to the Hearing File, dated May 2, 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)/

Bill Von Till
U.S. Nuclear Regulatory Commission
Mail Stop T-8E29
Washington, DC 20555-0001
301-415-0598

Executed in Rockville, Maryland
this 2nd day of May, 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 MAY 2014 UPDATE TO HEARING FILE AND DISCLOSURES" in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 2nd day of May, 2014.

/Signed (electronically) by/

Emily Monteith
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-2718
Emily.Monteith@nrc.gov

Date of Signature: May 2, 2014