

June 28, 2012

Mr. Ralph Knode
Chief Operating Officer
Strata Energy, Inc.
P.O. Box 2318
Gillette, WY 82716

Subject: U.S. NUCLEAR REGULATORY COMMISSION APPROVAL OF STRATA
ENERGY, INC.'S REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE FOR THE ROSS IN SITU RECOVERY PROJECT
(TAC J00649)

Dear Mr. Knobe:

On behalf of Strata Energy, Inc. (Strata), Mike Butcher, Chief Financial Officer, submitted an affidavit dated March 30, 2013, requesting information contained in Strata's Response to the Nuclear Regulatory Commission (NRC) Staff's request for additional information on the Ross In Situ Recovery (ISR) Project Source and Byproduct Material License Application be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. The specific information requested to be withheld is as follows:

<u>Location</u>	<u>Title</u>
Technical Report Figure 3.2-6	Yellowcake Drying and Packaging Flowsheet
Technical Report Figure 5.7-2	Yellowcake Product Area Flowsheet

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because:

- information on the figures represents proprietary business information and that information is held in confidence by Strata; this information is not provided by Strata to public or private entities; the information is being transmitted to the U.S. Nuclear Regulatory Commission (NRC) Staff in the license application in confidence; and, the information is not available in any public sources and public disclosure may cause substantial harm to Strata and their consultant Lyntek as their competitors would be able to replicate the designs and processes contained in the information and cause harm to their competitive advantage as Lyntek and Strata have invested considerable sums of human and financial resources to produce the innovative designs and processes and public disclosure would result in the investments being wasted.

The above figures replace those in the original application which were withheld from public disclosure in accordance with 10 CFR 2.390. Staff has reviewed the revised information and has determined that it contains proprietary commercial information and should be withheld as requested. Strata did provide non-proprietary versions of the information to NRC (ADAMS Accession Nos. ML12179A394 and ML12179A389). Therefore, the revised figures 3.2-6 and 5.7-2, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding information from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. Should the need arise, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

Should the basis for withholding this information from public disclosure change in the future such that the information could be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, should the NRC make a determination adverse to the above, you will be notified of the date of public disclosure, in advance, which will be a reasonable time thereafter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have question regarding this matter, please contact me at 301-415-0697, or via email at john.saxton@nrc.gov.

Sincerely,

/RA/

John L. Saxton, Hydrogeologist
Uranium Recovery Licensing Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-09091

cc:

Christopher S. Pugsley, Thompson & Pugsley, PLLC
Benjamin J. Schiffer, P.G., WWC Engineering

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