

StrataRossLAPEm Resource

From: Saxton, John
Sent: Thursday, May 09, 2013 9:49 AM
To: Hank Delen
Cc: StrataRossLA Resource
Subject: RE: Strata Energy Inc, and NRC schedule

Mr. Delen,

My name is John Saxton. I am the NRC project manager for the Strata Energy Ross ISR Project Application. Molly Marsh forwarded me your request for information about the Strata Energy licensing proceeding. I will do my best to answer your questions.

First, the schedule revision that was recently published will not affect the overall licensing schedule. The revised schedule only pertains to contentions on the Draft Environmental Impact Statement. The Final Environmental Impact Statement is still scheduled to be published in November of this year. That leads me to your question about the license being issued in December. The NRC's regulations require the staff to promptly approve or deny license applications for uranium recovery projects during the pendency of a hearing before the Board. You can find that provision in the code of federal regulations, 10 CFR 2.1202(a), available at: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-1202.html> Once the Final Environmental Impact Statement has been issued—assuming that it recommends approving the license—the NRC staff will approve the license application and issue a license. That being said, when the license is issued, the intervenor could request a stay from the Board such that Strata could not begin construction or operation.

After the Final Environmental Impact Statement is issued in November 2013, the intervenors have another opportunity to file new or amended contentions on the NRC staff's environmental review. After the Board decides summary disposition motions on April 14, 2014, we will know what contentions have been admitted and will be resolved through a hearing. The remainder of the schedule governs the workings of the hearing—testimony, motions to exclude evidence, live hearing, etc. If there are no contentions following the Final Environmental Impact Statement, there would be no hearing.

You also asked about how the Board's decision could be an "initial decision." The term refers to the agency as a whole rather than just the Board. The Board's decision is the agency's initial decision and will become the NRC's final decision 40 days after its issuance as long as it is not appealed and the Commission doesn't take up review on its own accord. You can find that provision at 10 CFR 2.1210(a), available at: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-1210.html>

I hope I have clarified the NRC's hearing process for you. Please let me know if you have any further questions.

Sincerely,

John Saxton
John.saxton@nrc.gov

From: Hank Delen [mailto:hankdelen@hotmail.com]
Sent: Sunday, April 28, 2013 8:28 PM

To: Barkman Marsh, Molly
Subject: Strata Energy Inc, and NRC schedule

Dear Molly,

I am writing to you relating to the recent publication of a Joint Motion and subsequent amendment to the Board's General Schedule in the matter of Strata Energy Inc, referenced as docket no. 40-9091-MLA (Joint Motion), with your electronic signature thereto attached.

I am a shareholder in Peninsula Energy Limited in Australia, of which Strata Energy Inc. is a wholly owned subsidiary.

The nature of my enquiry relates to gaining further insight into the process as has been laid out in the NRC General Schedule. As a layman the legal proceedings are not absolutely clear to me, so I am seeking your assistance to clarify some items laid out in the schedule.

The present Application Review Schedule for Ross at <http://www.nrc.gov/materials/uranium-recovery/license-apps/ross/ross-schedule.html> indicates a target date for the Source Materials Licence issue on December 4th 2013.

However, the so-called "Joint Petitioners" (NRDC and PRBRC), as referenced in the correspondence, have further opportunity to introduce contentions to the issue of a licence, and given they may be entirely successful in all their contentions, a worst case scenario may be the NRC declining to issue such license, although given precedence this would seem entirely unlikely, albeit not impossible.

As I understand it, on May 6th any new or amended contention motions are due, and the time and process through to July 26th where the Licensing Board rules on the admission of any new or amended contentions would be filled with the parties contesting the issues.

Furthermore, should the Licensing Board at that point in time rule to disallow any new or amended contentions, then it is my understanding that the current NRC schedule, as published and referred to above, would in all likelihood eventuate in the issue of the SML license in December 2013. Can you please confirm that my understanding is correct.

Assuming the "Joint Petitioners" are successful in having new or amended contentions admitted, it is then my understanding that the subsequent schedule for resolution would be followed, as is laid out in the schedule; that is to say in the period immediately following July 26th the parties would contest a summary disposition motion, culminating in the Licensing Board ruling on such motion on October 7th.

As a layman, I understand this to mean that Strata council would seek summary disposition of any new or amended contention which was admitted by the Licensing Board, and this would duly be contested.

So, in the event the Licensing Board again ruled in favour of the "Joint Petitioners", and overturned the summary disposition motion, the process then follows a more thorough discourse beginning on December 4th 2013, with "New/Amended Contention Motions Due", and the period through to January 27th, where the Licensing Board again rules on the admission of new/amended contentions.

Again, as a layman, this would appear to me to provide the parties firstly with an opportunity for speedy resolution of the contentions (summary disposition process), and failing that there is then a more thorough evaluation process to consider all evidence relating.

Beyond this point in the process, and from February 18th 2014, I do not understand the process followed thereafter.

It appears there is a predetermined and scheduled course of events which would be followed if necessary, and presumably all relating to the contentions admitted (new or amended) by the NRC Licensing Board on July 26th, and the subsequent failure by Strata Energy to have them dismissed thereafter.

Finally, the schedule identifies that on September 19th 2014, the Licensing Board makes an “Initial Decision”. This is a confusing piece of text, and I would appreciate some clarification on what exactly this means. Given the due process followed to this point, and all based on the assumption that the “Joint Petitioners” gain admission of any new and/or amended contentions, it is disturbing to contemplate that the NRC would be making anything other than a final decision relating to the issue of the SML in this matter.

I would greatly appreciate any further insight you may be able to provide me relating to these matters.

Yours Faithfully

Hank Delen
Peninsula Energy shareholder
Australia

Hearing Identifier: StrataEnergyRoss_LA_Public
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