

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman  
Dr. Richard F. Cole  
Dr. Craig M. White

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

September 10, 2014

MEMORANDUM AND ORDER  
(Clarifying Evidentiary Materials)

On August 25, 2014, the parties submitted their prefiled direct testimony and supporting exhibits. After reviewing the various items filed, and in accord with the guidance provided to the parties regarding the submission of evidentiary materials, see Licensing Board Memorandum and Order (Providing Administrative Directives Associated with Evidentiary Hearing and Limited Appearance Session) (July 25, 2014) at 5-10 (unpublished) [hereinafter Administrative Directives Order], the Licensing Board is requesting additional actions to provide clarification regarding the following exhibits:

1. JTI001: Contrary to the Board's previous direction, this prefiled testimony lacks an exhibit number in the upper right hand corner. See Administrative Directives Order at 5 n.8, 7. Also, beginning at page 56 of that exhibit are a list of "References" apparently associated with this testimony. But three of the referenced items, on lines 5-7 and 19-20 of page 56 and lines 20-21 of page 58, do not appear to be items submitted for admission as exhibits to this proceeding.

In addition to refileing this exhibit with the designation JTI001-R, Joint Intervenor<sup>1</sup>s need to include at the end of the description of each of the referenced items on pages 56–59 a parenthetical citation to the prefiled exhibit number that corresponds to the referenced item. Moreover, for each item for which a prefiled exhibit has not been submitted, a prefiled exhibit must be submitted or the reference (as well any discussion of/references to the item in any of Joint Intervenor<sup>1</sup>s' prefiled testimony) must be deleted.

2. JTI003: Contrary to the Board's previous direction, this prefiled testimony also lacks an exhibit number in the upper right hand corner. This exhibit must be refiled with the designation JTI003-R.

3. JTI005: This prefiled exhibit consists of a listing of three Internet universal resource locator (URL) citations that apparently represent an application. A reference to an internet website is not admissible evidentiary material to the extent a party wants to have the material on that website considered as part of the evidentiary record. If Joint Intervenor<sup>1</sup>s wish to incorporate into the evidentiary record material from these websites, they will need to provide portable document format (.pdf) formatted screen shots of the appropriate pages from these sites that can be entered into the evidentiary record. In the absence of such a submission, all references to this exhibit and the websites it identifies must be deleted from Joint Intervenor<sup>1</sup>s' prefiled testimony.

If Joint Intervenor<sup>1</sup>s decide to submit another exhibit or exhibits containing this material, it should be marked as JTI005-R or, if appropriate, broken down into individual components, i.e., JTI005A-R, JTI005B-R, etc. They should also update any references in their prefiled testimony with the revised exhibit numbers.

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<sup>1</sup> Joint Intervenor<sup>1</sup>s are the Natural Resources Defense Council (NRDC) and the Powder River Basin Resource Council (PRBRC).

4. JTI007 and JTI008: These two prefiled exhibits apparently are identical to prefiled exhibits SEI007 and SEI008. In accord with the directive in our July 25 issuance, see Administrative Directives Order at 5–6, duplicate exhibits are to be avoided. Accordingly, SEI and Joint Intervenor should confer and decide, consistent with our administrative order, which party will introduce these exhibits and under what number. Additionally, based on this consultation, the parties should make changes to their prefiled testimony to incorporate the appropriate prefiled exhibit number and refile the testimony as a revised exhibit.

5. JTI016: This prefiled exhibit lacks a cover page that indicates the document's title and author so as to permit it to be identified for citation purposes. The prefiled exhibit should be refiled with a cover page and marked as JTI016-R and testimony references updated to reflect this renumbering.<sup>2</sup>

6. Exhibit Lists: Exhibit lists should be resubmitted to reflect any of the changes outlined above as well as the presence of prefiled exhibits (i.e., JTI009, JTI010, JTI012, JTI022, JTI024, JTI040, JTI042, JTI043, JTI048, JTI049, JTI050, NRC037) that have a non-public status associated with full-text copyrighted material and so should have their listed information in **bold type**. See id. at 8.

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<sup>2</sup> We also note that prefiled exhibit JTI025 was apparently refiled to remove an erroneous reference to copyrighted material, see [Joint Intervenor's] Notice of Errata Statement on Exhibit List and MI Accession Number for JTI025 (Aug. 29, 2014) at 1, but was not numbered as a revised exhibit per the Board's administrative guidance. Under the circumstances, we will not require that this prefiled exhibit be refiled as exhibit JTI025-R, but note so that there is no confusion within the Electronic Hearing Docket about which version of a submission is the most recent, any change to a prefiled exhibit, including any prefiled testimony, requires that the revised exhibit be submitted with an "-R, -R2, -R3" designation. See Administrative Directives Order at 7.

The prefiled exhibits and exhibit lists that are the subject of this order should be refiled with the appropriate markings on or before Tuesday, September 16, 2014. To the degree there are additional revisions to any party's prefiled direct or rebuttal testimony as a result of a party's actions in response to this order, that revised testimony should be submitted on or before Friday, September 19, 2014.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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G. Paul Bollwerk, III, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 10, 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)	)	
	)	
(Materials License Application)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Clarifying Evidentiary Materials)** have been served upon the following persons by Electronic Information Exchange.

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**MEMORANDUM AND ORDER (Clarifying Evidentiary Materials)**

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[Original signed by Herald M. Speiser \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 10<sup>th</sup> day of September, 2014