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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

E. Roy Hawkens, Presiding Officer  
Dr. Richard F. Cole, Special Assistant  
Dr. Robin Brett, Special Assistant

In the Matter of: )  
 )  
HYDRO RESOURCES, INC. )  
P.O. Box 777 )  
Crownpoint, NM 87313 )

Docket No. 40-8968-ML  
ASLBP No. 95-706-01-ML

**INTERVENORS' REPLY TO HYDRO RESOURCES INC.'S AND THE  
NUCLEAR REGULATORY COMMISSION STAFF'S RESPONSES IN  
OPPOSITION TO INTERVENORS' JOINT GROUNDWATER PRESENTATION.**

May 9, 2005

## TABLE OF CONTENTS

### INTERVENORS' REPLY TO HYDRO RESOURCES INC.'S AND THE NUCLEAR REGULATORY COMMISSION STAFF'S RESPONSES IN OPPOSITION TO INTERVENORS' JOINT GROUNDWATER PRESENTATION.

.....	1
<b>I. INTRODUCTION</b> .....	2
<b>II. BACKGROUND AND PROCEDURAL HISTORY</b> .....	2
<b>A. Factual Background</b> .....	2
<b>B. Procedural Background</b> .....	3
1. <u>Intervenors' Opportunity to Reply</u> .....	3
2. <u>Scope of Phase II</u> .....	4
a. <u>Bifurcation and Abeyance of Hearing</u> .....	4
b. <u>Licensing Board Decision on Areas of Concern</u> .....	6
c. <u>Licensing Board and Commission Groundwater Decisions</u> .....	7
i. <u>LBP-99-30, 50 NRC 77 (1999)</u> .....	7
aa. <u>Presiding Officer's Determination With Respect to the                         Westwater's Geophysical Properties</u> .....	7
bb. <u>Presiding Officer's Findings with Respect to the Westwater's                         Geochemical Properties</u> .....	9
ii. <u>CLI-00-12, 52 NRC 1 (2000)</u> .....	10
<b>III. ARGUMENT</b> .....	10
<b>A. HRI's Collateral Estoppel Arguments Should Be Rejected.</b> .....	10
1. <u>Collateral Estoppel Requirements</u> .....	11
2. <u>Collateral Estoppel is Inapplicable</u> .....	11
3. <u>Intervenors' Argument Regarding the Geophysical Environment at Section 17,             Unit 1 and Crownpoint Should Not be Collaterally Estopped</u> .....	12
a. <u>Site Specific Information for Section 17, Unit 1 and Crownpoint Was Not                 Necessary and Critical to the Presiding Officer's Decision on the Geophysical                 Environment for Section 8</u> .....	12
b. <u>The Issue Being Litigated in This Phase of the Adjudication is Not                 Identical to the Issue Litigated in the Section 8 Adjudication</u> .....	13
4. <u>Intervenors' Arguments Regarding Establishment of Baseline Groundwater             Quality, UCLs, and Hydraulic Connection Between Aquifers Subsequent to             Adjudication Were Not a Basis For the Presiding Officer's Performance Based             Licensing Decision</u> .....	15
<b>B. The Staff's Law of the Case Arguments Should Be Disregarded</b> .....	16
1. <u>Requirements of the Law of the Case Doctrine</u> .....	17
2. <u>The Presiding Officer's Section 8 Groundwater Decision is Restricted to             Section 8</u> .....	18
a. <u>The Presiding Officer's Decision Regarding the Presence of Sand                 Channels in the Westwater was Limited to Section 8</u> .....	18
b. <u>The Presiding Officer's Decision in LBP-99-30 Regarding Vertical                 Confinement of the Westwater is Limited to Section 8</u> .....	19

c. The Presiding Officer’s Decision Regarding the Pollution of Underground Sources of Drinking Water is Limited to Section 8...... 20

3. Intervenors’ Evidence for Section 17, Unit 1, and Crownpoint is Substantially Different from the Evidence Presented for Section 8. ..... 22

a. Evidence Regarding Channelization..... 23

b. Evidence Regarding Contaminant Transport Times..... 24

c. Evidence Regarding Vertical Confinement of the Wastewater..... 24

d. Evidence Regarding Natural Attenuation..... 26

4. Intervenors’s Challenge to Specific License Conditions Should Not Be Barred by the Law of the Case..... 27

IV. **CONCLUSION** .....28

## TABLE OF AUTHORITIES

### NUCLEAR REGULATORY COMMISSION

<u>In the Matter of Hydro Resources, Inc.</u> , CLI-00-8, 51 NRC 227 (2000).....	6
<u>In the Matter of Hydro Resources, Inc.</u> , CLI-00-12, 52 NRC at 5 .....	10
<u>In the Matter of Hydro Resources, Inc.</u> , CLI-00-12, 53 NRC at 6 n.4.....	6
<u>In the Matter of Hydro Resources, Inc.</u> , CLI-01-4, 53 NRC (2001).....	5, 6, 9, 21, 27
<u>In the Matter of Hydro Resources, Inc.</u> , CLI-04-33, 60 NRC 581, 593 (2004).....	16
<u>In the Matter of Hydro Resources, Inc.</u> , CLI-99-22, 50 NRC (1999).....	10
<u>In the Matter of Hydro Resources, Inc.</u> , LBP-04-3, 59 NRC 84, 103 (2004).....	12
<u>In the Matter of Hydro Resources, Inc.</u> , LBP-98-9, 47 NRC 261, 280 (1998).....	6, 27
<u>In the Matter of Hydro Resources, Inc.</u> , LBP-99-10, 49 NRC 145, 149-150 (1999) ..	15,16
<u>In the Matter of Hydro Resources, Inc.</u> , LBP-99-30, 50 NRC (1999).....	7, 8, 12, 18,19
<u>In the Matter of Hydro Resources, Inc.</u> , Memorandum and Order (Scheduling and Partial Grant of Motion for Bifurcation) at 2-3 (Sept. 22, 1998) (unpublished).....	5, 21
<u>In the Matter of Hydro Resources, Inc.</u> , Order at 6 (May 25, 2001) (unpublished) .....	3, 4
SUA-1508, LC 10.27 .....	21

### CODE OF FEDERAL REGULATIONS

10 C.F.R. § 2.730(c).....	3
---------------------------	---

### ATOMIC ENERGY COMMISSION

<u>In the Matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), ALAB-182, 7 AEC 210, 212 (1974).....</u>	11
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### FEDERAL COURT CASES

<u>Aetna Life Ins. Co. v. Wharton</u> , 63 F.2d 378, 379 (8 <sup>th</sup> Cir. 1933).....	17
<u>Arkla, Inc. v. United States</u> , 37 F.3d 621, 623 (Fed. Cir. 1994).....	11, 17
<u>Commissioner v. Sunnen</u> , 333 U.S. 591, 597 (1948) .....	11
<u>DeLong Equipment Co. v. Washington Mills Electro Minerals Corp.</u> , 990 F.2d 1186, 1196 (11 <sup>th</sup> Cir. 1993).....	17, 21
<u>Parklane Hosiery Co., Inc. v. Shore</u> 439 U.S. 322, 326 n.5 (1979).....	11
<u>Williamsburg Wax Museum v. Historic Figures, Inc.</u> , 810 F.2d 243, 250 (D.C. Cir. 1987) .....	17

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Pursuant to the Presiding Officer's May 25, 2001 Order outlining procedures for litigation on phase II of the above-captioned proceeding, Intervenor Eastern Navajo Diné Against Uranium Mining ("ENDAUM"), Southwest Research and Information Center ("SRIC"), Grace Sam, and Marilyn Morris hereby submit their Reply to Hydro Resources Inc.'s Response In Opposition To Intervenor's Written Presentation Regarding Groundwater, Groundwater Restoration and Financial Assurance (April 26, 2005) ("HRI Response"), and the NRC Staff's Written Presentation on Groundwater Protection, Groundwater Restoration, and Surety Estimates (April 29, 2005) ("Staff Response") with respect to the collateral estoppel and law of the case arguments raised in those submissions.

## I. INTRODUCTION

In their Responses, Hydro Resources, Inc.'s ("HRI") and the NRC Staff ("Staff") argue that a number of Intervenor's arguments regarding the geophysical and geochemical environment of the Westwater Canyon Aquifer of the Morrison Formation ("Westwater") should be barred under the doctrine of collateral estoppel or the law of the case. Based on the arguments below, HRI's and the Staff's arguments should be rejected.

## II. BACKGROUND AND PROCEDURAL HISTORY

### A. Factual Background

HRI has applied for and received materials license SUA-1508 to conduct in situ leach ("ISL") mining at Sections 8 and 17 in Church Rock, Navajo Nation, New Mexico, and at two sites in Crownpoint, Navajo Nation, New Mexico, "Unit 1" and "Crownpoint."<sup>1</sup> HRI plans to conduct ISL mining in the Westwater Canyon Member of the Morrison Formation. NUREG-1508, Final Environmental Impact Statement to Construct and Operate the Crownpoint Solution Mining Project, Crownpoint, New Mexico at xix (1997) (ACN 9703200270, NB 10) ("FEIS").

HRI plans to construct well fields at each mine site and inject lixiviant, composed of bicarbonate ion complexing agents and dissolved oxygen, through wells into an ore

<sup>1</sup> HRI initially intended to mine at exclusively at Section 8, but later amended the application to include processing in Crownpoint, and mining at Section 17, Unit 1 and Crownpoint. See eg., Consolidated Operations Plan, Rev. 2.0 at 5 (Aug. 15, 1997) (ACN 9712310298, NB 10.2) ("COP"), attached as Exhibit B to Intervenor's Eastern Navajo Diné Against Uranium Mining's, Southwest Research and Information Center's, Grace Sam's, and Marilyn Morris' Written Presentation in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to Groundwater Protection, Groundwater Restoration, and Surety Estimates (March 7, 2005) ("March 7 Groundwater Presentation"). Once Section 17 was added to the application, HRI modified its operating plan to start operations at Section 17. See Church Rock Revised Environmental Report, Figure 3.1-6 (March 16, 1993) (ACN 9304130415, NB 6.1 - ACN 9304130421, NB 6.2) ("1993 Church Rock ER"), attached as Exhibit C to Intervenor's March 7 Groundwater Presentation. HRI later reversed its position and scheduled operations to begin at Section 8, instead of Section 17. COP, Figures 1.4-6 and 1.4-7, attached as Exhibit D to Intervenor's March 7 Groundwater Presentation.

zone. See FEIS §§2.1.1 - 2.1.1.2 at 2-3 and 2-5. Uranium compounds, already present in the aquifer in an insoluble form, would then become oxidized and react with the lixiviant to form either a soluble uranyl tricarbonate complex or a bicarbonate complex, called “pregnant lixiviant”. FEIS §2.1.1.2 at 2-5. HRI proposes that the uranium enriched pregnant lixiviant would be pumped from production wells to the satellite processing plants for uranium extraction by ion exchange. See FEIS § 2.1.1.2 at 2-6.

**B. Procedural Background**

**1. Intervenors’ Opportunity to Reply**

Under NRC regulations, the right to reply to a response to a motion is generally not permitted. 10 C.F.R. § 2.730(c). However, in this case, the Presiding Officer specifically granted Intervenors the opportunity to submit a limited reply to law of the case or issue preclusion arguments raised by HRI and the Staff. Order at 6 (May 25, 2001) (unpublished). Specifically, the Presiding Officer ordered:

[I]f HRI or the Staff wish to challenge in their responses any of the Intervenors’ presentations on the various groups of issues on the grounds that one or more issues should be barred by the law of the case or issue preclusion doctrines, they must file a notice<sup>2</sup> to that effect within 30 days of the filing of the Intervenors’ presentation on the particular group of issues involved. In any instance in which notice is filed, the Intervenors may file a reply limited to the preclusion issues. Any reply must be filed within 7 days of the filing of the last-in-time response for which a notice was filed.

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<sup>2</sup> Neither HRI nor the Staff filed a notice that they would argue that one or more of the groundwater issues that Intervenors’ raised in their March 7 Groundwater Presentation is barred by collateral estoppel or the law of the case, in contravention of the Presiding Officer’s May 25 Order. HRI’s and the Staff’s arguments that Intervenors’ arguments should be barred by collateral estoppel or the law of the case should therefore be stricken from the record. Moreover, because no notice was filed by either HRI or the Staff, Intervenors’ Reply is timely because it has been filed within seven days of the last in time pleading that raised a collateral estoppel or law of the case issue, i.e, the Staff’s Response, which was filed on April 29, 2005. Intervenors did not receive either electronic or paper copies of the Staff’s Response until May 2, when Intervenors received the Staff’s Response by express mail.

Id.

The Presiding Officer issued two subsequent scheduling orders. Order (Schedule for Written Presentations) (November 5, 2004) (unpublished); Order (Revised Schedule for Written Presentations) (February 3, 2005) (unpublished). Neither subsequent scheduling order superceded the provisions of the Presiding Officer's May 2001 scheduling order. Intervenors are therefore permitted to file a reply to HRI's argument that Intervenors' arguments are barred by collateral estoppel and the Staff's argument that Intervenors' arguments are barred by the law of the case.

2. Scope of Phase II

The scope of this phase of the HRI license adjudication is delineated by the Commission's decision in its order reversing the Presiding Officer's decision to place Section 17, Crownpoint and Unit 1 in abeyance indefinitely, the Presiding Officer's determination as to which of Intervenors' areas of concern were germane, and the Presiding Officer's determination of groundwater protection and restoration issues for Section 8.

a. Bifurcation and Abeyance of Hearing

Although HRI's license covers four proposed mine sites and the Staff's safety and environmental reviews evaluated HRI's operations on the sites in Church Rock and Crownpoint, in 1998 HRI requested, with the support of the Staff, that the hearing be "bifurcated" because HRI, at that time, only intended to conduct mining operations at Church Rock Section 8. Hydro Resources, Inc.'s Request for Partial Clarification or Reconsideration of Presiding Officer's Memorandum and Order and Request for Bifurcation of Proceeding at 2-3 (June 4, 1998) (ACN 9806090130). The Presiding

Officer granted HRI's motion to bifurcate the hearing, ordering that initially, only issues relevant to Section 8 and "any issue that challenged the validity of the license issued to HRI" would be considered. Memorandum and Order at 2 (Sept. 22, 1998) (unpublished). Consequently, those issues involving only Section 17, Unit 1 and Crownpoint, would be left for later litigation.

After the Presiding Officer issued his decision on groundwater and other issues relating to Section 8 in LBP-99-30, HRI moved to place the remainder of the hearing, i.e. relating to those issues pertaining to Section 17, Unit 1, and Crownpoint, in abeyance, allowing HRI to defend its license for the remaining three mine sites when, and if, it decided to go forward with production at those sites. Motion to Place Hearing in Abeyance at 2 (Sept. 14, 1999). This motion was supported by the Staff and opposed by Intervenors.

The Commission took review of the Presiding Officer's order placing the proceeding in abeyance and reversed. In the Matter of Hydro Resources, Inc., CLI-01-4, 53 NRC 31 (2001). Noting that at the time of its decision, the adjudicatory process had considered just one site, i.e. Section 8, the Commission held that it was "neither sensible nor fair to leave HRI's full license intact while we postpone indefinitely a resolution to the Intervenors' challenge to it." 53 NRC at 38. Moreover, the Commission determined that because all Intervenors had submitted areas of concern that addressed issues at each of the mine sites in HRI's license and that their petitions for hearing had been granted with respect to all the sites at which ISL mining would be conducted, Intervenors, as a matter of fundamental fairness, must be allowed to challenge HRI's *entire* license at once. Id. at 41-42, emphasis added. The Commission summed up its concern by noting

that, “[o]ur concern lies with HRI’s desire to retain a license for mining all the sites while at the same time putting off indefinitely ... a hearing on the other sites encompassed by its already-issued license.” Id. at 42-43.

Moreover, the Commission noted several specific examples of issues that Intervenor would be allowed to raise with respect to Section 17, Unit 1, and Crownpoint.

The Commission noted:

There is a level of technical specificity that cannot be known prior to the commencement of ISL mining activities, and that certain issues may appropriately be left for post-licensing verification, particularly under a performance based license. Nonetheless, there no doubt remain a number of questions that can be subject to a hearing. Intervenor may, for instance, challenge the sufficiency of the information HRI submitted for licensing. *See, e.g.*, CLI-00-8, 51 NRC 227 (2000) (where the Commission found that the requisite financial assurance plan should have been provided with the license application). Particular license conditions also might be subject to challenge. *See, e.g.*, CLI-00-12, 53 NRC at 6 n.4 (where the Commission stated that in subsequent hearing [sic] on the other three sites Intervenor may raise their concerns about the secondary restoration standard for uranium).

Id. at 40 n. 2.

b. Licensing Board Decision on Areas of Concern.

In their Second Amended Request for Hearing, Petition to Intervene, and Statement of Concerns, ENDAUM and SRIC argued that HRI’s deferral of important licensing information, including determination of baseline groundwater quality, violated § 189a of the Atomic Energy Act (“AEA”) and the Administrative Procedures Act. Id. at 29 (Aug. 15, 1997) (ACN 9703080068). In LBP-98-9 the Presiding Officer determined that ENDAUM and SRIC’s area of concern regarding the deferral of important safety issues was not germane. In the Matter of Hydro Resources, Inc., LBP-98-9, 47 NRC 261, 280 (1998).

- c. Licensing Board and Commission Groundwater Decisions
  - i. LBP-99-30, 50 NRC 77 (1999)
    - aa. Presiding Officer's Determination With Respect to the Westwater's Geophysical Properties.

Groundwater protection issues for Section 8 were addressed in LBP-99-30. The Presiding Officer made several main findings in that decision. First, the Presiding Officer determined that the ore zone at Section 8 behaves like a homogeneous aquifer and does not contain significant channel ways. In the Matter of Hydro Resources, Inc., LBP-99-30, 50 NRC at 88 (1999). The Presiding Officer relied on seismic studies at Church Rock, which, he decided, indicate that the bulk of the ore zone occurs entirely within a portion of the Westwater consisting of a block down-dropped by ancient faulting. Id. at 85, emphasis added. The Presiding Officer determined that the thickness of sand and sand content are greater within this block than in the remainder of the Westwater. Id., emphasis added.

The Presiding Officer also addressed the literature concerning the Westwater's geophysical properties. In so doing, he determined that on the scale of the proposed mining operation at Section 8, the Westwater may be approximated as homogeneous, although on a local scale it is heterogeneous. Id. The Presiding Officer noted that his decision was supported by local seismic studies. Id. Moreover, in his review of the literature, the Presiding Officer disagreed with the Intervenors' interpretation of the literature as showing the Westwater to be heterogeneous. Id. at 85-86.

Finally, the Presiding Officer rejected Mr. Wallace's groundwater model for Section 8, which indicated that the Westwater had channelized hydrological properties. In analyzing this model, the Presiding Officer principally disagreed with Mr. Wallace's

assumptions in generating his model. Id. at 86. Specifically, the Presiding Officer found that Mr. Wallace's assumptions regarding existence of channels in the Westwater, conductivities, and no precipitation of contaminants made his model unconvincing. Id. at 86-87.

Based on all of the above analysis, the Presiding Officer concluded that the "ore zone in the Church Rock area is homogeneous (isotropic) with respect to fluid flow, and that the ore zone does not contain significant channelways." Id. at 88. Therefore, not only does the Presiding Officer explicitly limit his analysis to the Church Rock Section 8 area, the fact that he considered site specific information such as local seismic studies, implicitly indicates that the Presiding Officer realized that the Westwater's geophysical environment was locally variable and his resulting decision regarding Section 8 should not encompass the remaining mine sites.

Likewise with respect to vertical confinement of the Westwater, the Presiding Officer considered locally relevant information to reach the conclusion that the Recapture Member acts as a confining unit between the Westwater and the underlying Cow Springs aquifer and that the Brushy Basin Member acts as an aquitard between the Westwater and the overlying Dakota aquifer. Id. at 90-91. With respect to the presence of the Recapture Member at Section 8, the Presiding Officer relied upon an article by Condon and Peterson and site specific testimony by the Staff and HRI. The Presiding Officer specifically found that the "Recapture appears to be present throughout Section 8, as reported by the Staff in the FEIS and HRI." Id. at 90, emphasis added.

The Presiding Officer similarly found that, based on testimony of the Staff and HRI's expert, Bartels, who discussed the Church Rock Environmental Report in his

testimony, "that the Brushy Basin shows characteristics of an efficient aquitard in the mine area." Id. at 91. The Presiding Officer concluded that "there are unlikely to be any serious problems from vertical excursions in the course of mining Church Rock, Section 8." Id. Hence, the Presiding Officer explicitly limited his consideration of vertically confining geologic structures to Section 8.

bb. Presiding Officer's Findings with Respect to the Westwater's Geochemical Properties.

In LBP-99-30, the Presiding Officer also rejected Intervenors' argument that the Westwater's geochemistry at Section 8 would not sufficiently attenuate contaminated water from HRI's operations to achieve restoration goals. Id. at 86-87, 108. However, the Presiding Officer's decision with respect to the Westwater's geochemistry was based on site specific information. In addressing the Intervenors' concerns regarding contamination of nearby drinking water sources at Section 8, the Presiding Officer noted that precipitation of contaminants would, along with the slower contaminant travel times advocated by HRI and the Staff, make it unlikely that the nearest downgrade well at Section 8 would be contaminated. Id. at 108<sup>3</sup>. Further, the Presiding Officer noted that:

In reaching this conclusion, I note again that the portion of the aquifer in which the Church Rock ore is found has been exempted. It is not necessary that the whole aquifer qualify for an exemption.

Id. at 109. Hence, while the Presiding Officer did refer to general principles of geochemistry, he did so in the site specific context of Section 8.

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<sup>3</sup> The Presiding Officer also noted that there had been no showing that the license should be invalidated because of a serious problem under the Safe Drinking Water Act at Crownpoint. This determination with respect to Crownpoint should be disregarded for two reasons. First, because at the time it was unclear which sites Intervenors were being allowed to challenge, and thus were unable to properly present their evidence. See, In the Matter of Hydro Resources, Inc., CLI-01-4, 53 NRC 31, 35 (2001). Second, this decision was beyond the scope of the proceeding as defined by the Presiding Officer and was thus contrary to his own order. Memorandum and Order (Sept 22, 1998 at 2-3.

ii. CLI-00-12, 52 NRC 1 (2000)

In CLI-00-12, the Commission declined to review the Presiding Officer's determinations with respect to groundwater in LBP-99-30. 52 NRC at 5. The Commission was unwilling to upset the Presiding Officer's findings and conclusions with respect to groundwater protection at Section 8, "particularly on matters involving fact-specific issues or where affidavits or submissions of experts must be weighed." Id. at 3, quoting In the Matter of Hydro Resources, Inc., CLI-99-22, 50 NRC at 6 (1999).

**III. ARGUMENT**

**A. HRI's Collateral Estoppel Arguments Should Be Rejected.**

In its Response Brief, HRI argues that Judge Bloch addressed the issue of whether the Westwater as a whole was "hydrologically homogeneous" in LBP-99-30 and Intervenor should therefore be barred by collateral estoppel from raising the issue with respect to Section 17, Unit 1, and Crownpoint. HRI Response at 29. Additionally, HRI argues that Intervenor is collaterally estopped from arguing that their hearing rights under the Atomic Energy Act were abrogated because HRI is permitted to establish baseline groundwater quality conditions, upper control limits ("UCLs"), and hydraulic connections between the Westwater and adjacent aquifers after the adjudication of its license. Id. at 70. HRI's basis for this argument is that establishing these important data subsequent to adjudication is a fundamental aspect of Performance Based Licensing ("PBL"), which has already been approved by the Presiding Officer. Id.

HRI's collateral estoppel arguments should be rejected for three reasons. First, collateral estoppel is not applicable in this situation. Second, the unique local geophysical characteristics of the Westwater at Section 17, Unit 1 and Crownpoint were

not a basis for the Presiding Officer's determination that the Westwater at Section 8 is homogeneous. Finally, Intervenor's concerns regarding the abrogation of their hearing rights under the AEA related specifically to License Conditions ("LC") 10.21, 10.22, 10.23, and 10.31 and were not a necessary and critical basis for the Presiding Officer's decision on PBL.

1. Collateral Estoppel Requirements.

Collateral estoppel is a judicially formulated doctrine founded upon considerations of economy of judicial time and the public policy favoring the establishment of certainty in legal relations. In the Matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), ALAB-182, 7 AEC 210, 212 (1974), quoting Commissioner v. Sunnen, 333 U.S. 591, 597 (1948). Collateral estoppel bars issues of law or fact being raised in a lawsuit when those same issues of law or fact have been finally adjudicated by a competent tribunal in a prior suit. Arkla, Inc. v. United States, 37 F.3d 621, 623 (Fed. Cir. 1994) citing, Parklane Hosiery Co., Inc. v. Shore 439 U.S. 322, 326 n.5 (1979). The party raising collateral estoppel must show 1) that the issue at stake is identical to the one involved in prior litigation, 2) that the issue has been actually litigated in the first action, 3) that the determination of the issue in the prior litigation has been a critical and necessary part of a final judgment in that earlier action, and 4) the parties had a full and fair opportunity to litigate the issue in the first action. Id. at 624.

2. Collateral Estoppel is Inapplicable.

Collateral estoppel bars re-litigation, in a subsequent proceeding, of issues of law or fact that have been adjudicated by a tribunal of competent jurisdiction. Arkla v. United States, 37 F.3d at 623. Thus, collateral estoppel applies in situations where the

same issue of law or fact appears in two different proceedings. Here, the adjudication of Section 8 was a prior phase of the same proceeding and presented different issues of fact and law. See, In the Matter of Hydro Resources, Inc., LBP-04-3, 59 NRC 84, 103 (2004). Thus, the doctrine of collateral estoppel is inapplicable and HRI's arguments raising that doctrine should be disregarded.

3. Intervenors' Argument Regarding the Geophysical Environment at Section 17, Unit 1 and Crownpoint Should Not be Collaterally Estopped.

Even if the Presiding Officer determines that collateral estoppel the applicable doctrine in this case, Intervenors' arguments regarding the geophysical environment at Section 17, Unit 1 and Crownpoint should not be barred by collateral estoppel for two reasons. First, in LBP-99-30, Judge Bloch only reached a decision about the geophysical environment at Section 8 and thus any evidence that he may have considered relating to other sites was not critical to his decision in LBP-99-30. Second, the issue being litigated in this phase of the adjudication is not identical to the issue adjudicated in Section 8.

a. Site Specific Information for Section 17, Unit 1 and Crownpoint Was Not Necessary and Critical to the Presiding Officer's Decision on the Geophysical Environment for Section 8.

In his decision determining that the Westwater is hydrologically homogeneous at Church Rock Section 8, the Presiding Officer relied on seismic studies specific to Church Rock, which he decided indicated that the bulk of the ore zone occurs entirely within a **portion** of the Westwater consisting of a block down-dropped by ancient faulting. In the Matter of Hydro Resources, Inc., LBP-99-30, 50 NRC at 85, emphasis added. The Presiding Officer determined that the thickness of sand and sand content are greater within this block than in the remainder of the Westwater. Id., emphasis added. The Presiding Officer was clearly referring to the ore zone at Church Rock Section 8 and

never gave an indication that the evidence he evaluated should apply to other areas of the Westwater. Furthermore, the Presiding Officer's decision implicitly acknowledges local variability within the Westwater, thereby strengthening the interpretation of his decision as applying to the unique characteristics found at Section 8. Therefore, the site specific information concerning Section 17, Unit 1 and Crownpoint was not a necessary and critical part of the Presiding Officer's determination of Section 8's geophysical environment and Intervenors should not be estopped from raising site specific geophysical evidence for Section 17, Unit 1 and Crownpoint.

b. The Issue Being Litigated in This Phase of the Adjudication is Not Identical to the Issue Litigated in the Section 8 Adjudication.

The evidence presented by Intervenors in their March 7 Groundwater Presentation shows that there is local variability within the Westwater and consequently the issue with respect to the geophysical character of the Westwater at Section 17, Unit 1 and Crownpoint is not identical to the geophysical character of the Westwater at Section 8. Intervenors' expert, Dr. Spencer Lucas, specifically relied upon outcrop analogue analyses near Section 17 to make his determination regarding channelization at Section 17. Declaration of Dr. Spencer G. Lucas at ¶¶ 17, 19 and Lucas Exhibit D, Figs., 1, 2, 3.1-3.5 (Feb. 25, 2005) ("Lucas Declaration"), attached as Exhibit II to Intervenors' March 7 Groundwater Presentation. In analyzing the outcrop, Dr. Lucas notes the presence of narrow and localized channels. *Id.* at ¶¶ 47-48. He further clarifies his 1999 testimony regarding the permeability of the localized sand channels, which relate directly to the ability of water to travel through the channels more quickly. *Id.* at ¶¶ 45-46. Dr. Lucas makes similar localized observations about the geology in his outcrop analysis for Unit 1 and Crownpoint. *Id.* at ¶ 48.

With respect to channelization in the Westwater at Unit 1 and Crownpoint, Intervenor also rely on the modeling of Michael Wallace. See generally, Declaration of Michael G. Wallace (March 1, 2005) (“Wallace Declaration”), attached as Exhibit X to Intervenor’s March 7 Groundwater Presentation. Although some of the assumptions that Mr. Wallace makes in his modeling are similar to those made in his model of Section 8, the important difference between Mr. Wallace’s Section 8 model and his Unit 1 and Crownpoint models is that for the latter models he was able to use site specific data in the record on which to base his model. Id. at ¶ 29, Wallace Exhibit B., Fig. 10a; ¶ 53, Wallace Exhibit B, Figs. 9, 24. In fact, one of the main points of Mr. Wallace’s testimony in Intervenor’s March 7 Groundwater Presentation is that his groundwater models for Crownpoint and Unit 1 are better calibrated than HRI’s models and therefore more closely mirror the site specific data offered by HRI in the record. Id., ¶ 38, Table 2; ¶¶ 56-58, Tables 3a, 3b.

In contrast, in his 1999 testimony, Mr. Wallace relied on site specific pump test data that HRI provided from Church Rock Section 8. Response Affidavit of Michael G. Wallace at ¶ 9 and Exhibit 2-D (May 20, 1999) (ACN 9905280117). Thus, the issue at hand is whether the Westwater Canyon aquifer at Section 17, Unit 1, and Crownpoint consists of channels, while the issue previously litigated was whether channels existed at Section 8. Because the issues are not identical, Intervenor’s arguments should not be barred by collateral estoppel.

4. Intervenors' Arguments Regarding Establishment of Baseline Groundwater Quality, UCLs, and Hydraulic Connection Between Aquifers Subsequent to Adjudication Were Not a Basis For the Presiding Officer's Performance Based Licensing Decision.

In its Response, HRI contends that Intervenors' challenge of LC 10.21, which allows HRI to establish baseline groundwater quality after adjudication of its license, LC 10.22, which allows HRI to set upper control limits, based on groundwater quality data after adjudication, and LCs 10.23 and 10.31, which allow HRI to determine whether there is hydraulic communication between the Westwater and adjacent aquifers, is barred by collateral estoppel because Judge Bloch addressed the same issues in his decision on Performance Based Licensing. HRI Response at 68-70. However, just as HRI construed the scope of the issue addressed by Judge Bloch with respect to the geophysical environment at Section 8 too broadly, HRI also construes the issue addressed by Judge Bloch in his PBL decision too broadly.

In LBP-99-10, the Presiding Officer addressed a number of issues raised by Intervenors regarding the Staff's application of Performance Based Licensing to HRI's license. However, ultimately the Presiding Officer based his decision on the adequacy of LCs 9.3 and 9.4. In the Matter of Hydro Resources, Inc., LBP-99-10, 49 NRC 145, 149-150 (1999).

Moreover, the Presiding Officer specifically limited his PBL decision to the Performance Based Licensing provisions in HRI's license. Judge Bloch stated:

ENDAUM and SRIC have presented some specific arguments concerning the alleged inadequacy of the license because of PBL. For example, they contend that future mining cannot be conducted on Section 17 of HRI's Church Rock site because that mining would contaminate the restored, postmining groundwater quality in the adjoining Section 8. This and other specific arguments may or may not have merit. They are not, however, properly part of this Partial Initial Decision.

Intervenors have many specific concerns in this case and they have been permitted to make written presentations concerning the inadequacy of this license in different areas. If this license is inadequate, they have the opportunity to demonstrate that with respect to specific substantive issues. There is no need to litigate those same issues in this Partial Initial Decision, which covers Intervenors' PBL concerns. The decisions on the other concerns should cast additional light on whether or not the PBL clause creates potentially unsafe or environmentally unsound conditions. If specific defects in the license are shown, then those defects can be remedied or the license can be invalidated.

Id. at 148-149. Clearly, the validity of LCs 10.21, 10.22, 10.23 and 10.31 or HRI being allowed to determine baseline groundwater quality, UCLs, and interaquifer connections subsequent to adjudication of its license, played no critical and necessary role in Judge Bloch's PBL decision. In fact, Judge Bloch specifically left these kinds of decisions for a later date. Id. Therefore, Intervenors are not barred by collateral estoppel from raising these issues.

**B. The Staff's Law of the Case Arguments Should Be Disregarded.**

In its Response, the Staff argues that virtually all of Intervenors' arguments regarding the geophysical and geochemical environment, HRI's violation of the Safe Drinking Water Act ("SDWA"), abrogation of hearing rights, and the adequacy of HRI's restoration plans<sup>4</sup> at Section 17, Unit 1 and Crownpoint should be barred by the law of the case doctrine. See, Staff Response, Sections I.A, I.B.1-2, IV.A.1.a, V. In support of its contentions, the Staff asserts that Intervenors "erroneously" summarized the Presiding Officer's decisions regarding Section 8, which the Staff purports decide broad generic issues that apply to the remaining sites. However, the Staff's law of the case arguments should be rejected for four reasons.

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<sup>4</sup> Intervenors agree that the Commission stated that 9 pore volumes is a sufficient initial pore volume for all the proposed mine sites. See, In the Matter of Hydro Resources, Inc., CLI-04-33, 60 NRC 581, 593 (2004). However, Intervenors do not agree that 9 pore volumes is actually sufficient to restore groundwater at any of HRI's proposed mine sites.

First, the Staff reads the Presiding Officer's Section 8 decision too broadly with respect to his determination of the geophysical environment and contaminant transport times. Second, Intervenors' evidence for Section 17, Unit 1, and Crownpoint is site specific and therefore substantially different from their evidence for Section 8. Third, Intervenors' challenge to License Conditions 10.21, 10.22, 10.23 and 10.31 are authorized by the Commission. Finally, even if the law of the case doctrine does apply, the Presiding Officer should exercise his discretion to examine Intervenors' evidence for Section 17, Unit 1 and Crownpoint and make a determination as to the validity of HRI's license for those sites in order to avoid a manifest injustice.

1. Requirements of the Law of the Case Doctrine.

The law of the case doctrine provides that the decision of an appellate body is the law of the case being adjudicated and should be followed in all subsequent phases of that case, in both the trial and appellate tribunals. Aetna Life Ins. Co. v. Wharton, 63 F.2d 378, 379 (8<sup>th</sup> Cir. 1933). The law of the case covers not only the specific issue decided, but also those issues decided by necessary implication. Williamsburg Wax Museum v. Historic Figures, Inc., 810 F.2d 243, 250 (D.C. Cir. 1987). However, if the evidence submitted in subsequent phases of litigation in a case is substantially different in material respects from that presented earlier in the litigation, the rule of the law of the case should not be applied. Aetna Life Ins. Co. v. Wharton, 63 F.2d at 379. Additionally, the law of the case can be disregarded if there is a change in controlling authority, new evidence, or the need to avoid manifest injustice. DeLong Equipment Co. v. Washington Mills Electro Minerals Corp., 990 F.2d 1186, 1196 (11<sup>th</sup> Cir. 1993). Moreover, the law of the case doctrine directs a court's discretion but does not limit its power. Id. at 1197.

2. The Presiding Officer's Section 8 Groundwater Decision is Restricted to Section 8.

The Staff devotes a substantial portion of its presentation recounting the Presiding Officer's decision in LBP-99-30 and asserting that the bulk of the issues addressed by the Presiding Officer for Section 8 are equally applicable to Section 17, Unit 1, and Crownpoint. Staff Response, Section I.B. Among the issues decided by the Presiding Officer for Section 8 that the Staff asserts apply equally to the remaining mine sites are the presence of sand channels and the vertical confinement of the Westwater. Staff Response at 50-52. Additionally, the Staff asserts that Judge Bloch's decision regarding Section 8's impact on Underground Sources of Drinking Water ("USDW") should apply to the remaining sites. *Id.* at 10. However, with respect to these three issue areas, the Staff reads the Presiding Officer's decision too broadly.

a. The Presiding Officer's Decision Regarding the Presence of Sand Channels in the Westwater was Limited to Section 8.

As noted above, the Presiding Officer's decision with respect to the presence of sand channels in the Westwater was restricted to Section 8. In rendering his decision, the Presiding Officer relied on seismic studies specific to Church Rock, which he decided indicated that the bulk of the ore zone occurs entirely within a portion of the Westwater consisting of a block down-dropped by ancient faulting. In the Matter of Hydro Resources, Inc., LBP-99-30, 50 NRC at 85, emphasis added. The Presiding Officer determined that the thickness of sand and sand content are greater within this block than in the remainder of the Westwater. *Id.*, emphasis added. The Presiding Officer was clearly referring to the ore zone at Church Rock and never gave any indication that the evidence he evaluated should apply to other areas of the Westwater. Furthermore, the

Presiding Officer's decision implicitly acknowledges local variability within the Westwater, thereby strengthening the interpretation of his decision as applying to the unique characteristics found at Section 8. Id. ("On a local scale [the Westwater] is heterogeneous ..."). Finally, nowhere in his decision regarding the geophysical environment at Section 8 did Judge Bloch state that his findings extended to Section 17, Crownpoint, or Unit 1.

b. The Presiding Officer's Decision in LBP-99-30 Regarding Vertical Confinement of the Westwater is Limited to Section 8.

The Staff also argues that the Presiding Officer's determination that the Westwater at Section 8 is vertically confined also encompasses Section 17, Unit 1 and Crownpoint. Staff Response at 52. However, the Presiding Officer's determination that the Westwater is vertically confined is limited to Section 8.

The Presiding Officer specifically found that the "Recapture appears to be present throughout Section 8, as reported by the Staff in the FEIS and HRI." In the Matter of Hydro Resources, Inc., LBP-99-30 50 NRC at 90, emphasis added. Nowhere in LBP-99-30 does the Presiding Officer apply the evidence presented regarding vertical confinement to Section 17, Unit 1, or Crownpoint nor indicate that his decision extended to those sites.

The Presiding Officer similarly found that, based on testimony of the Staff and HRI's expert, Bartels, who discussed the Church Rock Environmental Report in his testimony, "that the Brushy Basin shows characteristics of an efficient aquitard in the mine area." Id. at 91. The Presiding Officer concluded that "there are unlikely to be any serious problems from vertical excursions in the course of mining Church Rock, Section 8." Id. Hence, the Presiding Officer explicitly limited his consideration of vertically

confining geologic structures to Section 8. Because the Staff reads the Presiding Officer's Section 8 decision regarding channelization and vertical confinement too broadly, its law of the case argument with respect to these two issue areas should be rejected.

c. The Presiding Officer's Decision Regarding the Pollution of Underground Sources of Drinking Water is Limited to Section 8.

Finally, the Staff argues that the following statement by the Presiding Officer supports their argument that Intervenors should be barred by the law of the case from arguing that HRI's operations at Section 17, Unit 1 and Crownpoint violate the Safe Drinking Water Act:

In general, as discussed above, the underground geology in this area and the monitoring program that HRI will implement carefully attend to the protection of drinking water. There is no reason to believe that the Church Rock Section 8 project will contaminate sources of drinking water.

I conclude that HRI's project does not violate the SDWA at Church Rock Section 8, nor has there been a showing that the license should be invalidated because of a serious problem under the SDWA at Crownpoint.

Staff Response at 10, citing LBP-99-30, 50 NRC at 109. However, the Presiding Officer's qualification "in this area" when discussing underground geology, clearly shows his intention to limit his decision to Section 8. Id. Moreover, the Staff's interpretation of Judge Bloch's decision is inconsistent with his order bifurcating the proceeding and subsequent order granting HRI's motion to place the adjudication in abeyance.

In the order granting HRI's bifurcation motion, Judge Bloch limited Intervenors to: 1) any issue challenged the validity of the license issued to HRI, 2) any aspect of the license concerning operations on Section 8, and 3) any aspect of the license concerning

transportation or treatment of materials extracted from Section 8. In the Matter of Hydro Resources, Inc., Memorandum and Order (Scheduling and Partial Grant of Motion for Bifurcation) at 2-3 (Sept. 22, 1998) (unpublished). At HRI's request, and with the Staff's support, the Presiding Officer expressly limited Intervenor's challenges regarding Section 8 and to now bar Intervenor's arguments regarding Section 17, Unit 1 and Crownpoint would not only be fundamentally unfair, but would also misread the intent of the Presiding Officer's orders.

Given the above context, to the extent that the Presiding Officer mentions "Crownpoint" in LBP-99-30, he most likely meant that HRI's operation at the Crownpoint mine site would not harm Crownpoint's public drinking water supply. His mention of Crownpoint in LBP-99-30 was most likely simply an acknowledgement of LC 10.27, which prohibits HRI from conducting operations at its Crownpoint site until it moves the town of Crownpoint's municipal drinking water wells. SUA-1508, LC 10.27. It is unlikely that the Presiding Officer was referring to underground sources of drinking water nearby HRI's Crownpoint operations. Even if the Presiding Officer determines that the law of the case applies to the Crownpoint mine site<sup>5</sup>, it should not apply to Section 17 or Unit 1, which are clearly not covered by Judge Bloch's decision.

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<sup>5</sup> The Presiding Officer should not apply the law of the case doctrine to bar Intervenor's arguments from arguing that HRI's operations at Crownpoint would contaminate nearby USDW because it would result in a manifest injustice. See, DeLong Equipment Co., 990 F.2d at 1196. Given the limited nature of Judge Bloch's rulings and the Commission's ruling that Intervenor's should be permitted to challenge the remaining three sites, the current Presiding Officer should err on the side of caution and determine the validity of HRI's license for Section 17, Unit 1 and Crownpoint on the merits. See, CLI-01-4 calling the phrase that allowed Intervenor's to challenge "any issue that challenged the overall validity of the license issued to HRI" ambiguous and leading to confusion. Id., 53 NRC at 35.

3. Intervenors' Evidence for Section 17, Unit 1, and Crownpoint is Substantially Different from the Evidence Presented for Section 8.

In its Response, the Staff argues that the evidence presented by Intervenors for Section 17, Unit 1, and Crownpoint with respect to the Westwater's geophysical and geochemical characteristics is cumulative and therefore should be barred by the law of the case. In particular, the Staff argues that the Intervenors have not presented any substantially different evidence with regard to contaminant transport times. Staff Response at 47. The Staff also argues that Intervenors have not presented any substantially different evidence that would warrant disturbing the Presiding Officer's decision that sand channels do not exist at Section 8. Id. at 51. The Staff further argues that Intervenors' evidence regarding the vertical confinement of the Westwater at Section 17, Unit 1 and Crownpoint is likewise cumulative and should be barred by the law of the case. Id. at 52. Finally, the Staff argues that Judge Bloch has previously determined that natural attenuation would sufficiently protect groundwater quality at Section 8 and therefore Intervenors' evidence regarding natural attenuation at Section 17, Unit 1 and Crownpoint should be disregarded. Id. at 14-15.

However, the Staff misconstrues Intervenors' evidence regarding the above issues for Section 17, Unit 1 and Crownpoint. The Intervenors' evidence regarding channelization, contaminant transport times and vertical confinement is site specific and therefore substantially different than the evidence provided for Section 8<sup>6</sup>.

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<sup>6</sup> The Staff acknowledges this fact by asserting that site specific pump tests and geophysical logs are the best tools for determining how geologic unit will behave under groundwater hydrodynamic flow conditions for ISL mining. Staff Response at 43, citing Von Till Affidavit, ¶¶ 7 and 16.

a. Evidence Regarding Channelization.

Intervenors' expert, Dr. Spencer Lucas, specifically relied upon outcrop analogue analyses near Section 17 to make his determination regarding channelization at Section 17. Lucas Declaration at ¶¶ 17, 19 and Lucas Exhibit D, Figs., 1, 2, 3.1-3.5. In analyzing the outcrop, Dr. Lucas notes the presence of narrow and localized channels. Id. He further clarifies his 1999 testimony regarding the permeability of the localized sand channels, which relate directly to the ability of water to travel through the channels more quickly. Id. at ¶¶ 45-46. Dr. Lucas makes similar observations about the local geology in his outcrop analysis for Unit 1 and Crownpoint<sup>7</sup>. Id. at ¶ 48.

With respect to channelization in the Westwater at Unit 1 and Crownpoint, Intervenors also rely on the modeling of Michael Wallace. Although some of the assumptions that Mr. Wallace makes in his modeling are similar to those made in his model of Section 8, the important difference between Mr. Wallace's Section 8 model and his Unit 1 and Crownpoint models is that for the latter models he was able to use site specific data supplied by HRI on which to base his model. Wallace Declaration at ¶ 29, Wallace Exhibit B., Fig. 10a; ¶ 53, Wallace Exhibit B, Figs. 9, 24. In fact, one of the main points of Mr. Wallace's testimony in Intervenors' March 7 presentation is that his groundwater models are more closely calibrated to HRI's own data than HRI's model. Id., ¶ 38, Table 2; ¶¶ 56-58, Tables 3a, 3b.

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<sup>7</sup> Even if the Presiding Officer determines that the law of the case doctrine may apply to Intervenors' arguments regarding the presence of sand channels in the Westwater at Section 17, Unit 1 and Crownpoint, he should exercise his discretion to decide this issue on the merits to avoid a manifest injustice. See, DeLong Equipment Co., 990 F.2d at 1196. In his testimony attached to Intervenors' March 7 Groundwater Presentation, Dr. Lucas specifically points out that Judge Bloch fundamentally misunderstood and misapplied his testimony regarding channelization at Section 8. Lucas Declaration at ¶¶ 49-51. In order to avoid basing a decision for the remaining sites on this misunderstanding, the current Presiding Officer should evaluate Intervenors' evidence and make a decision on this issue on the merits.

In contrast, in his 1999 testimony, Mr. Wallace relied on site specific pump test data that HRI provided from Church Rock Section 8. Response Affidavit of Michael G. Wallace at ¶ 9 and Exhibit 2-D (May 20, 1999). Thus, while Mr. Wallace used many of the same generally accepted modeling techniques in reaching his conclusions about channelization at Unit 1 and Crownpoint, the actual data he relied upon was specific to those two sites. The evidence Intervenor have presented to show the presence of sand channels in the Westwater at Section 17, Crownpoint, and Unit 1 is therefore significantly different than the evidence presented for Section 8.

b. Evidence Regarding Contaminant Transport Times.

As explained in Section a, above, Mr. Wallace's groundwater models were based on site specific pump test data for Unit 1 and Crownpoint provided by HRI. Wallace Declaration at ¶ 29, Wallace Exhibit B., Fig. 10a; ¶ 53, Wallace Exhibit B, Figs. 9, 24. Because Mr. Wallace's conclusions regarding contaminant transport times at Unit 1 and Crownpoint were necessarily based upon his initial characterization of the Westwater's geophysical environment at those site, which was in turn based upon site specific data, those conclusions are unique to Unit 1 and Crownpoint. Thus, while Mr. Wallace used generally acceptable modeling techniques to determine contaminant transport times for Unit 1 and Crownpoint, just as he did for Section 8, the data upon which he relied to generate those models was site specific and unique to Unit 1 and Crownpoint.

c. Evidence Regarding Vertical Confinement of the Westwater

As with their arguments regarding the presence of sand channels in the Westwater at Section 17, Unit 1 and Crownpoint and contaminant transport times at Section 17, Unit 1 and Crownpoint, the Intervenor relied on site specific information that is substantially

different from the evidence they presented with respect to Section 8. Lucas Declaration at ¶¶ 16-18, 22, 23. Again using outcrop analogues, Dr. Lucas demonstrated the local variability of the Recapture Member at Section 17. For example, Dr. Lucas showed how the recapture was not even present at the outcrop analogue he used for Section 17 and in fact the Westwater was not confined from either overlying or underlying aquifers. Id. at ¶ 20, Lucas Exhibit D, Fig. 2. Additionally, Dr. Lucas demonstrated how, where the Recapture existed near Section 17, it “pinched out” in a very short lateral distance, which supported his conclusion that the Recapture was not an effective confining unit at Section 17. Id. at ¶ 21, Lucas Exhibit D, Fig. 3.2.

Additionally, Dr. Lucas’ critique of Lichnovsky’s geophysical log interpretation was based on a drill log drilled for drill hole # 53/41, which was located on Section 17. Id. at ¶ 35. Moreover, in drawing his conclusion that the Recapture does not exist at Section 17, Dr. Lucas compared the geophysical log from Section 17 to his outcrop analogue, which, as explained above, was site specific.

Likewise, when Dr. Lucas performed his outcrop analogue study for Unit 1 and Crownpoint, he did so on the nearest available outcrop. Id. at ¶ 25. As with his outcrop analogue study for Section 17, Dr. Lucas relied on the unique local stratigraphic characteristics to reach his conclusions. As is obvious from Dr. Lucas’ Exhibit D, Figs. 2, 4.1-4.4, the local stratigraphy near Crownpoint is different from that at Section 17. Thus, Dr. Lucas drew different conclusions about vertical confinement at Unit 1 and Crownpoint than he did at Section 17.

Finally, Intevenors’ expert Michael Wallace based his conclusion that the Westwater was not vertically confined at Crownpoint based on the results of site specific

pump test data provided by HRI. Supplemental Wallace Declaration at ¶¶ 6-13 (March 3, 2005), attached as Exhibit LL to Intervenors' March 7 Groundwater Presentation. In addition to being site specific, this evidence was not even available to Intervenors in 1999 when they presented evidence on the Westwater's vertical confinement at Section 8. See, Intervenors' Motion for Issuance of a Subpoena for the Production of Documents and to Supplement the Hearing Record and Motion for Stay of Proceedings; Expedited Consideration Requested at 2 (Dec. 29, 2004). Intervenors' evidence regarding vertical confinement of the Westwater at Section 17, Unit 1 and Crownpoint is substantially different than the evidence they presented on this issue for Section 8 and the law of the case doctrine is therefore inapplicable.

d. Evidence Regarding Natural Attenuation.

In his testimony regarding the ability of natural chemical processes in the Westwater to protect groundwater quality, Dr. Abitz's testimony in this phase of the adjudication differs in one important respect from his testimony in 1999. In his Declaration attached to Intervenors' March 7 Groundwater Presentation, Dr. Abitz notes that an important factor regarding his ultimate conclusion is the transition of the Westwater to an oxidizing environment in the Church Rock and Crownpoint areas. Declaration of Dr. Richard J. Abitz at ¶ 56 (March 3, 2005) ("Abitz Declaration"), attached as Exhibit N to Intervenors' March 7 Groundwater Presentation. This fact is fundamental to Dr. Abitz's conclusion that under natural conditions there are very few receptor sites for uranyl-carbonate anions produced by ISL mining and thus natural attenuation is inefficient and unreliable. Id. This basis for Dr. Abitz's conclusion is significantly different evidence than that presented by Intervenors in 1999.

4. Intervenors's Challenge to Specific License Conditions Should Not Be Barred by the Law of the Case.

Finally, without specifically mentioning the law of the case doctrine, the Staff argues that the Intervenors' contention that their hearing rights were violated under the Atomic Energy Act because numerous license conditions allow HRI to establish material information after adjudication are "beyond the scope" of this hearing because the Presiding Officer determined that similar arguments were not germane in LBP-98-09. Staff Response at 27-28. However, this law of the case argument fails because in their March 7 Groundwater Presentation, Intervenors challenged specific license conditions, i.e., LCs 10.21, 10.22, 10.23 and 10.31. March 7 Groundwater Presentation at 39-40. Intervenors are guaranteed the opportunity to challenge specific license conditions for Section 17, Unit 1, and Crownpoint by the Commission. In the Matter of Hydro Resources, Inc., CLI-01-4, 53 NRC at 40, n.2. Moreover, in LBP-98-9 Judge Bloch had the opportunity to specifically find that challenges to particular license conditions were not germane, since HRI's License had been issued, but did not do so<sup>8</sup>.

The Staff also argues the law of the case should apply to specific aspects of Intervenors' challenge to LCs 10.21 and 10.22. Staff Response at 10-12, 31-32. Given the context of Judge Bloch's order bifurcating the hearing and the ambiguity surrounding the what evidence should be presented and what evidence the former Presiding Officer would consider, the current Presiding Officer should evaluate Intervenors' evidence on HRI's establishment of baseline groundwater quality and determination of UCLs for Section 17, Unit 1, and Crownpoint and make a determination of the validity of that

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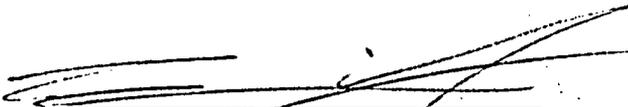
<sup>8</sup> Judge Bloch's ruling was based on Intervenors Second Amended Request for Hearing, Petition to Intervene and Statement of Concerns, submitted prior to HRI's license being issued. In the Matter of Hydro Resources, Inc., LBP-98-9, 47 NRC at 280 n. 43.

evidence on the merits. The Staff's law of the case argument on this issue should therefore be rejected.

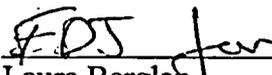
#### IV. CONCLUSION

For all of the foregoing reasons, all HRI's collateral estoppel arguments and all the Staff's law of the case arguments should be rejected.

Dated: May 9, 2005

  
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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
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In the Matter of )

HYDRO RESOURCES, INC. )  
(P.O. Box 777 )  
Crownpoint, New Mexico 87313 )

) Docket No. 40-8968-ML  
) ASLBP No. 95-706-01-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of "Intervenors' Reply to Hydro Resources, Inc.'s and the Nuclear Regulatory Commission Staff's Responses in Opposition to Intervenors' Joint Groundwater Presentation" in the above-captioned proceeding have been served on the following by U.S. Mail, first class, and via email to those persons indicated by an asterisk, this 9<sup>th</sup> day of May, 2005:

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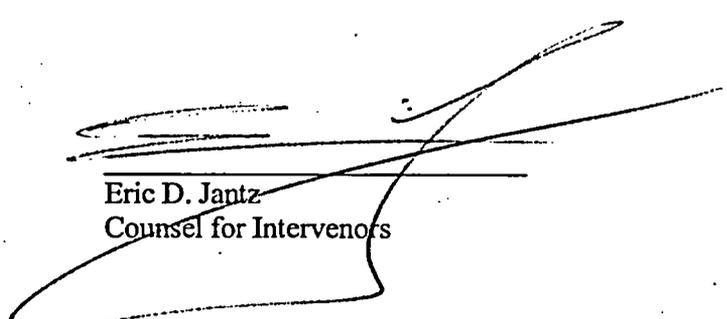
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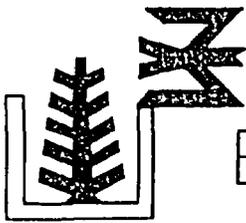
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Eric D. Jantz  
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NEW MEXICO  
ENVIRONMENTAL LAW CENTER

May 9, 2005

**BY ELECTRONIC MAIL AND U.S. FIRST CLASS MAIL**

U.S. Nuclear Regulatory Commission  
Office of the Secretary  
Attn: Rulemaking and Adjudications Staff  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

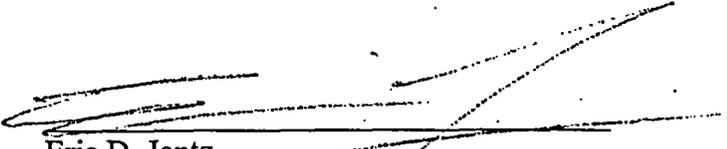
Re: In the Matter of: Hydro Resources, Inc.; Docket No: 40-8968-ML

Dear Sir or Madam:

Please find enclosed for filing "Intervenors' Reply to Hydro Resources, Inc.'s and the Nuclear Regulatory Commission Staff's Responses in Opposition to Intervenors' Joint Groundwater Presentation". Copies of the enclosed have been served on the parties indicated on the enclosed certificate of service. Additionally, please return a file-stamped copy in the attached self-addressed, postage prepaid envelope.

If you have any questions, please feel free to contact me at (505) 989-9022.  
Thank you for your attention to this matter.

Sincerely,



Eric D. Jantz  
Douglas Meiklejohn  
New Mexico Environmental Law Center  
Attorneys for Intervenors

Enclosures

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