

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

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MARILYN MORRIS; GRACE SAM;  
EASTERN NAVAJO DINE AGAINST  
URANIUM MINING "ENDAUM";  
SOUTHWEST RESEARCH AND  
INFORMATION CENTER, "SRIC",

Petitioners,

v.

UNITED STATES NUCLEAR  
REGULATORY COMMISSION;  
UNITED STATES OF AMERICA,

Respondents.

No. 07-9505

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ORDER

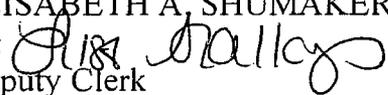
Filed July 11, 2007

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This matter is before the court on the "Motion for Leave to File as *Amicus Curiae* and Brief in Support of Appellants" filed by Navajo Nation, and the "Federal Respondents' Opposition to Motion for Leave to File as *Amicus Curiae* by the Navajo Nation." The motion to become amicus, the amicus brief, and the response are referred to the panel on the merits.

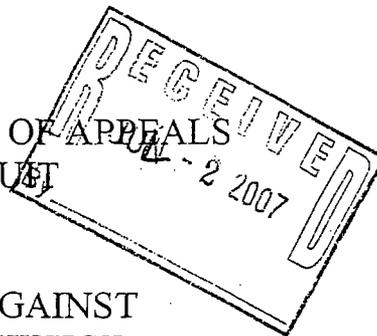
Entered for the Court

ELISABETH A. SHUMAKER, Clerk

by:   
Deputy Clerk

No. 07-9505

IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT



EASTERN NAVAJO DINÉ AGAINST  
URANIUM MINING, SOUTHWEST  
RESEARCH AND INFORMATION  
CENTER, MARILYN MORRIS AND  
GRACE SAM,

Appellants,

v.

UNITED STATES NUCLEAR  
REGULATORY COMMISSION  
AND THE UNITED STATES,

Appellee.

PETITION FOR REVIEW OF A DECISION OF THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION AND THE UNITED STATES

**AMICUS CURIAE OF THE NAVAJO NATION  
FILED IN SUPPORT OF PETITIONERS**

**EXHIBITS ATTACHED**

NAVAJO NATION DEPARTMENT OF JUSTICE  
LOUIS DENETSOSIE  
Attorney General

David A. Taylor, Senior Attorney  
Natural Resources Unit  
P.O. Box 2010  
Window Rock, Arizona 86515

ORDERED  
THIS MATTER WILL BE REFERRED TO  
THE CLERK OF COURT FOR DEPOSIT OF  
THE ORIGINALS

11/2/07

IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

FILED  
United States Court of Appeals  
Tenth Circuit

JUL 06 2007

WILSON A. SHULTON

EASTERN NAVAJO DINÉ AGAINST )  
URANIUM MINING, SOUTHWEST )  
RESEARCH AND INFORMATION )  
CENTER, MARILYN MORRIS AND )  
GRACE SAM, )

Appellants, )

No. 07-9505.

v. )

UNITED STATES NUCLEAR )  
REGULATORY COMMISSION )  
AND THE UNITED STATES, )

Appellee. )

ORDERED  
THIS MATTER WILL BE REFERRED TO  
THE PANEL TO DISPOSE OF  
THE CASE ON THE MERITS.  
JJS  
DATE 7/10/07

**MOTION FOR LEAVE TO FILE AS  
AMICUS CURIAE AND BRIEF IN SUPPORT OF APPELLANTS**

Pursuant to Rule 29 of the Federal Rules of Appellate Procedure, the Navajo Nation Department of Justice (hereinafter, "the Navajo Nation"), hereby moves for leave of the Court to file an Amicus Curiae Brief in support of the Appellants. This request is made for the following reasons:

1. Under Title 2 § 1964 of the Navajo Nation Code, the Attorney General is the Chief Legal Officer of the Navajo Nation, who is in charge of the Navajo Nation Department of Justice and of all legal matters in which the Navajo Nation government has an

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

**FILED**  
United States Court of Appeals  
Tenth Circuit  
JUL 11 2007  
ELISABETH A. SEIDMAKER  
CLERK

EASTERN NAVAJO DINE AGAINST URANIUM )  
MINING, SOUTHWEST RESEARCH CENTER, )  
MARILYN MORRIS, GRACE SAM, )  
Petitioners, )  
v. )

No. 07-9505

U.S. NUCLEAR REGULATORY COMMISSION )  
and the UNITED STATES OF AMERICA, )  
Respondents, and )  
HYDRO RESOURCES, INC., )  
Intervenor. )

**ORDERED**  
THIS MATTER IS REFERRED TO  
THE PANEL ASSIGNED TO DISPOSE OF  
THE CASE ON THE MERITS.  
\_\_\_\_\_  
(DEPUTY) CLERK  
DATE 7/11/07  
10:19

**FEDERAL RESPONDENTS' OPPOSITION  
TO MOTION FOR LEAVE TO FILE AS *AMICUS CURIAE*  
BY THE NAVAJO NATION**

Pursuant to Rules 27 and 29 of the Federal Rules of Appellate Procedure and Rules 27 and 29 of this Court, the Federal Respondents oppose the Motion for Leave to File as *Amicus Curiae* by the Navajo Nation to the extent that the tendered brief attempts to raise issues in violation of this Court's stated guidelines for an *amicus curiae* brief. In support of that position, the Federal Respondents state as follows:

1. This Court has clearly stated that while it may have the discretion to address issues raised only in *amicus* briefs, it will "exercise that discretion only in exceptional circumstances." *Tyler v. City of Manhattan*, 118 F.3d 1400, 1404 (10th Cir. 1997) (citations omitted). "Our review of the relevant case law