

SERVED AUG 11 1998

NAVAJO UTAH COMMISSION

P. O. Box 570 Montezuma Creek, Utah 84534-0570 Voice: 801-651-3461 Fax: 801-651-3451

Clarence Rockwell, Executive Director David Laughter, Chairperson Emerson Jackson, Vice-Chairperson

August 1, 1998

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Docket # 40-8681 International Uranium (White Mesa Mill)
Reference NRC decision of June 23, 1998

We again submit to you our resolution which states our concerns. This was submitted to you previously in support of the hearing file. We request a hearing and a stay of the proposed action.

We understand that a judicial hearing will be held on Wednesday, August 12, 1998 before Judge Peter Bloch concerning the matter. We would appreciate our concerns also be considered at the same time as the other appellants. We feel we have standing in this matter because of our historic past and long-standing concerns.

Please include our resolution in the docket proceedings.

The representative of the Navajo Utah Commission to which service can be made is:

Clarence Rockwell, Executive Director
Navajo Utah Commission
Post Office Box 570
Montezuma Creek, Utah 84534
(435) 651-3461

Sincerely,



Clarence Rockwell, Executive Director
NAVAJO UTAH COMMISSION

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

98 AUG 11 P 3:10

DOCKETED
USMRC

COMMISSIONERS: Mark Maryboy David John Walter Atene Edward Tapaha Victor Joe, Jr.

SECY-043

DS03
19404

**RESOLUTION OF THE
NAVAJO UTAH COMMISSION
OF THE NAVAJO NATION COUNCIL**

NUCJY-166-98

**OPPOSING THE TRANSPORTATION INTO BLANDING, UTAH AND
PROCESSING OF NUCLEAR WASTE MATERIAL AND ALL OTHER
URANIUM BYPRODUCTS AT THE INTERNATIONAL URANIUM MILL IN
BLANDING, UTAH.**

WHEREAS:

1. The Navajo Utah Commission was established by Intergovernmental Relations Committee of the Navajo Nation Council by Resolution No. IGRJN-134-92 to develop and maintain efficient governmental services to the Navajo People on the "Utah Strip" of the Navajo Nation; and
2. The Nuclear Regulatory Commission and International Uranium Mill have proposed processing radioactive material that would be shipped from Tonawanda, New York, into the mill site located near the communities of Blanding and White Mesa, Utah; and
3. Any exposure to nuclear waste poses extreme hazard to human health and the human environment. The transportation through Utah and processing of such project presents a risk to the citizens of the State of Utah which includes the residents of the Navajo Nation; and
4. At no time have public hearings been held to inform the citizens of San Juan County of the intent of International Uranium and the Nuclear Regulatory Commission to enter into an amended agreement allowing the processing of such material as "alternate uranium mill feed byproduct material"; and in fact, have undertaken such an agreement without input by any other interested parties; and
5. Executive Order 12898 clearly addresses the need for federal agencies to address the human health and environmental conditions in minority communities. "Fair treatment means that no group of people including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative health and environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programs and policies."
6. Research shows that Utahans, in particular the Navajo residents of Utah, have suffered a legacy of death and illness as a result of participation in and exposure to the nation's nuclear programs.

Page 02 of 02
NUC Resolution #NUCJY-166-98

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Navajo Utah Commission opposes the transportation and placement for processing of nuclear waste material and all other radiation-containing byproducts at the International Uranium Corporation Mill in Blanding, Utah.
2. The Navajo Utah Commission urges federal, state and local jurisdiction agencies to engage in an immediate effort to stay the above-name entities from shipment of this material into the state of Utah for processing.
3. Furthermore, that public hearings for any such endeavor be conducted immediately by the Nuclear Regulatory Commission, International Uranium Corporation and any other public and private entity having an interest in order to ensure the Navajo residents of San Juan County be appraised of all pertinent information in this matter.

CERTIFICATION

We hereby certify that the foregoing Resolution was duly considered by the Navajo Utah Commission in Window Rock, Arizona (Navajo Nation) at a duly called meeting at which a quorum was present and that same passed by a vote of 5 in favor, 0 opposed with 0 abstentions on the 2th day of July, 1998.


 David Laughter, Chairperson
 Navajo Utah Commission

Motion: David John
Second: Walter Atene



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

July 24, 1998

'98 AUG 11 P3:10

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Mr. Clarence Rockwell
Navajo Utah Commission
Post Office Box 570
Montezuma Creek UT 84534

SUBJECT: RESPONSE TO NAVAJO NATION REQUEST FOR STAY

Dear Mr. Rockwell:

I am responding to your July 22, 1998, facsimile (FAX) to me. In that FAX, you provided a copy of the Navajo Utah Commission resolution of July 9, 1998, regarding the proposed shipment and processing of radioactive waste material by International Uranium Corporation (IUC) at its White Mesa mill. The resolution requested that the U.S. Nuclear Regulatory Commission (NRC) issue an immediate stay of the license until public hearings are held on the recently issued amendment. For NRC to consider issuing a stay on the subject amendment, the Navajo Nation must follow the provisions for requesting a stay found in 10 CFR Part 2, Subpart L. A summary of this section is provided below, and a copy of the entire subpart is enclosed for your convenience.

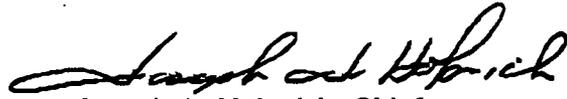
10 CFR Part 2, Subpart L, contains the NRC's rules of practice for informal public hearings which are held under the direction of an Administrative Law Judge called a Presiding Officer. In order for the NRC to hold an informal hearing pursuant to Subpart L, the Navajo Nation must initiate the process by filing a 10 CFR 2.1205(d)(2) request for a hearing which complies with the requirements in 10 CFR 2.1205(e) and (f). Pursuant to 10 CFR 2.1263, in order for you to request a stay of an NRC licensing action, you must file the stay request at the same time that you file a hearing request. I would like to emphasize that pursuant to 10 CFR 2.1205(d)(2)(ii), the Navajo Nation has 30 days from the date it received actual notification of a final NRC action (in this case, the White Mesa License Amendment) to file a request for a hearing. Your July 9, 1998, resolution indicates that you had actual notification by this date. Therefore, if you desire a hearing, it should be filed as soon as possible in order to meet the 30-day requirement. If your request for a hearing is untimely, the Navajo Nation must meet the provisions of 10 CFR 2.1205(l) in order for the NRC to consider the late petition.

C. Rockwell

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Until the process described above is followed, I am unable to take the action you request in your letter. However, I hope that the information provided in this letter answers any questions you may have about properly initiating a request for a stay. If you have any further questions, please feel free to contact me or Mr. James Park, the NRC Project Manager for the White Mesa facility. I can be reached at (301) 415-7238, and Mr. Park at (301) 415-6699.

Sincerely,



Joseph J. Holonich, Chief
Uranium Recovery Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated



THE NAVAJO NATION

DOCKETED
USNRC

'98 AUG 11 P3:11

THOMAS E. ATCITY
PRESIDENT

MILTON BLUEHOUSE
VICE PRESIDENT

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

July 22, 1998

FAX TO: Mr. John Greeves/Mr. Joseph Holonich
Waste Management Division
Nuclear Regulatory Commission
Washington, D.C. (301) 415-5397

FROM: Navajo Utah Commission
Phone: (801) 651-3461
Mr. Clarence Rockwell, Director

Clarence Rockwell
MR

Attached is a Fax Copy of a Resolution from the Navajo Utah Commission, a local governing body of the Navajo Nation, regarding the proposed shipment and processing of radioactive waste material from Tonawanda, New York into International Uranium Mill Site located in Blanding, Utah.

The Navajo Utah Commission is requesting AN IMMEDIATE STAY of any such proposal until PUBLIC HEARINGS for such endeavor are conducted for the benefit of the Navajo citizens of San Juan County, Utah.

DIVISION OF ECONOMIC DEVELOPMENT

POST OFFICE BOX 663 - WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515 - (520) 871-8544 - FAX (520) 871-7381

**RESOLUTION
OF
NAVAJO UTAH COMMISSION
OF THE
NAVAJO NATION COUNCIL**

July 9, 1998

Resolution Opposing the transportation into Blanding, Utah and processing of nuclear waste material and all other uranium byproducts at the International Uranium Mill in Blanding, Utah.

WHEREAS:

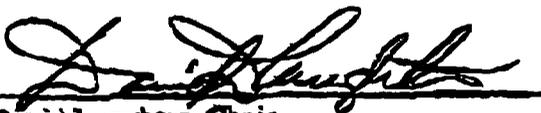
1. The **NAVAJO UTAH COMMISSION** is officially recognized as a local governing body designated by the Intergovernmental Relations Commission (IGRC) of the Navajo Nation Council by Resolution No. IGRIN-134-92 with the authority to review all matters affecting the communities in the seven chapter areas of Utah, making appropriate recommendations to, and requests of, the Navajo Nation and other pertinent agencies; and
2. The Nuclear Regulatory Commission and International Uranium Mill have proposed processing radioactive material that would be shipped from Tonawanda, New York into the mill site located near the communities of Blanding and White Mesa, Utah.
3. Any exposure to nuclear waste poses extreme hazard to human health and the human environment. The transportation through Utah and processing of such product presents a risk to the citizens of the State of Utah which includes the residents of the Navajo Nation; and
4. At no time have public hearings been held to inform the citizens of San Juan County of the intent of International Uranium and the Nuclear Regulatory Commission to enter into an amended agreement allowing the processing of such material as "alternate uranium mill feed byproduct material"; and in fact, have undertaken such an agreement without input by any other interested parties; and
5. Executive Order 12898 clearly addresses the need for federal agencies to address the human health and environmental conditions in minority communities. "Fair treatment means that no group of people including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative health and environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programs and policies."
6. Research shows that Utahns, in particular the Navajo residents of Utah, have suffered a legacy of death and illness as a result of participation in and exposure to the nation's nuclear programs.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Navajo Utah Commission opposes the transportation and placement for processing of nuclear waste material and all other radiation-containing byproducts at the International Uranium Corporation Mill in Blanding, Utah.
2. The Navajo Utah Commission urges federal, state and local jurisdiction agencies to engage in an immediate effort to stay the above-name entities from shipment of this material into the state of Utah for processing.
3. Further, that public hearings for any such endeavor be conducted immediately by the Nuclear Regulatory Commission, International Uranium Corporation and any other public and private entity having an interest in order to ensure the Navajo residents of San Juan County be appraised of all pertinent information in this matter.

Certification

We hereby certify that the foregoing Resolution was duly considered by the Navajo Utah Commission in Window Rock, Arizona (Navajo Nation) at a duly called meeting at which a quorum was present and that same passed by a vote of 5 in favor, 0 opposed with 0 abstentions on the 9th day of July, 1998.


David Laughter, Chair
Navajo Utah Commission

Motion: David John
Second: Walker Atene

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

INTERNATIONAL URANIUM (USA)
CORPORATION (IUSA)
(Receipt of Material from
Tonawanda, New York)

Docket No.(s) 40-8681-MLA-4

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing CORRESPONDENCE (3) RE HEARING have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter B. Bloch
Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
Special Assistant
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Lawrence J. Chandler, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

David J. Jordan, Esq.
Jill M. Pohlman, Esq.
Stoel Rives LLP
201 South Main Street, #1100
Salt Lake City, UT 84111

Denise Chancellor, Esq.
Fred G Nelson, Esq.
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Anthony J. Thompson, Esq.
Frederick S. Phillips, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, DC 20037

Dated at Rockville, Md. this
11 day of August 1998

Adria T. Byrdson
Office of the Secretary of the Commission