

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'98 DEC -3 P4:14

Before Administrative Judges: Peter B. Bloch, Presiding Officer  
Richard F. Cole, Special Assistant

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATION STAFF

In the Matter of: )

INTERNATIONAL URANIUM )  
(USA) CORPORATION )  
(source material license amendment) )

) Docket No. 40-8681-MLA-4

) ASLBP No. 98-748-03-MLA

) November 12, 1998

**STATE OF UTAH'S WITHDRAWAL OF OCTOBER 23, 1998 MOTION TO  
HEAR RELATED LICENSE AMENDMENT REQUEST OR IN THE  
ALTERNATIVE REQUEST FOR HEARING AND PETITION FOR LEAVE  
TO INTERVENE**

The State of Utah hereby withdraws its October 23, 1998 Motion to Hear related License Amendment Request or in the Alternative Request for Hearing and Petition for Leave to Intervene.

The State of Utah submitted its October 23, 1998, Motion to Hear Related License Amendment Request or in the Alternative Request for Hearing and Petition for Leave to Intervene out of concern it would be considered untimely if it waited until NRC had made a decision on the IUSA license amendment request for the Ashland 1 materials dated October 15, 1998. This concern was based on the language of 10 CFR §§ 2.1205(a) and 2.1205(d)(2)(i). After the State of Utah filed its Motion, on November 3, 1998, the Nuclear Regulatory Commission published a Notice of Receipt of License Amendment Application and Notice of Opportunity for Hearing (63 FR 59340). The Notice allowed

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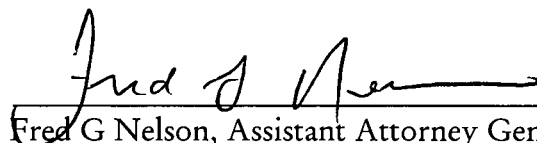
until December 3, 1998, to file a request for a hearing. The State will file its request as part of that proceeding.

It should be noted that for the license amendment for the Ashland 2 materials which is the subject of this proceeding, the Nuclear Regulatory Commission did not provide opportunity for hearing prior to approving the amendment. This fact was an additional reason the State filed its Motion. The State agrees with IUSA that if this matter eventually needs to be considered, it may be appropriate to consolidate it with the current proceeding. IUSA Response at p. 3.

In summary, the State will be submitting by December 3, 1998, to NRC a request for hearing in accordance with the instructions in 63 FR 59340, and hereby withdraws its October 23, 1998, pleading.

DATED this 12th day of November, 1998.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the STATE OF UTAH'S WITHDRAWAL OF OCTOBER 23, 1998 MOTION TO HEAR RELATED LICENSE AMENDMENT REQUEST OR IN THE ALTERNATIVE REQUEST FOR HEARING AND PETITION FOR LEAVE TO INTERVENE were served on the persons listed below by first class mail, on November 12, 1998:

Attn: Docketing & Service Branch  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
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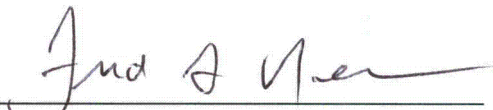
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