

Richard A. Munson
Attorney at Law
One Tabor Center, Suite 1000
1200 17th Street
Denver, Colorado 80202

Telephone (303) 893-6996

Facsimile (303) 904-4989

July 8, 1997

Office of the Secretary
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852
Attention: Rulemakings and Adjudications Staff

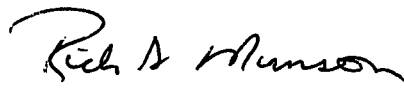
RE: In the Matter of International Uranium (USA) Corporation
Docket No. 40-8681
ASLBP No. 97-726-03-MLA

Dear Staff:

Enclosed herewith for filing in the above referenced proceeding is a Response to Requests for Hearing filed on behalf of International Uranium (USA) Corporation. In addition to delivery of this pleading by facsimile, we are forwarding to your office, regular mail, the original and two conformed copies of the pleading.

We have served copies of the pleading on the persons/entities shown on the certificate of service attached to the pleading. We believe our certificate and method of filing and service reflects the service list and requirements as outlined in the Memorandum from the Secretary, dated May 5, 1997, and the Memorandum and Order of Judge Bloch in this proceeding, concerning the filing requirements under 10 C.F.R. Subpart L.

Sincerely,


Rich A. Munson

RAM/dpb

enclosure

VIA FACSIMILE: (301) 415-1101

SECY-EHD-006

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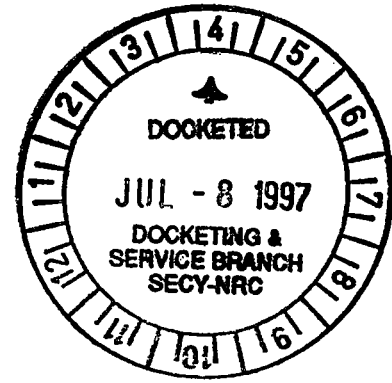
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL



Before Administrative Judges:
Peter B. Bloch, Presiding Officer
Charles N. Kelber, Special Assistant

In the Matter of)	Docket No. 40-8681-MLA
)	
INTERNATIONAL URANIUM (USA))	Re: License Amendment
CORPORATION)	
)	ASLBP No. 97-726-03-MLA
(White Mesa Uranium Mill;)	
Alternative Feed Material))	

**RESPONSE OF INTERNATIONAL URANIUM (USA) CORPORATION
TO HEARING REQUESTS
REGARDING AMENDMENT TO SOURCE MATERIAL LICENSE
(DOCKET NO. 40-8681)**

International Uranium (USA) Corporation ("IUSA"), by its undersigned counsel of record, submits this Response to the three requests for hearing/standing regarding the amendment to Source Materials License No. SUA-1358 (Docket No. 40-8681) (the "White Mesa Source Materials License") allowing the receipt and processing of uranium bearing materials commonly referred to as the "Cotter Concentrates". The amendment (the "Cotter Concentrates Amendment") was granted by the Nuclear Regulatory Commission ("NRC") staff on April 2, 1997.

Letters have been submitted to the NRC by the Native American Peoples Historical Foundation/Great Avikan House ("Great Avikan-House"), Mr. Norman Begay and the Westwater Navajo Community (individually, a "Petitioner"; collectively, the "Petitioners"). Supplemental documentation (the "Supplement") has been submitted by each of the Petitioners and, by the terms of Mr. Begay's Supplement, each Petitioner is apparently adopting the documentary support attached to the Great Avikan House Supplement. The initial requests and the Supplements are referred to herein as the "Requests for Hearing".

I. STATUS OF PROCEEDING

IUSA has been granted party status in this proceeding by a Memorandum and Order issued by the Presiding Officer on June 25, 1997.

The original filings by Mr. Begay, Great Avikan House and Westwater Navajo Community were the subject of a Memorandum and Order issued by the Presiding Officer on May 27, 1997 (the "May 27 Order"). In the May 27 Order the Presiding Officer found that the original filings were not sufficient to demonstrate the standing of the Petitioners to challenge the Cotter Concentrates Amendment. Pursuant to the terms of the May 27 Order, the Petitioners were granted leave to file supplements to their original filings.

On or about June 9, 1997, Petitioners submitted their Supplements to the Presiding Officer and Special Assistant. Pursuant to a Memorandum and Order issued by the Presiding Office on June 25, 1997, IUSA was granted the opportunity to respond to Petitioners' Requests for Hearing by July 8, 1997.

II. INTRODUCTORY DISCUSSION

In the May 27 Order the Presiding Officer found that the original filings of the Petitioners did not contain the particularity necessary to establish standing. One basic problem with the original filings was their failure to show injury in fact from the specific actions to be taken under the Cotter Concentrates Amendment rather than from actions that have already been taken at the White Mesa Mill or are otherwise allowed under the existing White Mesa Source Materials License.¹ A second problem was the failure to show a "plausible mechanism for injury".²

The Presiding Officer ordered that the Petitioners could file supplements to their hearing requests to demonstrate their standing. Specifically, the Presiding Officer directed Petitioners to address in detail the following items:³

1. An interest in the proceeding and how that interest may be affected by the results of the proceeding, including the reasons why the judicial standards for hearing are met, so as to be permitted a hearing, with particular reference to the factors set forth in 10 C.F.R. §2.1205(h); and
2. Amended areas of concern about the license amendment.

¹ See page 3 of the May 27 Order.

² See page 4 of the May 27 Order.

³ See page 7 of the May 27 Order.

III. STANDARDS TO BE APPLIED

Under the provisions of 10 C.F.R. §2.1205(e), a party requesting a hearing must set forth his interest in the proceeding, how his interest would be affected by the issuance of the license amendment, and his areas of concern about the licensing activity that is the subject of the proceeding. In ruling on a request for hearing, the presiding officer, under 10 C.F.R. §2.1205(h), must determine whether (i) the “areas of concern” identified by the party requesting the hearing are germane to the subject matter of the proceeding and (ii) the party meets the judicial standards for “standing”.

In dealing with the issue of whether the areas of concern are germane to the subject matter of the proceeding, the party requesting the hearing must show that the activity allowed by the licensing action at issue -- in this case approval of the Cotter Concentrates Amendment -- will affect that party adversely in a way different from the activities already authorized at the facility -- in this case the White Mesa Uranium Mill.⁴

In dealing with the issue of standing, the party requesting the hearing must demonstrate that (1) it has suffered or will suffer a distinct and palpable injury that constitutes injury in fact within the zone of interests arguably protected by the governing statute; (2) the injury is fairly traceable to the challenged action; and (3) the injury is likely to be redressed by a favorable decision.⁵

The issue to be decided on the standing question is best described in the language of the May 27 Order:

“One way or another, a petitioner must show the specific injury that is feared and how that injury might occur.”⁶

If a petitioner is a group or organization, such as Great Avikan House or Westwater Navajo Community, a question that must be addressed is what type of standing is being sought by that

⁴ See page 3 of the May 27 Order.

⁵ General Public Utilities Nuclear Corporation, LBP 96-23, 44 NRC 143 (1996).

⁶ See page 5 of the May 27 Order.

group. The NRC has addressed the issue of the standing of a group in several cases.⁷ In *Northern Power*, the requirements were summarized as follows:

A group may demonstrate that it has suffered or will likely suffer injury in fact either through organizational injury or injury to a member that it represents. More than a general statement is required -- the means by which injury may be suffered must be demonstrated.⁸

The *Northern Power* decision identified the requirements for representational standing as follows:

Thus, for representational standing, a group must identify at least one of its members by name and address and demonstrate how that member may be affected (such as by activities on or near the site) and show (preferably by affidavit) that the group is authorized to request a hearing on behalf of the member.⁹

Organizational standing requires identification of an injury to the organization and notification from an official of the organization that the organization wishes to participate as an entity.¹⁰

The May 27 Order describes for petitioners the methods of meeting either of these two types of standing.¹¹ As pointed out in the NRC Staff's response to the initial filings of the petitioners in this proceeding, neither Great Avikan House nor the Westwater Navajo Community meet the criteria for either type of standing. As discussed in detail below, IUSA concurs with the Staff on this question and further submits that the defect has not been cured in the Supplements filed by either group.

IV. THE PETITIONS AT ISSUE

The following discussion addresses each Petitioner's Request for Hearing in terms of whether the particular areas of concern identified by the Petitioner are germane to this proceeding

⁷ See, for example, Northern States Power Company, LBP 96-22, 44 NRC 138 (1996).

⁸ Id, at 141. Emphasis added.

⁹ Id, at 141.

¹⁰ Id at 141.

¹¹ See page 4 of the May 27 Order.

and whether there is a sufficiently particularized identification of a specific injury and a plausible mechanism by which that injury might occur. As to the Great Avikan House and the Westwater Navajo Community, the type of standing (representational or organizational) is also addressed.

Westwater Navajo Community

Type of Standing. Both the original filing and Supplement for this Petitioner have been submitted by Ms. Lula Katso. Ms. Katso identifies herself as the Spokesperson for the organization.¹² There is nothing in either the original filing or the Supplement that identifies with any specificity what type of organization Westwater Navajo Community is, what group of people the Westwater Navajo Community represents or what purpose the group has. There is also nothing in the filings that indicate the group has authority to represent any individual.

If we assume however for purposes of this discussion that Westwater Navajo Community is seeking representational standing, then Ms. Katso must be the individual that Westwater Navajo Community is seeking to represent. Under the standards enunciated in *Northern Power* and by the Presiding Officer in this case, there should be an identification of the home or business address of Ms. Katso and a demonstration of how she, individually, is affected by the activities authorized by the Cotter Concentrate Amendment.

In the original filing, dated April 30, 1997, there is nothing that identifies Ms. Katso's address or proximity of her home or business to the White Mesa Mill. In the Supplement filed by Ms. Katso, dated June 7, 1997, she asserts that "Our home is 4.5 miles from the Energy Fuels Nuclear (EFN) Uranium mill site at White Mesa. Many of us have family members who are buried at Westwater Canyon near where the mill sits."¹³ It seems from the language used by Ms. Katso that she is referring to the "home" of the organization, not the address of her personal residence or business. Further, and more telling, there is nothing in either the original filing or the Supplement that identifies any effect on Ms. Katso individually from the Cotter Concentrate Amendment.

If Westwater Navajo Community is seeking "organizational standing", it must show by appropriate documentation that the organization wishes to participate as an entity and it must demonstrate an organizational injury. To show organizational standing, the group must, at a

¹² Although Ms. Katso's Supplement is identified as an affidavit, the document was not subscribed and sworn before an officer or notary authorized to administer oaths nor does it include a declaration that the statements contained therein are made under penalty of perjury.

¹³ Emphasis added.

minimum, identify their purpose or interest. There is nothing in either the original filing or the Supplement that identifies the charter or purpose of Westwater Navajo Community as a group. Further, neither the original filing nor the Supplement identify any injury to the Westwater Navajo Community as a group -- the items complained of are related to possible ailments of "our friends and relatives in White Mesa".¹⁴ There is nothing that indicates that these friends or relatives are even members of Ms. Katso's group.

IUSA submits that the petition of Westwater Navajo Community must be denied for a failure to show either representational or organizational standing.

Areas of Concern. Both the original filing and Supplement of the Westwater Navajo Community alleges risk to health and safety, alleging that the Cotter Concentrates "have caused health hazards everywhere they have been"; that "the leech fields might drain down into the canyon water and go to the river"; and that "we can smell the poisons when the mill is running".¹⁵ These are allegations of potential injury that might be relevant if Westwater Navajo Community was seeking representational standing and it was shown that a member of the group was fearful of such hazards and that there was a plausible mechanism of injury to that member. Such general allegations by themselves do not show that the activities of receiving and processing the Cotter Concentrates pose a reasonably credible threat of injury in fact.

The other "standing" issue raised by the Westwater Navajo Community filing is the issue of "Environmental Justice" which is also raised by Great Avikan House and Mr. Begay. This and other issues are individually discussed in the portions of this Response dealing with the filings by Great Avikan House and Mr. Begay.

Great Avikan House

Type of Standing. It appears from the Supplement filed by Great Avikan House that it is seeking both representational and organizational standing: "AVIKAN states that specific actions proposed to be taken under the license amendment would inflict "injury in fact" (harm) upon individuals, programs and lands that are a part of the AVIKAN project."¹⁶

¹⁴ See page 2 of the Westwater Navajo Community Supplement.

¹⁵ Id.

¹⁶ See page 2 of Great Avikan House supplement dated June 9, 1997.

As to representational standing, no individual member is named nor is there any authority granted by any individual member for Great Avikan House to represent him or her. There is nothing in the original filing or Supplement that would satisfy the requirements for representational standing as set forth in *Northern Power*¹⁷ or as described in the May 27 Order.¹⁸

As to organizational standing, the Supplement filed by Great Avikan House states that “AVIKAN is an ‘all tribes’ non profit project, established in 1989 for the preservation of the historical and cultural traditions and rights of indigenous People.”¹⁹ To demonstrate organizational injury in fact, it must be shown that activities undertaken by IUSA in accordance with the Cotter Concentrates Amendment will cause injury in fact to the historical and cultural traditions and rights of indigenous People.

The Supplement filed by Great Avikan House identifies areas of concern that were not contained in its initial filing and expands the discussion of some of the concerns raised in the initial filing. The following items are identified in the Supplement filed by Great Avikan House.

a. Psychological Impact. The initial allegation of injury or harm to Great Avikan House is based on the premise that the processing of material under the Cotter Concentrate Amendment will “bring psychologically feared evil spirits into sacred Indian lands”.²⁰ The injury to Great Avikan House that is alleged is that this psychological fear “will distress, or drive away, many Native American people who would otherwise participate in the all tribes Great Avikan House project”.²¹ Great Avikan House offers nothing other than its own statement as evidence of this psychological fear and the possible loss of participation. With nothing more than this bare allegation, it is impossible to judge whether the premise is true and then, even if true, whether the alleged injury may occur by virtue of the Cotter Concentrates Amendment as opposed to operations that have already occurred at the White Mesa Mill.

¹⁷ Id, at note 7.

¹⁸ See page 4 of the May 27 Order.

¹⁹ See page 8 of the Great Avikan House Supplement.

²⁰ See pages 9 - 11 of the Great Avikan House supplement.

²¹ See page 10 of the Great Avikan House supplement.

Under NRC precedent, there must be a showing that there is a “reasonable possibility” that there will be the psychological impact asserted in the Great Avikan House supplement.²² While the May 27 Order reiterates that at this stage of the proceeding there is only a requirement that a plausible mechanism for injury be described, there must be some additional basis for a showing of injury in addition to a single self serving statement that has no support from any third party or that is not even attested to by one member of the group asserting such psychological impact.

If we assume for purposes of this Response that the psychological impact will occur, then there should also be some basis for the assertion of the injury to Great Avikan House other than its own statement of its concern that the injury may occur. Again, there is no support from any third party or even from a current member of Great Avikan House indicating that the injury may occur.

b. Air and Water Quality Concerns. The second premise relied on by Great Avikan House for assertion of an organizational injury is that the Cotter Concentrates will affect the quality of the potential water supply for the Great Avikan House project and the air quality for workers at, and visitors to, the Great Avikan House property.²³ Great Avikan House relies on assertions of water quality impacts (which IUSA disputes) that have already occurred, the smell of “smoke” from the Mill during past operations, and public information presented by the Department of Energy, Nevada Operations Office (“DOE/NV”) in the context of its ongoing public involvement/information process for its operations at the Nevada Test Site.²⁴

Impacts, if any, to air or water quality from prior operations is not a ground for asserting injury in fact from processing activities authorized by the Cotter Concentrates Amendment which have not yet occurred.²⁵ Great Avikan House asserts that the DOE/NV information shows that the Cotter Concentrates have such a high level of radioactivity that disposal of the material at the White Mesa Mill is ill-advised. This assertion arises from a misapprehension of the Cotter Concentrates Amendment: IUSA is not disposing of the material in the same form as it is currently being held

²² Yankee Atomic Electric Company CLI 96-7, 43 NRC 235, 247 (1996).

²³ See pages 11 - 12 of the Great Avikan House supplement.

²⁴ See discussion at page 12 of the Great Avikan House supplement.

²⁵ Shipment of the Cotter Concentrates from the DOE/NV site has been initiated but processing of the Cotter Concentrates has not yet begun.

by DOE/NV; IUSA will process the material as it does any other uranium bearing feedstock and the residue or tailings will be handled and ultimately reclaimed in the same manner as originally permitted in the original White Mesa Uranium Source Materials License. As found by the NRC staff in approving the Cotter Concentrates Amendment, the processing of the Cotter Concentrates will not result in any material change to the existing tailings at the White Mesa Mill.

Great Avikan House uses these asserted impacts to assert that injury to Great Avikan House, mill workers and the adjacent community will occur from the milling of the Cotter Concentrates. Great Avikan House cannot assert potential injury to mill workers or adjacent populations to establish standing.²⁶

In terms of organizational injury, Great Avikan House asserts that wastes from processing the Cotter Concentrates “have the possibility of seeping into the water aquifers from which AVIKAN water will be drawn”. This assertion of potential injury (which IUSA contests) is not sufficient to establish the injury in fact -- a plausible mechanism for the injury must be shown. Mere proximity to the Mill is not sufficient to satisfy the plausible mechanism requirement.²⁷

As discussed by the Presiding Officer in the May 27 Order, a concern by Mr. Begay, another Petitioner, about contamination of water wells together with an assertion about the stability of the Cotter Concentrate does not in itself show a plausible mechanism for injury.²⁸ Great Avikan House must, as must Mr. Begay, show a way that, despite the procedures prescribed by the Cotter Concentrate Amendment and White Mesa Source Materials License, there will be seepage into the water aquifers that Great Avikan House will use. There is no such showing or allegation in either the original filing or Supplement of Great Avikan House.

c. Property Values. Great Avikan House asserts that the very identity of the Cotter Concentrates is such that disposal of the material at the White Mesa Mill will necessarily result in the diminution of the project and property values of Great Avikan House.²⁹ This assertion is again based on a mischaracterization of the nature of the Cotter Concentrate Amendment: the material is

²⁶ See page 5 of the May 27 Order and the cases cited therein.

²⁷ Florida Power and Light Company CLI 89-21, 30 NRC 325, 329-30 (1989).

²⁸ See pages 4 and 5 of the May 27 Order.

²⁹ See page 13 of the Great Avikan House Supplement.

not being merely disposed of as waste but is an alternative feed source which can be economically processed by IUSA at the White Mesa Mill. There is nothing in the Cotter Concentrates Amendment or the DOE/NV public information that can reasonably be characterized as implying that IUSA and the DOE are changing the White Mesa Mill to a “Nuclear dump” as alleged by Great Avikan House.

d. Injury to Taxpayers. Great Avikan House is attempting to assert in this section of its Supplement,³⁰ an injury to taxpayers and individual citizens. Great Avikan House has not made any showing of representational standing on these issues and there is nothing to support this assertion of injury as an organizational injury of Great Avikan House, a self described “nonprofit organization”.³¹

e. Environmental Racism. As we read the Supplement of Great Avikan House on this issue,³² the allegation is that there is a practice by the NRC of “retrofitting” documents that demonstrates an intent on the part of the NRC to “establish a massive waste dump” near Great Avikan House due to the race, color or natural origin of the members of Great Avikan House and the surrounding community. In this context, Great Avikan House raises the possible application of the Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (1994). Environmental Justice as a basis for standing is also asserted in the Supplements filed by Westwater Navajo Community and Mr. Begay.

The NRC considered the application of Executive Order 12898 in its recent decision to renew the White Mesa Source Materials License and found no violation of the Order.³³ The Supplement of Great Avikan House does not identify any basis for questioning that determination.

³⁰ See pages 13 - 14 of Great Avikan House supplement.

³¹ See the description of Great Avikan House at page 8 of the supplement. IUSA disputes the contentions of Great Avikan House in this portion of its supplement as they imply that the mere presence of the Cotter Concentrates to the sites identified resulted in each such site being listed as a “Superfund” site.

³² See pages 14 - 15 of the Great Avikan House supplement.

³³ See the Environmental Assessment issued by the NRC Staff, dated February 1997, at page 25.

The Supplement filed by Great Avikan House has as attachment "X" a copy of a resolution concerning waste disposal siting and indigenous people. The Supplement filed by Westwater Navajo Community and Mr. Begay specifically reference this resolution. The resolution is concerned with waste disposal siting, not ongoing operations of existing and licensed milling facilities.

Even if we assume for purposes of this proceeding that the resolution could apply to the White Mesa Mill, a review of the resolution reveals that its most significant concern and requested action is the consideration of the cultural significance of sites being considered for action. Such a review was in fact conducted at the time of the original licensing action for the White Mesa Mill. As a result of the consideration and review of the cultural significance of the Mill Site, Conditions 15 and 16 of the White Mesa Source Materials License specifically require the licensee to avoid, where feasible, operations in certain archaeologically sensitive areas and to conduct archaeological studies and/or recovery operations in other areas prior to disturbance. The Cotter Concentrates Amendment activity will not result in any impact to any archaeological, cultural or religious resource that is greater or different in any degree than the impacts from the activities already permitted under the existing White Mesa Source Materials License.

f. Continuation of Injury in Fact. Great Avikan House is alleging that if IUSA is allowed to process the Cotter Concentrates, it will then "be granted license to bring wastes from "Fernald and DOE sites," including the "entire NTS waste stream."³⁴ It is possible that the Department of Energy may seek to have IUSA process other uranium bearing materials it owns.³⁵ Possible future action is not germane to the Cotter Concentrates Amendment that is the subject of this proceeding and cannot support a demonstration of standing for this proceeding. This argument is akin to the "bad precedent" argument that has been rejected by the NRC in past cases as a basis for standing.³⁶

³⁴ See page 15 of the Great Avikan House Supplement.

³⁵ It should not be lost on this proceeding that the Department of Energy will become the owner of portions of the site of the White Mesa Mill at the time of completion of final decommissioning and reclamation.

³⁶ See General Public Utilities Nuclear Corporation LBP 96-23, 44 NRC 143, at 159 (1996) and cases cited therein.

General comments on Great Avikan House's Areas of Concern. As a general matter, the complaints of Great Avikan House relate more to actions authorized under the White Mesa Source Materials License than to any particular action allowed by the Cotter Concentrates Amendment. In the original filing, Great Avikan House raised the following areas of concern: the cultural significance of the land (the "Mill Site") upon which the Mill is built, the Mill Site is a sacred ceremonial site as well as an ancient Anasazi site, and the White Mesa community was not mentioned in the original environmental impact statement (an allegation that is disputed by IUSA). There is nothing in the Cotter Concentrates Amendment that creates a new or different plausible mechanism for injury as compared to the potential impacts, if any, from operations that have already occurred under the White Mesa Source Materials License.

Attachment "Y" to the Great Avikan House Supplement further evidences that its concerns are related to any matter at the White Mesa Mill that could prolong or arguably expand the operations at the Mill. Attachment "Y" is a copy of a release/statement from Great Avikan House in 1994 that raises the same general concerns identified above in the context of a license amendment sought by a predecessor operator of the Mill. This shows the lack of any particularized injury specific to the actions allowed by the Cotter Concentrates Amendment.

Mr. Begay's Request For Hearing

Mr. Begay is an individual seeking standing and a hearing on the Cotter Concentrates Amendment. Under the provisions of 10 C.F.R. §2.1205(e), Mr. Begay must set forth his interest in the proceeding, how his interest would be affected by the issuance of the license amendment, and his areas of concern about the licensing activity that is the subject of the proceeding. The Presiding Office found that Mr. Begay's initial request for a hearing was not sufficient to establish his standing and provided him with the opportunity to supplement his request to show a "plausible mechanism for injury".³⁷

Mr. Begay has filed a Supplement dated June 6, 1997.³⁸ The Supplement does not address the missing element of his original filing, namely the identification of a plausible mechanism for injury. Instead, Mr. Begay appears to now be asserting that Executive Order

³⁷ See page 4 of the May 27 Order.

³⁸ As with Ms. Katso's supplement, the document is stated to be an "affidavit" but was not subscribed and sworn before an officer or notary authorized to administer oaths nor does it include a declaration that the statements contained therein are made under penalty of perjury.

12898 (discussed above) provides automatic standing to Mr. Begay. The same considerations set forth above in the discussion concerning the Executive Order as it applies to Great Avikan House apply to Mr. Begay and there is nothing in his Supplement that creates the standing of Mr. Begay in this proceeding by virtue of the Executive Order.

SUMMARY

IUSA submits that the Petitioners' Requests for Hearing must be denied as having failed to demonstrate standing to participate in this proceeding.

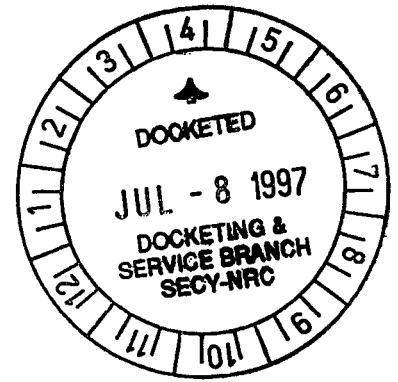
Respectfully submitted this 8th day of July, 1997.



Rich A. Munson
Attorney at Law
One Tabor Center, Suite 1000
1200 Seventeenth Street
Denver, CO 80202

Telephone:(303) 893-6996
Facsimile(303) 904-4989

Counsel for International Uranium (USA)
Corporation, Licensee



CERTIFICATE OF SERVICE

I, Rich A. Munson, hereby certify that on this 8th day of July, 1997, the foregoing PLEADING was sent by facsimile, and the original and two conformed copies of the foregoing PLEADING were mailed, postage prepaid, addressed to the following:

Office of the Secretary
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555-0001
 Attention: Rulemakings and Adjudications Staff
 Facsimile Number: (301) 415-1101
 Verification No.: (301) 415-1966

I, Rich A. Munson, hereby certify that on this 8th day of July, 1997, the foregoing PLEADING was sent by facsimile, and a conformed copy of the foregoing PLEADING was mailed, postage prepaid, addressed to the following:

Administrative Judge
 Peter B. Bloch
 Presiding Officer
 Atomic Safety and Licensing Board
 Mail Stop - T-3 F23
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001
 Facsimile No.: (301) 415-5599
 Verification No.: (301) 415-7405

Administrative Judge
 Charles N. Kelber
 Special Assistant
 Atomic Safety and Licensing Board
 Mail Stop - T-3 F23
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001
 Facsimile No.: (301) 415-5599
 Verification No.: (301) 415-7405

John T. Hull, Esq.
 Sherwin B. Turk, Esq.
 Office of the General Counsel
 Mail Stop - 0-15 B18
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555
 Facsimile No.: (301) 415-3725
 Verification No.: (301) 415-1573

G. Leah Dever
Assistant Manager for Environmental
Management
Department of Energy
Nevada Operations Office
P.O. Box 98518
Las Vegas, NV 89193
Facsimile No.: (702) 295-1153 - Colleen T. O'Laughlin
Verification No.: (702) 295-0648 - Colleen T. O'Laughlin

Robert R. Pierce
Senior Attorney
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Facsimile No.: (301) 415-5599
Verification No.: (301) 415-7401

I, Rich A. Munson, hereby certify that copies of the foregoing PLEADING have been served upon the following persons by U.S. mail, first class, postage prepaid, in accordance with the requirements of 10 C.F.R. § 2.712.

Office of Commission Appellate Adjudication
Mail Stop: 0-16 G15
U.S. Nuclear Regulatory Commission
Washington, DC 20555

President
Energy Fuels Nuclear, Inc.
1515 Arapahoe Street, Suite 900
Denver, CO 80202

I, Rich A. Munson, hereby certify that copies of the foregoing PLEADING have been served upon the following persons by U.S.EXPRESS MAIL, postage prepaid, in accordance with the requirements of 10 C.F.R. § 2.712.

Norman Begay
White Mesa Ute Citizen
Box 1138
White Mesa, UT 84511

Lula J. Katso
Westwater Navajo Community
c/o M. Hutchins
264 West 100 North
Blanding, UT 84511

Winston M. Mason
Great Avikan-House
Native American Peoples Historical Foundation
3 East Center Street, Box AVIKAN
Blanding, UT 84511

Rich A. Munson