

NEW MEXICO
ENVIRONMENTAL LAW CENTER

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April 9, 1999

OFFICE OF SECRETARY
RULEMAKING AND
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Office of the Secretary
Nuclear Regulatory Commission
Attention: Rulemakings and Adjudications Staff
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

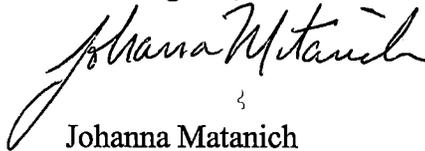
RE: Hydro Resources Inc., Docket No. 40-8968-ML
ASLBP No. 95-706-01-ML

Dear Sir or Madam:

Enclosed please find an original affidavit for Richard J. Abitz. A facsimile copy of this affidavit was submitted with ENDAUM's and SRIC's April 7, 1999, filing before Presiding Officer Judge Bloch, which was entitled Eastern Navajo Diné Against Uranium Mining's and Southwest Research and Information Center's Response to LBP-99-15, Questions Concerning Radioactive Air Emissions. This affidavit is the last page of Exhibit 2 (the last page of the filing). Please include this affidavit with the original filing served on the Office of the Secretary.

Please call me if you have any questions regarding this matter (505)989-9022. Thank you for your assistance.

Best Regards,



Johanna Matanich

Enclosure: 1
cc: HRI Service List

20234

U.S. NUCLEAR REGULATORY COMMISSION
RULEMAKINGS & ADJUDICATIONS STAFF
OFFICE OF THE SECRETARY
OF THE COMMISSION

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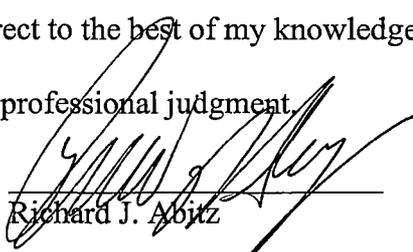
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site, on the other hand, is ringed by several sources of anthropogenic radon: 10 abandoned uranium mine sites, a 400-plus-acre uranium tailings pile, and contaminated sediments in the Puerco River.⁴ And the site itself remains a source of radon from radioactive materials left there by the previous mining operation.

4. Based on the evidence discussed here and by other experts in this case, I conclude that local rocks account for very little (from 10 percent to 25 percent) of the high levels of radon measured at the HRI Church Rock site.

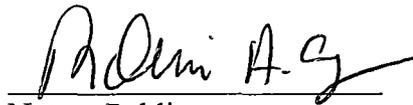
AFFIRMATION

I declare on this 7 day of April, 1999, at Ross, Ohio, under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and the opinions expressed herein are based on my best professional judgment.


Richard J. Abitz

Sworn and subscribed before me, the undersigned, a Notary Public in and for the State of Ohio on this 7 day of April, 1999, at Hamilton, Ohio.

My Commission expires on August 30, 1999


Notary Public



ROBINA A. CARY
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION
EXPIRES AUGUST 30, 1999

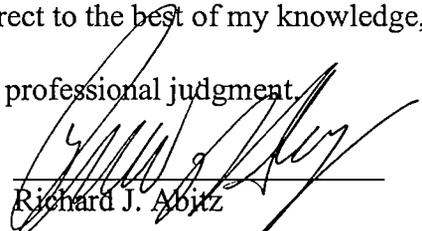
concentrations in air were measured at 33 locations, including seven background sites in the Ambrosia Lake-Grants area and two background sites in Crownpoint. The study (at 28) noted that there "is some evidence that background could be lower than used here," because at least one station may have been affected by radon releases from a mill located more than 1.5 miles away. Additionally, the study reported that the average radon concentration from air sampling conducted in six different "undisturbed areas" in the Grants Mineral Belt in the late 1970s was 0.19 ± 0.02 pCi/l, or 10 times less than the Church Rock average.⁴ See, Table 4 and Exhibit P of testimony of Dr. Christine J. Benally, attached as Exhibit 2 to ENDAUM's and SRIC's Presentation on Environmental Justice Issues (February 19, 1999).

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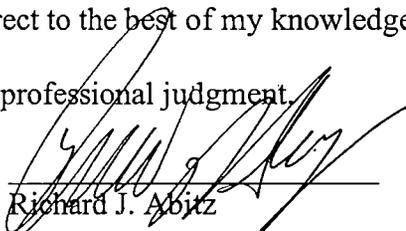
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