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DOCKET NUMBER  
BYPRODUCTS 40-8681-MLA-2

94 JUN 31 10:12

BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF UMETCO  
MINERALS CORPORATION  
(SOURCE MATERIALS LICENSE  
NO. SUA-1358)  
DOCKET NO. 40-8681

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RESPONSE OF  
ENVIROCARE OF UTAH  
TO  
UMETCO MINERALS' RESPONSE  
REGARDING ENVIROCARE'S  
REQUEST FOR  
INFORMAL HEARING

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PDR ADOCK 04008681  
C PDR

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ENVIROCARE OF UTAH, INC. ("Envirocare"), by and through its undersigned attorneys, hereby files this response to UMETCO MINERALS CORPORATION'S ("Umetco"), opposition to Envirocare's previously filed Request for an Informal Hearing and a Request For a Proceeding to Modify, Suspend or Revoke Materials License Amendment.

### FACTS

On August 2, 1993, the Region IV Field Office of the NRC granted to Umetco an amendment to its license for its White Mesa Mill facility located in Blanding, Utah authorizing disposal of by-product materials generated at licensed insitu leach facilities.

On October 1, 1993, the Region IV Field Office of the NRC granted to Umetco another amendment authorizing the receipt and processing of "source material" from Allied Signal Corporation's Metropolis, Illinois facility.

On January 13, 1994, Envirocare filed a Request for an Informal Hearing and a Request for a Proceeding to Modify, Suspend or Revoke Materials License Amendment granted to Umetco.

On or about January 24, 1994, counsel for Umetco filed a response on behalf of Umetco to Envirocare's Request.

### DISCUSSION

Envirocare respectfully directs the Commission's attention to the January 12, 1994 letter from the Region IV offices of the United States Nuclear Regulatory Commission to Envirocare. (Attached as Exhibit "A" hereto.) The author of the letter, Ramon E. Hall,

Director, states that the letter constitutes "actual notice" to Envirocare of the NRC's action granting Umetco's application. He also states that Envirocare has thirty days from the date of receipt of the January 12, 1994 letter to file a request for hearing.

Inasmuch as Envirocare's formal request was sent via express mail on January 13, 1994 to the Nuclear Regulatory Commission, Envirocare believes that its Request For an Informal Hearing and Request For Proceeding to Modify, Suspend, or Revoke Materials License Amendment Granted to Umetco was timely filed and is well within both, the thirty-day and the six-month, deadlines identified in Mr. Hall's letter.

DATED this 20<sup>th</sup> day of January, 1994.

VAN COTT, BAGLEY, CORNWALL & McCARTHY

By: Matthew  
H. Michael Keller  
Matthew F. McNulty, III  
Thomas W. Clawson  
Attorneys for Petitioner  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144  
Telephone (801) 532-3333

'94 JAN 31 P4:13

CERTIFICATE OF SERVICE

I hereby certify that on this 26<sup>th</sup> day of January, 1994, the original and two correct copies of the foregoing RESPONSE OF ENVIROCARE OF UTAH TO UMETCO MINERALS RESPONSE REGARDING ENVIROCARE'S REQUEST FOR INFORMAL HEARING were mailed via United States Express Mail, postage prepaid, addressed to the following:

Docketing and Services Branch  
Office of the Secretary  
Nuclear Regulatory Commission  
One White Flint North  
1155 Rockville Pike  
Rockville, MD 20852

I also hereby certify that on this 28<sup>th</sup> day of January, 1994, a true and correct copy of the foregoing RESPONSE OF ENVIROCARE OF UTAH TO UMETCO MINERALS RESPONSE REGARDING ENVIROCARE'S REQUEST FOR INFORMAL HEARING was deposited in the United States mail, postage prepaid, addressed to the following:

Henry W. Ipsen  
Brian T. Hansen  
Holme Roberts & Owen LLC  
111 East Broadway, Suite 110  
Salt Lake City, Utah 84111

Atomic Safety Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Adjudicatory File  
Atomic Safety Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Matt \_\_\_\_\_

BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF UMETCO	)	
MINERALS CORPORATION	)	
	)	NOTICE OF APPEARANCE
(SOURCE MATERIALS LICENSE	)	
NO. SUA-1358)	)	
	)	
DOCKET NO. 8681	)	
	)	
	)	
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Pursuant to 10 C.F.R. §§ 2.713 and 2.1215, the undersigned attorney hereby enters his appearance in the above-captioned matter on behalf of Envirocare of Utah, Inc. ("Envirocare"). Counsel represents that he is outside counsel for Envirocare and consequently is authorized to represent Envirocare in this matter. In accordance with § 2.713(b), the following information is provided:

Name: H. Michael Keller

Address: Van Cott, Bagley, Cornwall & McCarthy  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144

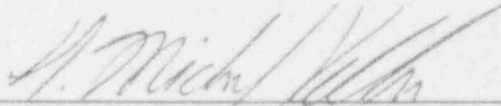
Telephone Number: (801) 532-3333

Admissions: Utah Court of Utah  
U.S. District Court for the  
District of Utah

Name of Party:

Envirocare of Utah, Inc.

Respectfully submitted,



H. Michael Keller (#1784)  
Van Cott, Bagley, Cornwall & McCarthy  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144  
(801) 532-3333  
Counsel for Envirocare of Utah, Inc.

Dated at Salt Lake City, Utah  
this 26th day of January, 1994

CERTIFICATE OF SERVICE

'94 JAN 31 P4:13

I hereby certify that on this 28<sup>th</sup> day of January, 1994, the original and two correct copies of the foregoing NOTICE OF APPEARANCE for H. Michael Keller were mailed via United States Express Mail, postage prepaid, addressed to the following:

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1155 Rockville Pike  
Rockville, MD 20852

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'94 JAN 31 P4 113

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Name: Thomas W. Clawson

Address: Van Cott, Bagley, Cornwall & McCarthy  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144

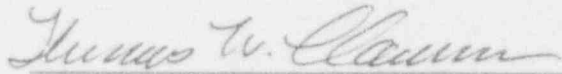
Telephone Number: (801) 532-3333

Admissions: Utah Court of Utah  
U.S. District Court for the  
District of Utah

Name of Party:

Envirocare of Utah, Inc.

Respectfully submitted,



Thomas W. Clawson (#5679)  
Van Cott, Bagley, Cornwall & McCarthy  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144  
(801) 532-3333  
Counsel for Envirocare of Utah, Inc.

Dated at Salt Lake City, Utah  
this 26th day of January, 1994

CERTIFICATE OF SERVICE

'94 JAN 31 P4:13

I hereby certify that on this 27<sup>th</sup> day of January, 1994, the original and two correct copies of the foregoing NOTICE OF APPEARANCE for Thomas W. Clawson were mailed via United States Express Mail, postage prepaid, addressed to the following:

Docketing and Services Branch  
Office of the Secretary  
Nuclear Regulatory Commission  
One White Flint North  
1155 Rockville Pike  
Rockville, MD 20852

I also hereby certify that on this 27<sup>th</sup> day of January, 1994, a true and correct copy of the foregoing NOTICE OF APPEARANCE for Thomas W. Clawson was deposited in the United States mail, postage prepaid, addressed to the following:

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Name: Matthew F. McNulty, III  
Address: Van Cott, Bagley, Cornwall & McCarthy  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144  
Telephone Number: (801) 532-3333  
Admissions: Utah Court of Utah  
U.S. District Court for the  
District of Utah

Name of Party:

Envirocare of Utah, Inc.

Respectfully submitted.



---

Matthew F. McNulty, III (#3828)  
Van Cott, Bagley, Cornwall & McCarthy  
50 South Main Street, Suite 1600  
Salt Lake City, Utah 84144  
(801) 532-3333  
Counsel for Envirocare of Utah, Inc.

Dated at Salt Lake City, Utah  
this 26th day of January, 1994

'94 JAN 31 P2:13

CERTIFICATE OF SERVICE

I hereby certify that on this 29<sup>th</sup> day of January, 1994, the original and two correct copies of the foregoing NOTICE OF APPEARANCE for Matthew F. McNulty, III were mailed via United States Express Mail, postage prepaid, addressed to the following:

Docketing and Services Branch  
Office of the Secretary  
Nuclear Regulatory Commission  
One White Flint North  
1155 Rockville Pike  
Rockville, MD 20852


I also hereby certify that on this 28<sup>th</sup> day of January, 1994, a true and correct copy of the foregoing NOTICE OF APPEARANCE for Matthew F. McNulty, III was deposited in the United States mail, postage prepaid, addressed to the following:

Henry W. Ipsen  
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