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OFFICE OF THE PRESIDENT OF THE BOARD OF REGULATORY COMMISSIONERS

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING OFFICER

In the Matter of)	
)	Docket No. 40-8681-MLA-3
UMETCO MINERALS CORPORATION)	
)	
(Source Materials License)	ASLBP No. 94-693-02-MLA-3
No. SUA-1358))	

RESPONSE OF ENERGY FUELS NUCLEAR, INC. TO THE
REQUESTS FOR HEARING FILED BY NORMAN BEGAY
AND BY DOWNWINDERS, INC.

Energy Fuels Nuclear, Inc. (EFN), by its undersigned attorneys and pursuant to 10 C.F.R. § 2.1205(f), submits this memorandum in response to the respective hearing requests filed by Norman Begay and by Steve Erickson for Downwinders, Inc. (Downwinders).

1. Request of Norman Begay.

With respect to Mr. Begay's request, EFN concurs with NRC Staff Counsel's response dated June 10, 1994, concerning the deficiencies of Mr. Begay's request. EFN does not, however, object to Mr. Begay's request, with the understanding that Mr. Begay's request is made on his own behalf, and not on behalf of any other person, and that Mr. Begay will be required to provide additional information in support of his request, specifically including the location

10503

of and the completion data on the domestic well referred to in Paragraph 5 of his request dated May 14, 1994.

2. Request of Downwinders, Inc.

EFN also concurs with the recommendation of Staff Counsel that Mr. Erickson's request on behalf of Downwinders be denied for failure to meet any of the requirements of 10 C.F.R. § 2.1205(d).

An additional fact concerning this request should be brought to the Presiding Officer's attention. EFN is informed and believes that Mr. Erickson has misrepresented certain facts in his hearing request on behalf of Downwinders. A routine inquiry by EFN into the corporate status of Downwinders has revealed that Downwinders was involuntarily dissolved during 1991 by the Utah Division of Corporations. A copy of the Division's report confirming the status of Downwinders is hereto attached as Exhibit A. The information provided by the Utah Division of Corporations is directly contrary to the representations made by Mr. Erickson on behalf of Downwinders, and the affirmative misrepresentations in that hearing request should serve as an additional basis for denial.

Respectfully submitted,



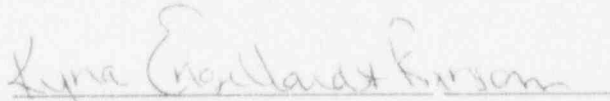
Henry W. Ipsen (#6225)
Holme Roberts & Owen LLC
1700 Lincoln, Suite 4100
Denver, CO 80203
(303) 861-7000
Counsel for Energy Fuels Nuclear,
Inc.

Brad Doores, Esq.
Energy Fuels Nuclear, Inc.
1515 Arapahoe St., #1000
Denver, CO 80202
(303) 899-4400

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 1994,
the original and two correct copies of the foregoing **RESPONSE
OF ENERGY FUELS NUCLEAR, INC. TO THE REQUESTS FOR HEARING
FILED BY NORMAN BEGAY AND BY DOWNWINDERS, INC.** for Henry W.
Ipsen were mailed via UPS Mail, postage prepaid, addressed to
the following:

Docketing and Service 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 14th day of June, 1994, a true and correct copy of the foregoing **RESPONSE OF ENERGY FUELS NUCLEAR, INC. TO THE REQUESTS FOR HEARING FILED BY NORMAN BEGAY AND BY DOWNWINDERS, INC.** for Henry W. Ipsen was deposited in the United States mail, postage prepaid, addressed to the following:

Administrative Judge
James P. Gleason
Presiding Officer
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas D. Murphy
Special Assistant
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Secretary
U.S. Nuclear Regulatory Commission
Attn: Docketing & Service Branch
Washington, DC 20555

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

UMETCO Minerals Corporation
P.O. Box 1029
Grand Junction, CO 81502

Sherwin E. Turk, Esq.
Staff Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Norman Begay
P.O. Box 1138
Blanding, UT 84511

Steve Erickson
for Downwinders, Inc.
c/o 961 E. 600 South
Salt Lake City, UT 84102

Kenneth S. Leland

06/13/94 --- UTAH DIVISION OF CORPORATIONS & COMMERCIAL CODE ---

**CORPORATION INFORMATION -

CO FILE # 096658 DOWNWINDERS, INC.

STATUS: INVOLUNTARILY DISSOLVED 08/01/91-FAILURE TO FILE AN ANNUAL REPORT

NAME IN HOME STATE:

PRINCIPAL ADDRESS:

INCORPORATED/QUALIFIED: 02/03/1982

LAST ANNUAL REPORT: 02/06/90

ANNUAL REPORT FILED BY COUPON:

HOME STATE: UTAH

REG. AGENT: DIV. OF CORP DIRECTOR

160 E 300 S 2ND FLOOR

BOX 45801 SLC UT

84145

PRESIDENT:

PRESTON J TRUMAN

966 E WILSON AVE

SALT LAKE CITY UT

841050000

TREASURER:

VICE PRESIDENT:

MONTE BRIGHT

966 E WILSON AVE

SALT LAKE CITY UT

841050000

SECRETARY:

DENNIS BEDOLLA

BOX 24

MODENA UTAH

84753

SIC: 8299 SCHOOLS & EDUCATIONAL SERVICES, NEC

TRUSTEES

PRESTON J TRUMAN

966 E WILSON AVE

SALT LAKE CITY UT

841050000

MONTE BRIGHT

966 E WILSON AVE

SALT LAKE CITY UT

84105

DENNIS BEDOLLA

BOX 24

MODENA UTAH

84753

ADDITIONAL DIRECTORS: NO

AUTHORIZED SHARES:

NUMBER

50,000

0

0

CLASS

COMMON

PROFIT CORPORATION: NO

PROFESSIONAL CORPORATION: NO

CORPORATION SOLE: NO

06/13/94

--- UTAH DIVISION OF CORPORATIONS & COMMERCIAL CODE ---

14:00:00

REMARKS

CO FILE # 096658 DOWNWINDERS, INC.

01 9-8-82 AMENDED ARTICLES OF INCORPORATION
02 4-21-83 AMENDED ARTICLES OF INCORPORATION
03 12-31-86 INVOLUNTARY DISSOLUTION FOR FAILURE TO FILE AN ANNUAL REPORT.
04 1-27-87 REINSTATED. (MF)
05 4-1-88 SUSPENDED FOR FAILURE TO FILE AN ANNUAL REPORT (EFS)
06 12-27-88 REINSTATED (EFS)
07 4-1-89 SUSPENDED FOR FAILURE TO FILE AN ANNUAL REPORT MC
08 2-6-90 REINSTATED MC
09 08-01-91 REGISTERED AGENT CHANGED
10 08-01-91 REGISTERED AGENT ADDRESS CHANGED

06/13/94

--- UTAH DIVISION OF CORPORATIONS & COMMERCIAL CODE ---

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FORMER NAMES AND RELATED ENTITIES

CO FILE # 096658 DOWNWINDERS, INC.

STATUS: I BUS TYPE: STATE: UTAH INCORP DATE: 02/03/1982