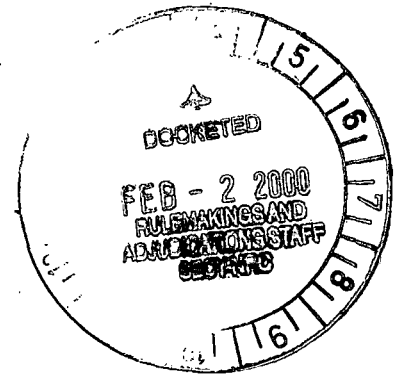


January 24, 2000



Secretary

U. S. Nuclear Regulatory Commission

Washington, D. C. 20555-0001

Attn: Rulemaking and Adjudications Staff

REQUEST FOR A HEARING IN RESPONSE TO 65 FED. REG. 138, JANUARY 3, 2000, DOCKET NO. 40-3453, LICENSE NO. SUA-917 — *LT*

Dear Secretary:

A Federal Register Notice (FRN) published on Monday, January 3, 2000 (65 Fed. Reg. 138) indicates that the Nuclear Regulatory Commission (NRC) proposes to implement a order dated December 27, 1999, signed by the Director, Office of Nuclear Material Safety and Safeguards (EDO's Order or EDO's December 27 Order). The FRN contains the text of that order and allows a concise, descriptive title of that order, which would read:

"Order Transferring License No. SUA-917 for the Moab, Utah, Facility and Site from Atlas Corporation to the Moab Mill Reclamation Trust".

The 27 EDO's Order provides an opportunity for "any person adversely affected" by the Order to request a hearing "within 20 days of its issuance".

The EDO's Order cites 10 CFR Part 2, Subpart M, which states: "If a hearing is requested by a person whose interest is adversely affected by this order, the Commission will consider the hearing request pursuant to...Subpart M" of the Commission's rules of practice for domestic licensing proceedings and issuance or orders.

SBCM-EHD-006

*DS03
21224*

Going to the applicable criteria that it is claimed must be addressed by a hearing request and the guidelines the Commission will consider in reviewing that request for relief, given the nature of the proposed order, the EDO's December 27 Order suggests that " if a hearing is requested, the requestor shall set forth with particularity the manner in which [that persons] interest is affected by [the] order and [] address the criteria set forth in 10 CFR 2.1306 and 2.1308". Emphasis added.

10 CFR 2.1306 is entitled "Hearing request or intervention petition". 10 CFR 2.1306(a) reads: "Any person whose interest is affected by the Commission's action on the application may request a hearing or petition for leave to intervene on a license application for approval of a direct or indirect transfer of a specific license". Emphasis added.

Neither the January 3 FRN nor the EDO's Order explicitly refers to an applicable application, despite the fact that those documents infer that there has been extensive consultation between the NRC staff and recipient of the EDO's Order precursive to that Order.

I have made numerous inquiries to the appropriate NRC staff about an applicable application, without success. I feel I have shown due diligence. I have been led to believe that I should not expect to find, on the public record, an application *per se* that would correspond to the "application" mentioned in 10 CFR 2.1306a). Apparently, 10 CFR 2.1306(a) does not apply.

10 CFR 2.1306(b)(1) reads: "Hearing requests and intervention petitions must state the name, address, and the telephone number of the requestor or petitioner."

My name is John Francis Darke. My address is P. O. Box 603, Moab, Utah 84532-0603. I do not, and cannot, afford a telephone.

10 CFR 2.1306(b)(2) requires that the "hearing requests set forth the issues sought to be raised...."

The FRN that embodies the EDO's Order (of concern here) under Roman six (VI) states that "the issue [singular] to be considered [in any hearing granted germane to the EDO's order] shall be whether [or not the EDO's Order] transferring the license should be sustained."

10 CFR 2.1306(b)(2)(i) demands that the requests "demonstrate that such issues are within the scope of the proceeding on the license transfer application...." Emphasis added.

Again (see response to 10 CFR 2.1306(a), above), the words "license transfer application" allows difficulties here. It is hard to address here the scope of a proceeding on a license transfer application, which, if it exists, is not found on the public record or identified in the FRN or the EDO's Order, that that notice embodies. Apparently, 10 CFR 2.1306 (b)(2)(i) does not apply.

10 CFR 2.1306(b)(2)(ii) requires that hearing requests and intervention petitions must demonstrate the [the issues sought to be raised] are relevant to the finding the NRC must make to grant the application for license transfer." Emphasis added.

With respect the relevance of the issue (singular) allowed by the EDO's Order, I would offer that the proponent of the December 27 Order should have made that demonstration based on "full information", but did not.

With respect "the findings NRC must make to grant [an] application", I would indicate that such findings as are required in a license transfer proceeding must be based on "full

information." (63 Fed. Reg. 48644, col. 3, where is laid out, in relevant part, Section 84 of the Atomic Energy Act of 1954 ("42 USC 2254"), even as amended.)

Indeed, the "application" mentioned by 10 CFR 2.1306(b)(2)(ii) should have provided the NRC with most, if not all, of the required or relevant information the NRC must have to make a license transfer decision in conformance with the above referenced statute (Section 84).

An interested person, such as myself, who has come to the conclusion that the EDO's Order should not, absent more information, be sustained, need only show that the EDO's Order was not based on the "full information" required by Section 84.

If granted a hearing I would show that the EDO's Order is defective in that it is not based on the necessary "full information."

* * *

10 CFR 2.1306(b)(2)(iii) hearing requests and intervention petitions must provide a concise statement which lays out what that interested person intends to do at, or with, a hearing if that hearing were to be granted.

10 CFR 2.1306 (b)(2)(iii) does not so much as mention an application. As stated above, the EDO's Order should reflect, via its findings, "full information." It is the "petitioner's position", in this instance, that the EDO's Order does not reflect such and, thus, should not be sustained

* * *

The EDO's Order points out that "Copies of any request for a hearing shall be sent to [several NRC officials] and to the trustee...." Normally, the service suggestions contained in an NRC public notice that contains an opportunity to request a hearing lists an applicant/licensee if it is a license or site specific order. Was the EDO's Order directed to an unlicensed person pursuant to the Commission's regulations? Who is the applicant?

* * *

At this point, perhaps it would be best, before going to 10 CFR 2.1306(b)(3) and, thus, 10 CFR 2.1308(a), to review 10 CFR 1300. 10 CFR 1300 is entitled "Scope of Subpart M" and in its entirety reads: "This subpart governs requests for, and procedures for conducting, hearings on any application for the direct or indirect transfer of control of an NRC license which transfer requires prior approval of the NRC under the Commission's regulations, governing statutes, or pursuant to a license condition. This subpart is to provide the only mechanism for requesting hearings on license transfer requests unless contrary case specific orders are issued by the Commission." Emphasis added.

10 CFR 2.1300 quoted above would indicate, given the nature of the EDO's order, that an adversely affected person, or interested person, where that person would request a hearing, would be in fact implementing two hearing request procedures. One, a "Subpart M" procedure, the other, a "contrary case specific order" hearing request procedure. 10 CFR 1300 states in part: "This subpart governs request for, ...hearings on any application for...transfer of control of [a] license...." And, "this subpart is to provide the only mechanism for requesting hearings on license transfer requests, unless contrary case specific orders are issued by the commission." Emphasis added.

Thus, this request for a hearing, absent the "application" (or "request") presupposed by Subpart M, must go the EDO's *sua sponte* confirmatory order. That order was not base on "full information" (see above) and, thus, does not provide the information required to address the interrogatories contained in 10 CFR 2.1306.

I have addressed several of the interrogatories above as best I can, given the absence of the application referenced by the various increments of that clause.

* * *

I would now like to turn to 10 CFR 2.1306(b)(3) and the "factors in 10 CFR 2.1308(a). 10 CFR 2.1306(b)(3) reads: "Specify both the facts pertaining to the petitioners interest and how that interest may be affected with particular reference to the factors in 2.1308(a).

10 CFR 2.1308(a), and the factors allowed by the implicit interrogatories in the referenced 10 CFR 2.1306 (b) (3) both presuppose an application and, thus, an applicant. Thus, I cannot fully connect the perceived harm done with the proposed NRC action except in general terms despite the fact that I have shown above why the EDO's Order should not be sustained (no "full information" as required by Sec 84). (However, see above.)

10 CFR 2.1306(b)(4) requires that the present request be serviced on the "" and the "Secretary". Where is the applicant referred to explicitly in the FRN or the EDO's Order, which is embodied by that January 3 notice?

10 CFR 2.1306(c) points toward, absent an "application" such other time as may be provided by the Commission. The controlling FRN would allow "within 20 days of its issuance on the publication date of the controlling FRN (i.e., 63 Fed. Reg. 138-140), which I accessed at 14:10 on January 14, 2000, via the NRC Public Document Room.

With respect the allotted time (see 10 CFR 2.1306(c)(4), January 24, 2000, falls as a Monday, within the "20 days after the [January 3 Federal Register] notice" suspense (again, see EDO's Order). The FRN controls. 10 CFR 2.1306(c)(1) and (2) would not apply given the apparent absence of an application

In sum, don't do it. If the NRC does it I will be excluded from the exclusion zone described herein without due process. With respect, and considering 10 CFR 2.1306(b)(3), the proposed new management at the Moab, Utah, facility and site would be responsive to a "learning curve" where stepping into the Atlas Corporation's shoes, as

a trustee. Such learning curve would allow added risk to myself if I were to sojourn in the exclusion zone.

It must be recognized that the radiological and non-radiological exposure pathways found at the exclusion zone will be under new management if the EDO's Order is sustained (see above). The resultant added incremental risk of exposure I find forbidding, not reassuring. Learning curves have their ways. We are dealing here with a learning curve.

10 CFR 1308(a) talks about "an application" and infers an applicant. What application? Where is such "application"/"applicant" noticed? Was there a "Sholly notice"? I have responded to such implicit interrogatories contained in 10 CFR 2.1308(a) as best I can, given the short suspense, and would request more time to do so if that is necessary. (Please, see my standing affidavit at Exhibit A.)

At this time, as I transmit this request for a hearing dated January 24, 2000, I must stop due to circumstances beyond my control. (Please see Exhibit B, which contains, pursuant 10 CFR 2.790, confidential information). If necessary, a non-exempted version of Exhibit B could follow. I need more time to do that.

Would respectfully request that the 40-3453/63 Fed. Reg.138 proceeding be held in abeyance for good cause.

A handwritten signature in black ink, appearing to read "John Francis Darke". The signature is written in a cursive, somewhat stylized script.

John Francis Darke

After signature: I have one additional thought. The Ido's order was issued, *inter alia*, pursuant to CFR PART 40.

PART 40 mentions "application" or "applicant" often. which provokes the question whether or

not such parts of that 10 CFR part would apply. (see - e.g.

10 CFR 40.20(a), 40.41(a)

and 10 CFR 40.44) John 1/24

EXIBIT

A

Exhibit A

See 10 CFR 2.1306(b)(3) and the factors in 10 CFR 2.1308(a), in part.

I first stayed in Moab, Utah, in the fall of 1976 as a result of an agricultural accident. I enjoyed the amenities of the Allen Memorial Hospital (AMH) here, at the behest of a rodeo surgeon called in from Grand Junction, Colorado. During that time, at the AMH I met the local people on the staff at the AMH. They were good people. From that day I wanted to return to Moab. I was able to do so. I had the pleasure of working and gardening in Moab in the late 1980's. I saw the uranium (mill) excitement of the mid-1970s. As a downwinder (the Baneberry Event of December 18, 1970), I gave those campaigns a hard look, together with the uranium workers and miners. In 1987, 1988, and 1996—for over twenty years I did Moab—a joy.

I have remained in Moab since 1996. I will probably (of course, prematurely) retire here in Moab in the near future. Moab is a Colorado River town. The Moab, Utah, facility and site are on that river. I reside within three miles of the edge of that site.

I have periodically, frequently enjoyed sojournment on federal, state, private, and other lands up-river, abutting or on the Colorado River.

I frequently, in all seasons of the year, depart to (or return from) field activities as a pedestrian, from (to) Moab, Utah. Unfortunately, of necessity, such egress (or ingress) requires that I pass through an exclusion zone.

As a pedestrian I pass within 1.3 miles (a "short walk") of the Moab, Utah, facility and site. It is often necessary for me to remain at, or just beyond the boundary of the exclusion zone during such egressive and ingressive activities.

While sojourning at the Colorado River I participate in recreational and other activities on and in the Colorado, up-river from the Moab, Utah, facility and site. Frequently such activities, although "up-river", may not be "up-gradient", e.g., there are powerful or persistent up-canyon wind regimes and river eddy currents which must be taken into account at and beyond the exclusion zone boundary "up-river" from the site and "down-river" at the other portal. Given that such portal effects coincide with transportation or public right of way choke points, a pedestrian has little choice but to enter the exclusion zone and frequently remain in the exclusion zone, for extended periods of time which are cumulative.

These subsistence, educational, and recreational activities include "fifth season" low impact camping with attendant cooking, trekking, or hiking/back packing, birding, and other wild life observation, astronomical and meteorological observations, and research and field note maintenance on a daily basis.

While sojourning on the Colorado River I utilize about one gallon of potable spring water or boiled water (catchment snowmelt or rainwater) per day on average, depending on the season. I require up to about five gallons (hailed) per day of river water to douse a total containment charcoal producing and consuming fire pan ("dead out"), for all bathing, dishwashing, some cloths or bedding washing, and evaporative cooling purposes on a daily basis.

I burn (as is customary hereabouts) driftwood (except during periods of prohibitive fire danger) for all cooking, heating, and certain sanitary purposes. That prosuming fire pan is only replaced by lightweight alcohol, etc., burning stoves when safety or high mobility

would dictate such substitution. Such fuel wood has often enjoyed long residence time in the river or curing time at the river and is an important ingredient of river debris. Stoves smoke; hot water steams. Smoke and steam inhalation is a given under such necessary circumstances.

Of necessity I consume fish from the river. I utilize river bivalves. I make extensive use of near river? edible and medicinal plants found at the Colorado River. I am, due to my livelihood, "into" the Colorado and its riparian areas and watershed areas. Wild life observation requires long periods of non-invasive interaction at the river, in all seasons--all five.

I have been prevented, without due process, from sojourning, as described above, on federal, state, private, and other lands within an exclusion zone that surrounds the Moab, Utah, facility and site. That enveloping zone is one and one-half (1.5) miles wide. Such exclusion is harmful to my livelihood which I otherwise can carry forward up-river of Moab

In fact such exclusion cuts down my potential field protocol and, thus, detracts from my up-river activities.

Would aver that the above statements are true to the best of my knowledge, and I understand that I may accrue a penalty for perjury if such averment is not true.



John Francis Darke

Appearing *pro se*
At Moab, Utah
January 24, 2000

EXHIBIT B

10 CFR 2.790

CONFIDENTIAL

CONFIDENTIAL

01

CANYONLANDS COPY

02/02/00 10:54 FAX 4352592418

435 686 2376

rec'd 1/31

Confidential
Confidential

01/31/00 15:21 FAX 4352592418

CANYONLANDS COPY

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	1131
CONNECTION TEL	14356362376
CONNECTION ID	WORKFORCE SERVIC
START TIME	01/31 15:19
USAGE TIME	02:30
PAGES	7
RESULT	OK

**ALLEN MEMORIAL HOSPITAL
RADIOLOGY SERVICES****Radiology Report**

719 West 400 North • Moab, Utah 84532 • (801) 259-7191

EXAM #:

Pt. Name: DARKE, JOHN X-ray #: 32786 DOB: 05/04/38
Ref. Phy.: Nathaniel Penn, M.D. Account # Date: 01/13/00
Ward: Pt. Type: Sex: M Age: Room: Outpatient

CLINICAL DATA: Painless hematuria.

EXAM: IVP.

FINDINGS:

A scout view of the abdomen and pelvis demonstrates two rounded calcifications in the left hemipelvis most suggestive of phleboliths. No definite urinary tract calculi are identified. The bowel gas pattern is unremarkable. No significant skeletal abnormalities are noted.

Following the administration of intravenous contrast, prompt nephrograms are demonstrated bilaterally. The kidneys appear normal in contour, axis, and position, although evaluation is somewhat limited by the lack of tomographic capability. Each kidney measures approximately 13.5 cm in length.

There is prompt excretion into normal-appearing intrarenal collecting systems bilaterally. The ureters appear normal in course and caliber. No intraluminal filling defects are identified within collecting systems or ureters. There is no evidence to suggest obstructive uropathy.

The contrast-filled bladder demonstrates a somewhat trabeculated contour. There is a large impression upon the floor of the bladder and an associated polypoid mass projecting into the bladder from its inferior aspect, measuring approximately 3 cm in diameter. There is a small postvoid residual.

Dr. Wanebo
970 3061
Dranuho

R

**ALLEN MEMORIAL HOSPITAL
RADIOLOGY SERVICES****Radiology Report**Page Two
719 West 400 North • Moab, Utah 84532 • (801) 259-7191

IMPRESSION: A very large impression upon the floor of the bladder is associated with a polypoid mass projecting into the bladder, measuring approximately 3 cm in diameter. The bladder contour is trabeculated, but there is not a large postvoid residual. The appearance is most consistent with prostate hypertrophy or neoplasm. A transitional cell carcinoma should be considered as well.

There is no evidence of obstructive uropathy or other abnormality of the more proximal urinary tract.

Signed: William Dubiel, M.D.

WD/msl4

D:01/13/00

11:03

T:01/13/00

13:45

Job #19829

Dr. Dubiel
11:03 AM

Dr. Kanebo
970-361-
Duanubio

ALLEN MEMORIAL HOSPITAL
719 WEST 400 NORTH
MOAB, UTAH 84532

* L A B O R A T O R Y R E P O R T *

PATIENT: DARKE, JOHN

PHYSICIAN : GLENN ETZEL

REF. PHYSICIAN :

ID No : 050438JD

LOCATION : OUT PATIENT

SEX : M AGE/DOB : 05-04-1938

=====

DATE DRAWN	: 01-10-2000	TIME DRAWN	: 7:34	BY	: TP
DATE RECEIVED	: 01-10-2000	TIME RECEIVED	: 7:34		
DATE REPORTED	: 01-11-2000	TIME REPORTED	: 7:38	TECH	: DGM

***** DUPLICATE REPORT : Printed 01-31-2000 at 11:55

COMMENT : * = CALCULATED VALUE

=====

SPECIMEN No :	4591	LAB No :		ACCT No :	
---------------	------	----------	--	-----------	--

TEST	RESULT	REF RANGE	UNITS
PSA	8.80 HIGH	0 - 4.0	
=====			
==== PROTIME WITH INR			
PROTIME	11.1	-	SECONDS
INR	* 0.87 LOW	2.0 - 3.0	
PTT	36.3	28- - 39	
=====			
==== CBC WITH DIFFERENTIAL			
WBC	5.8	3.0 - 12.0	10 ³ /UL
LYMPHS	29.8	22.0 - 40.0	%
MONOS	8.7	0 - 10	%
SEGS	61.5	40 - 75	%
Lymphs#	1.7 LOW	2.5 - 5.1	10 ³ /UL
# MONOCYTES	0.5	0.1 - 0.6	10 ³ /UL
Segs#	3.6	1.4 - 6.5	10 ³ /UL
RBC	4.35	4.0 - 6.0	10 ⁶ /UL
HGB	13.7	13.5 - 18.0	g/dl
HCT	42.8	40 - 54	%
MCV	98.2 HIGH	80 - 96	FL
MCH	31.5	27 - 32	pg
MCHC	32.1	32 - 36	%
RED CELL DIST. WIDTH	13.4	11.5 - 17.5	%
PLATELETS	212.0	150 - 450	10 ³ /UL
MEAN PLATELET VOLUME	8.0	6.5 - 8.0	

Darke, John

01/20/2000

SUBJECTIVE:

Returning to mountain tomorrow and I need to find out any results and if I need to do anything special. I haven't had any pain, but My semen had that old muddy brown color last week. C/O freq. uination, urgency, sometimes difficult to initiate.

OBJECTIVE:

Gen: Vital Signs :T:98__ . BP:108/74__ .W:162__ . P:80__ . R:22__ .

IVP showed a polypoid mass in the bladder

ASSESSMENT:

Possible bladder or prostate cancer

PLAN:

Check with uologist persoanlly to get patient in for cystoscopy.

FOLLOW UP: :

If symptoms become severe or concerning follow-up immediately, or if not better in a few days to a week call for appointment.

Nat Penn MD

Printed on 01/31/2000 at 11:35 AM

Darke, John

01/07/2000

SUBJECTIVE:

history of blood in urine with difficulty to initiate and frequency of urination.

Patient has had blood in the urine several times with episodes lasting up to a week over the past two and a half years. Several of these episodes occurred after severe exertion. Blood starts out bright red, followed by clots over time. Accompanied by pain (but not excruciating) enough to immobilize patient. Hesitancy with urination, nocturia, dysuria on occasion.

No nausea, vomiting, or diarrhea. No fever or chills.

OBJECTIVE:

Gen: Vital Signs :T:98__ . BP:98/68__ .W:157__ . P:76__ . R20

HEENT: oral mucosa pink and moist. tympanic membrane pearly white

NECK: no lymphadenopathy

LUNGS: clear to auscultation

HEART: Regular rate and rhythm, without murmur, gallop or rub.

ABD: soft, non-tender, non-distended

ASSESSMENT:

Chronic Hematuria, question prostate cancer versus bladder cancer. Could be unusual presentation of kidney stones.

PLAN:

Referral to urologist for probable cystoscopy and IVP.

FOLLOW UP:.

If symptoms become severe or concerning follow-up immediately, or if not better in a few days to a week call for appointment.

Nat Penn MD

Printed on 01/31/2000 at 11:36 AM

2 01 WEP
DEPT OF WORKFORCE SERVICES
SUITE 256
475 W PRICE RIVER DR
PRICE UT 84501-2838

NOTICE OF DECISIONUTAH DEPT OF WORKFORCE SERVICES

CASE NUMBER: 00016033

MAILING DATE: 28JAN00

10
1/30

JOHN F. DARKE
PO BOX 603
MOAB UT 84532-0603

INFORMATION NEEDED TO AUTHORIZE 706
DEAR JOHN F. DARKE

MR DARKE,
THE FOLLOWING INFORMATION IS NECESSARY TO MAKE A DETERMINATION FOR
THE ISSUANCE OF A MI706 FOR A CYSTOSCOPY.

1. RESULTS FROM THE IVP, AND ANY OTHER TESTS COMPLETED AT ALLEN
MEMORIAL HOSPITAL ON JAN.13, AND JAN 7 -12, 2000.

2. MEDICAL RECORDS REGARDING YOUR MEDICAL CONDITION FROM DR. PENN

3. YOU WILL RECEIVE A BLANK QUESTIONNAIRE SEPARATE FROM THIS LETTER.
THIS QUESTIONNAIRE MUST BE COMPLETED BY DR. WANEBO.

PLEASE BE ADVISED WE MUST HAVE THIS INFORMATION BEFORE A MI706 IS
ISSUED FOR A CYSTOSCOPY.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CALL
877-636-5532

NAT PENN. M.D.
DEA NO. BP 4205476

BOX 1171
264 SOUTH
100 EAST

OFFICE PHONE
587-2282
MONTICELLO, UT 84535

NAME

John Darke

DATE

1/28/00

ADDRESS

AGE

R

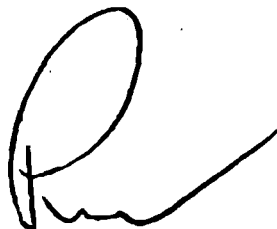
Some
T PO QLOPNA
#60
2R

NON-REP. ☐

REFILL _____ TIMES

SAN JUAN PHARMACY
MONTICELLO, UTAH
PHONE 587-2302

DR.



***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	1132
CONNECTION TEL	14556362376
CONNECTION ID	WORKFORCE SERVICE
START TIME	01/31 15:23
USAGE TIME	00:34
PAGES	1
RESULT	OK

Debbie Olsen - John Darke

Page 1

From: Jackie Stokes
To: Olsen, Debbie
Date: 1/26/00 10:12AM
Subject: John Darke

The eligibility policy for UMAP is in vol. IIIF, sec. 361. The internet site is <http://sitedir.state.ut.us/>. The actual address for the vol. III is really long, but you could try to give it to him - it would take him straight to the IIIF -
http://sitedir.state.ut.us/om_nsapi.oms?clientID=99346&infobase=Vol-3f.nfo&softpage=Browse Frame Pg 42

2/2/00
2:15 PM

Melre (Clifford) Wanebo, MD.

Urologist who comes
to Moab. When you
go to get the lab

& X-ray completed

243-3061

Check in the very
front of the hospital

to find out when he

is going to be here

& how to get

scheduled to

see Wanebo.

Please have u/a done wed 5th
between 8-5pm
YOUR APPOINTMENT WITH



Dr. Wanebo

IS ON

ALLEN John Jan 6th 2000
MEMORIAL HOSPITAL

AT

719 WEST 400 NORTH
MOAB, UTAH 84532
801 259-7191

10:30



Prescribe
allegra[®]
 fexofenadine HCl 60mg capsules

Dupontren's (spelling
 may be incorrect) contraction
 is the reason your
 fingers "curl"

Hand Surgeon
 Larry Leonard, MD
 Mark Greene, MD.
 in Salt Lake
 if you ever want
 to follow up
 on it.

3711T8

© 1999, Hoechst Marion Roussel, Inc.

Please have W/A done wed 5th
 between 8-5pm
 YOUR APPOINTMENT WITH



Dr. Wanebo

IS ON

Allen John Jan 6th 2000

MEMORIAL HOSPITAL

AT

719 WEST 400 NORTH
 MOAB, UTAH 84532
 801 259-7191

10:30

12/16

Schedule @ X-Ray Dept @ Hoag

RADIOLOGY CHARGE SHEET

PATIENT:		Johann Brache	
DATE:		12/16/97	
DOB:			
DIAGNOSIS:		Hematoma (Hematoma)	
PHYSICIAN:		Etzel	

CODE	PROCEDURE	CODE	PROCEDURE	CODE	PROCEDURE
0430017	MANDIBLE	0430375	HIPS 1 VIEW	0435025	CT PELVIS W/O
0430025	MASTOIDS	0430389	FEMUR	0435026	CT PELVIS W/
0430033	FACIAL BONES	0430393	KNEE 2 VIEW	0435027	CT PELVIS COMB
0430041	NASAL BONES	0430395	KNEES STANDING	0435028	CT ORB SEL TEMP W/O
0430058	SINUS	0430397	KNEE COMP.	0435034	CT ST NECK W/O
0430769	SINUS 1 VIEW	0430405	TIBIA-FIBULA	0435035	CT ST NECK W/
0430774	SKULL	0430413	ANKLE	0435036	CT ST NECK COMB
0430778	SKULL LIMITED	0430439	FOOT	0435037	CT CHEST W/O
0430140	ORBIT	0430447	HEEL	0435038	CT CHEST W/
0430082	NECK S.T.	0430454	TOES	0435039	CT CHEST COMB
0430108	CHEST 1 VIEW	0430462	ABDOMEN SERIES	0435040	CT UPPER EXT W/O
0430116	CHEST 2 VIEW	0430466	ABDOMEN 2 VIEWS	0435043	CT SINUS SCREEN
0430124	RIBS UNILATERAL	0430553	K.U.B.		
0430132	RIBS BILATERAL	0430561	I.V.P.		ULTRASOUND
0430157	STERNUM	0430587	V.C.U.G.	0430945	US APPENDIX
0430187	SPINE XTL	0430470	ESPHOGRAM	0430801	US ABDOMEN COM
0430181	C-SPINE 3 VIEW	0430488	UPPER G.I.	0430819	US ABDOMEN LIM
0430199	C-SPINE COMP.	0430496	U.G.I. SM BOWEL	0430921	US GALLBLADDER
0430207	T-SPINE	0430504	SMALL BOWEL	0430884	US OB COMPLETE
0430215	L-SPINE 3 VIEW	0430512	B.E. SINGLE	0430892	US OB LIMITED
0430223	L-SPINE COMP.	0430538	B.E. AIR	0430942	US OB AMNIO
0430231	PELVIS	0430546	O.C.G.	0430918	US OB BIOPHYSICAL
0430256	SACRUM	0430645	OR CHOLE	0430876	US TRANSVAGINAL
0430249	S.I. JOINTS	0430403	FLOUROSCOPY	0430926	US PELVIS COMP
0430272	COCCYX			0430827	US PELVIS LIMITED
0430264	CLAVICLE	0437779	ISOVUE	0430868	US RENAL KIDNEY
0430280	SCAPULA	0430332	GASTROGRAFIN	0430967	US SCROTAL
0430298	SHOULDER			0430894	US BREAST
0430224	SHOULDER 1 VIEW		CT	0430859	US GS CYST ASP
0430306	A C JOINT	0435010	CT CERVICAL SP W/O	0430934	US GD NLD BX
0430314	HUMERUS	0435013	CT THORACIC SP W/O	0430514	US THYROID
0430322	ELBOW	0435016	CT LUMBAR SP W/O	0430888	US GD THORACENT.
0430330	FOREARM	0435019	CT BRAIN W/O	0430880	US UPPER EXT
0430348	WRIST	0435020	CT BRAIN W/	0430880	US LOWER EXT
0430350	WRIST 2 VIEW	0435021	CT BRIAN COMB.	0430663	US DOPPLER VENOUS
0430355	HAND	0435022	CT ABDOMEN W/O	0430831	US DOPPLER ARTER.
0430363	FINGER	0435023	CT ABDOMEN W/	0430850	US CAROTID
0430371	HIPS	0435024	CT ABDOMEN COMB.		

Unoloped CT ? renal source for hematoma



RX#564817 2/1/00 LCM
DARKE, JOHN S
 BOX 603 MOAB, UT 84532
 DR.PENN
CARISOPRODOL TAB 350 MG # 28
 W/F:SOMA TAB 350 MG
 MUTUL NDC#53489-0110-10
REF#00032885084520 **PRICE:** \$17.32
MED : \$17.32
2 REFILLS **COPAY:** \$0.00

**** THANK YOU ****

QUESTIONS PLEASE ASK THE PHARMACIST

and insurance records.

CASH REGISTER RECEIPT

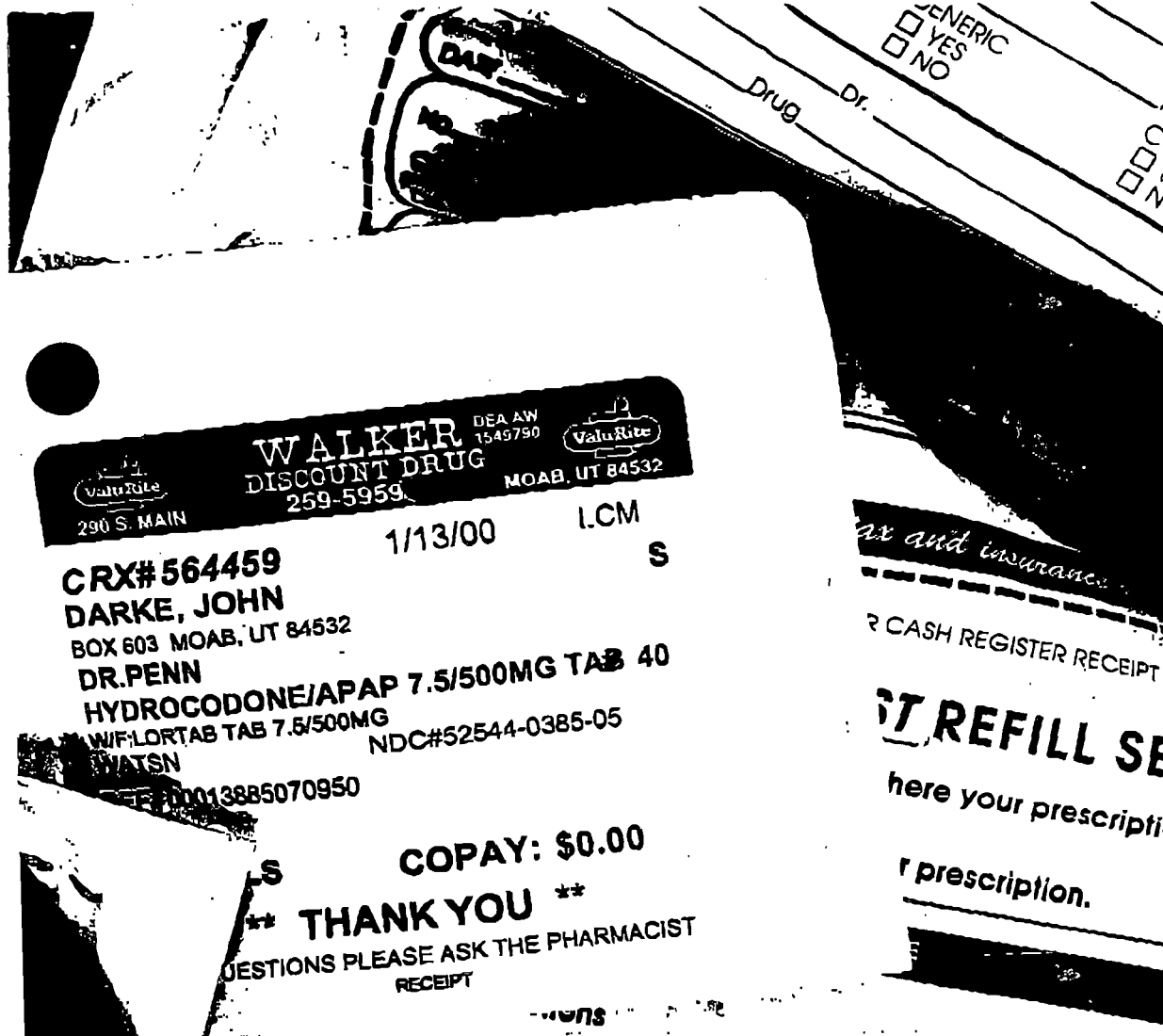
ST REFILL SERVICE

where your prescription is filled.

your prescription.

IG

1ST USE



GENERIC
☐ YES
☐ NO

Drug Dr.

and insurance

CASH REGISTER RECEIPT

ST REFILL SE

here your prescriptic

r prescription.

02/02/00 10:54 FAX 4352592418

CANYONLANDS COPY

17

02/02/00 10:51 FAX 4352592418

CANYONLANDS COPY

P01

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	1153
CONNECTION TEL.	
CONNECTION ID	
START TIME	02/02 10:47
USAGE TIME	04'37
PAGES	14
RESULT	OK

WA990009 (Mar. 12, 1999)

Volume VII:

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 22nd day of December 1999.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 99-33595 Filed 12-30-99; 8:45 am]

BILLING CODE 4510-27-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-3453]

Moab Mill Reclamation Trust; Notice of Order and an Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Order transferring License No. SUA-917 for the Moab, Utah facility and site from Atlas Corporation to the Moab Mill Reclamation Trust; notice of opportunity for a hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has signed an Order (copy attached) dated December 27, 1999, transferring Source Material License SUA-917 for the Moab, Utah, facility and site from Atlas Corporation (Atlas) to the Moab Mill Reclamation Trust (Trust). On September 22, 1998, Atlas filed a petition for relief under Chapter 11 of the U.S. Bankruptcy Code. After filing for relief, Atlas entered into settlement discussions with NRC, the State of Utah, and other parties to the bankruptcy proceeding regarding the reclamation and disposition of the Moab Mill Site. Those discussions resulted in the development of the Moab Uranium Millsite Transfer Agreement (Settlement Agreement) which provides for transfer of the Moab Mill Site and the NRC license to a trust, the trustee of which would carry out remediation of the site pursuant to the terms and conditions of NRC License SUA-917, as amended on June 24, 1999. The terms and conditions of NRC License SUA-917 include the reasonable and prudent alternatives (RPAs) and reasonable and prudent measures (RPMs) in the U.S. Fish and Wildlife Service's final biological opinion (FBO) dated July 29, 1998 (included in the NRC's "Final Environmental Impact Statement Related to Reclamation of the Uranium Mill Tailings at the Atlas Site, Moab, Utah," (FEIS) NUREG-1531, published in March 1999), as well as mitigative measures developed by the NRC staff. The Settlement Agreement was submitted to the United States Bankruptcy Court for the District of Colorado for approval on April 29, 1999. On December 1, 1999, the Court issued an Order confirming the second amended plan of reorganization of the Atlas Corporation, which includes the Settlement Agreement.

FOR FURTHER INFORMATION CONTACT: Myron Fliegel, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001, telephone (301) 415-6629, e-mail mhf1@nrc.gov.

Dated at Rockville, Maryland, this 27th day of December 1999.

For the Nuclear Regulatory Commission.

Michael C. Layton,

Acting Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

Order Transferring License No. SUA-917 for The Moab Mill Site

I.

Atlas Corporation (Atlas) is the holder of License No. SUA-917, which authorized the milling of uranium ore at

Atlas' Moab Mill Site located in Moab, Utah. In accordance with Amendment No. 31 of the license, the license will not expire until the NRC terminates it.

II.

Atlas acquired the Moab Mill Site in 1962 from the Uranium Reduction Company (URC) which built milling facilities and began operations at the site in October 1956. The site is located in Grand County, Utah, on the northwest shore of the Colorado River, 5 km (3 miles) from the center of Moab, and can be accessed from U.S. Highway 191 north of Moab. The site encompasses 162 hectares (400 acres) on the outside bend of the Colorado River, at the southern terminus of the Moab Canyon. The site is surrounded on the north and west sides by high sandstone cliffs; to the north and east is Moab Wash; to the east and south is the flood plain of the Colorado River; and, across the river, is Moab Marsh. The site generally slopes toward the Colorado River and Moab Wash. The uranium tailings from the Moab milling operations occupy about 53 hectares (130 acres) of land about 230 m (750 ft) from the Colorado River. Mill operations ceased in 1984. Decommissioning of the mill began in 1988. Construction of an interim cover for placement over the tailing disposal area began in 1989 and was completed in 1995.

III.

On September 22, 1998, Atlas filed a petition for relief under Chapter 11 of the U.S. Bankruptcy Code and since that date has been operating as a Debtor in Possession. After filing for relief, Atlas entered into settlement discussions with the U.S. Nuclear Regulatory Commission (NRC), the State of Utah, and other parties to the bankruptcy proceeding regarding the reclamation and disposition of the Moab Mill Site. Those discussions resulted in the development of the Moab Uranium Millsite Transfer Agreement (Settlement Agreement) which provides for transfer of the Moab Mill Site and the NRC license to a trust, the trustee of which would carry out remediation of the site pursuant to the terms and conditions of NRC License SUA-917, as amended on June 24, 1999. The terms and conditions of NRC License SUA-917 include the reasonable and prudent alternatives (RPAs) and reasonable and prudent measures (RPMs) in the U.S. Fish and Wildlife Service's final biological opinion (FBO) dated July 29, 1998 (included in the NRC's "Final Environmental Impact Statement Related to Reclamation of the Uranium Mill Tailings at the Atlas Site, Moab,

Utah," (FEIS) NUREG-1531, published in March 1999), as well as mitigative measures developed by the NRC staff.

The NRC, which had filed claims in bankruptcy against Atlas totaling about \$44 million, entered into the Settlement Agreement described in the preceding paragraph rather than involve the NRC in a protracted legal dispute over the limited funds that would be available for site remediation from the liquidation of the Atlas Corporation. The NRC believes that measures taken pursuant to the Settlement Agreement will permit remediation of the Moab Mill Site to proceed in a more timely manner and will maximize the amount of private funding available for remediation of the Moab Mill Site. The Settlement Agreement was submitted to the United States Bankruptcy Court for the District of Colorado for approval on April 29, 1999. On December 1, 1999, the Court issued an Order confirming the second amended plan of reorganization of the Atlas Corporation, which includes the Settlement Agreement.

Consistent with the terms of the Settlement Agreement, the NRC and the State of Utah undertook to identify a Trustee to administer the Moab Mill Reclamation Trust (Trust). PricewaterhouseCoopers LLP (Trustee) has agreed to undertake remediation of the Moab Mill Site, pursuant to 10 CFR Part 40 under License SUA-917 and in accordance with the Trust established for such purposes. The NRC has agreed to accept the Settlement Agreement in satisfaction of Atlas' regulatory responsibilities under 10 CFR Part 40 for remediation of the Moab Mill Site, to transfer License SUA-917 to the Trust, and to limit the Trustee's liability for remediation and maintenance of the site to the amount of funding available to the Trust from Atlas' assets, receivables and future receivables transferred to the Trust under the Settlement Agreement, and any other assets which may become available to the Trust. The NRC is aware that because of the time involved in concluding the bankruptcy proceeding, some dates in the license conditions have already passed while others are imminent and therefore, might be impractical for the Trustee to meet. These dates will be considered in future actions.

Current assets and receivables include the following:

(1) \$5.25 million in cash from Atlas/ACSTAR (the entity which holds the reclamation bond issued for the benefit of the NRC to be used for reclamation of the Moab Mill Site.

This entity has agreed to transfer the sum to the Trust in full and complete

satisfaction of its obligations under Bond #5652);

(2) The assignment of funds from the Department of Energy pursuant to the Energy Policy Act of 1992 (Pub. L. 102-486, Title X, Section 1001, Oct. 24, 1992, 106 Stat. 2946, codified at 42 U.S.C. 2296(a)), [hereinafter "Title X funds"] for past claims. This amount is estimated to be approximately \$1,082,000;

(3) Fifty (50) percent of any net recovery from collection of the disputed Title X claim for dismantling performed by American Reclamation and Dismantling Inc. (ARD claim);

(4) Any and all of Atlas' rights as a licensee to future Title X funds;

(5) Atlas' water rights located at the Moab Land, listed as 6.3 cubic feet per second (cfs) from the Colorado River, Grand County, Utah, Water Right Number 01-40, Application 30032, Certificate No. 60111;

(6) Atlas' possible Water Rights in the following:

A. Water Right Number 01-1121 for 31 acre-feet, a segregation application from Water Right Number 01-40;

B. Water Right Number 09-199 for 3.33 cfs in the San Juan River;

C. Water Right Number 05-982 for .015 cfs for a well in the Monticello Mining District;

D. Water Right Number 99-32 for .004 cfs from Seep Springs (approximately 4 miles from Fry Canyon);

(7) Atlas' interest in the certain real property owned by Atlas and consisting of approximately 430 acres, located in Grand County, Utah, together with all buildings, structures, improvements, appurtenances, fixtures, and easements; and

(8) Two and a half (2.5) percent of the stock in a reorganized Atlas Corporation which would be issued to the Reclamation Trust.

The land and water rights, herein described, have stand-alone value and may be sold by the Trustee independent of, and prior to or during, any reclamation work being performed at the site by the Trustee. As to items 5, 6, and 7 above, Atlas will transfer all said assets to the Trust by way of quit claim deed or similar document, without representations, warranties, or indemnification rights of any kind.

IV.

Remediation of the Moab Mill Site is to be conducted in accordance with the terms and conditions of License SUA-917. These include the RPAs and RPMs in the U.S. Fish and Wildlife Service's FBO, dated July 29, 1998. The Trustee has agreed to these terms and conditions. The NRC, as the lead

Federal Agency regarding the consultation required under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), has included these RPAs and RPMs in the NRC's NUREG-1531 published in March 1999.

The Trustee's maintenance of the site and administration of the remediation of the site in accordance with the terms of license SUA-917 and the terms of this Order, will provide adequate protection of the public health and safety and reasonable assurance of compliance with the Commission's regulations.

Pursuant to the terms of the Settlement Agreement described in the preceding sections of this Order, the NRC, with concurrence from the State of Utah, selected PricewaterhouseCoopers LLP as Trustee. PricewaterhouseCoopers LLP is qualified to perform the duties enumerated in this Order.

In view of the foregoing, I have authorized the transfer of License SUA-917 which will be amended to reflect the change in the named licensee. The Trustee accedes to this Order voluntarily, and has agreed to take the necessary steps to undertake remediation of the site to the extent permitted by the funds available to the Trust, according to the requirements in Part V of this Order.

V.

Accordingly, pursuant to Sections 62, 63, 81, 84, 161b, 161i, 161o and 184 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), and the Commission's regulations in 10 CFR Part 40, *it is hereby ordered* That, effective December 30, 1999, License SUA-917 is transferred to the Trust and the Trustee is authorized to possess byproduct material in the form of uranium waste tailings and other uranium waste generated by Atlas' milling operations at the Moab Mill Site pursuant to the terms and conditions of License SUA-917. *It is further ordered* that:

A. The Trustee shall:

1. Perform remediation of the site pursuant to the terms and conditions of NRC License SUA-917.

2. Notify and request relief from the Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, NRC, Washington, DC 20555-0001, if the Trustee believes it should be relieved of any requirements in the license because the Trustee believes that these requirements are impracticable given the parameters of the Trust Agreement or that they have either been satisfactorily completed or are unnecessary. The Trustee will continue

to comply with all requirements in this license pending NRC action on the Trustee's request for relief from specified requirements under this subsection.

3. Cooperate with the NRC (or its contractor) in NRC's site inspections.
4. Cooperate with the U.S.

Department of Energy (DOE) in matters relating to the transfer of the site to DOE, including preparation by DOE of the site Long-Term Surveillance Plan required by 10 C.F.R. 40.28.

5. Use reasonable efforts to secure all Title X funds from the Department of Energy pursuant to section 1001 of the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) to which it is legally entitled, including requests for additional Title X funds from DOE based on remediation work at the site performed by or on behalf of the Trust.

6. Notify the Director, Office of Nuclear Material Safety and Safeguards, NRC, Washington, DC 20555-0001, and the Regional Administrator, NRC Region IV, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064, by certified registered mail, no later than 180 days prior to the anticipated date, that all contractual and other projected obligations will have reasonably exhausted the Trust Fund.

7. Upon notification required by paragraph 6 of this Part, cease remediation work as set forth in this Order, and commence passive maintenance and monitoring only of the site in order to provide for the protection of the public health and safety using the remaining assets in the Reclamation Trust to fund monitoring and maintenance until further order of the NRC.

B. Upon completion of the NRC inspection to determine that the site has been remediated in conformance with the requirements in 10 C.F.R. Part 40 and the conditions set forth in the license to the extent practicable given the funding available to the Trustee, title to the real property and the remaining byproduct material at the Moab Mill Site will be transferred in accordance with section 83 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations, and this license shall be modified or terminated accordingly.

C. Notwithstanding any of the foregoing requirements, the NRC shall not require the Trustee to perform or pay for any reclamation, remediation, monitoring, or surveillance, the cost of which would exceed the amount of money available to the Trustee from the Trust assets and receivables. The Trustee's responsibilities, liabilities and authority under this license shall

terminate upon further order of the NRC.

D. The requirements identified in this Order may only be modified in writing by the Director, Office of Nuclear Material Safety and Safeguards.

VI.

Any person adversely affected by this Order, other than Atlas or the Trustee, may request a hearing within 20 days of its issuance. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. Copies of any hearing requests also shall be sent to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; to the Assistant General Counsel for Materials Litigation and Enforcement, at the same address; to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064 and to the Trustee, PricewaterhouseCoopers LLP, Attention: Mr. Keith E. Eastin, Director, 1201 Louisiana, Suite 2900, Houston, TX 77002-5678. If a hearing is requested, the requester shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 C.F.R. 2.1306 and 2.1308.

If a hearing is requested by a person whose interest is adversely affected by this Order, the Commission will consider the hearing request pursuant to 10 C.F.R. Part 2, Subpart M, and will issue an Order designating the time and place of any hearing. If a hearing is held, the procedures of Subpart M will be applied as provided by the Order designating the time and place of the hearing. The issue to be considered at such hearing shall be whether this Order transferring the license should be sustained. Any request for a hearing shall not stay the effectiveness of this Order.

Dated at Rockville, Maryland, this 27th day of December 1999.

For the Nuclear Regulatory Commission.

William F. Kane,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99-34053 Filed 12-30-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Risk-Informed Revisions to Technical Requirements; Workshop and Website

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop and NRC Part 50 (Option 3) website.

SUMMARY: The Nuclear Regulatory Commission has instructed its staff to explore changes to specific technical requirements of 10 CFR Part 50, to incorporate risk-informed attributes. The staff is studying the ensemble of technical requirements contained in 10 CFR Part 50 (and its associated implementing documents, such as regulatory guides and standard review plan sections) to (1) identify individual or sets of requirements potentially meriting change; (2) prioritize which of these requirements (or sets of requirements) should be changed; and (3) develop the technical bases to an extent that is sufficient to demonstrate the feasibility of changing the requirements. This work will result in recommendations to the Commission on any specific regulatory changes that should be pursued. Public participation in the development of these recommendations will be obtained via workshops and information on a website.

SUPPLEMENTARY INFORMATION: This notice serves as initial notification of a public workshop, and website, to provide for the exchange of information with all stakeholders regarding the staff's efforts to risk-inform the technical requirements of 10 CFR Part 50. The subject of the workshop will be to discuss the preliminary work being performed by the NRC staff on risk-informing the technical requirements of 10 CFR Part 50. The meeting will focus on the overall framework of the risk-informing process, the criteria used to identify and prioritize candidate regulations and design basis accidents (DBAs), the results of the staff's initial efforts in risk-informing the two trial implementation issues (i.e., 10 CFR 50.44 and special treatment rules), a list of some additional candidate requirements and DBAs to be examined, and discussion of preliminary issues associated with the development and implementation of the entire process.

This notice provides only the date, the location and a brief summary of the workshop; the workshop agenda and other details will be provided in a forthcoming notice. The address for the Part 50 (Option 3) website is as follows: <http://nrc-part50.sandia.gov>.

The Part 50 (Option 3) website can also be accessed from the NRC website (<http://www.nrc.gov>), by selecting "Nuclear Reactors," and then "Risk-Informed Part 50 (Option 3)."