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OFFICE OF THE
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NUCLEAR REGULATORY COMMISSION
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December 12, 1996

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MEMORANDUM TO: Board and Parties
HYDRO RESOURCES, INC.
Docket No. 40-8968-ML

SERVED DEC 12 1996

SUBJECT: ARTICLE PROVIDED BY MERVYN TILDEN

Mr. Mervyn Tilden faxed the attachment to the Office of the Secretary to my attention on December 4, 1996. No certificate of service was included as part of the document indicating that the Atomic Safety and Licensing Board or parties to the Hydro Resources, Inc. proceeding were served. Therefore, the attachment is being served this date.

Parties are reminded that during the course of the proceeding proof of service must be provided for any document submitted to the Atomic Safety and Licensing Board or to adjudicatory employees, such as the staff of the Docketing and Service Branch, in accordance with 10 CFR Sec. 2.701(b). Additionally, the original and two conformed copies are required for service on the Secretary pursuant to 10 CFR Sec. 2.708(d). Parties filing documents by fax with the Office of the Secretary need only fax one copy of a document. However, the fax copy should be followed by mailing the original and two conformed copies.

Emile L. Julian, Chief
Docketing and Service Branch

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ZMC Dine' Bureau to Uranium Resources, Inc. (URI)/HRI (Hydro Resources, Inc.):

HRI: Navajo Expert?

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-By Mervyn Tilden

OFFICE OF SECRETARY
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Please keep your "Economic Development" and the proven devastation, diseases, and social ills that come with all types of uranium mining activities.

None of HRI's outlandish claims of "economic benefits" associated with its proposed in situ leach (ISL) Project near Church Rock and Crownpoint, NM have any demonstrable bearing upon our Dine' (Navajo) way of life. Rather, its entire proposal is deficient in some manner or another and is based on unqualified and unsupported speculation and the need to generate an economic stimulus for a cash-strapped URI, (Parent company of HRI).

HRI's contention that Dine' will benefit from it's Project is also unsupported by affidavit and is misleading at best; HRI conducted interviews and surveys and much of the DEIS is based on information submitted with its application which contains gross errors, the most notable being Section 3.15.2.1 entitled "Key Navajo Values and Lifestyles".

HRI has shown no documented authority to represent the Navajo Nation and the Navajo Tribal Code, (2 NTC 1005, 12-15-89), reserves the authority to represent the nation. HRI provides no details on how it justifies this section which contains only eight paragraphs.

Even if HRI were authorized to represent "Key Navajo Values and Lifestyles" by virtue of its Navajo employee(s) claims, there is conflict with the current Navajo Nation moratorium in effect that prohibits all uranium mining activities on the Navajo reservation. The division that has been created within our tribal government, (by chapter resolutions supporting HRI), in this matter is also seen in our communities and families. This is a direct result of HRI's influence.

The information HRI has submitted is not accepted as fact and our experts, (Medicine people, Chanters, victims of past uranium mining operations on Navajoland, etc.), must be consulted to correct HRI's misrepresentation of our Dine' way of life.

Our values and lifestyles include the Beauty Way (Hozhoji), The Corn Pollen Way, and other ceremonies, songs, prayers, and events that demonstrate our wholeness and well-being as a people and an appreciation of the earth, our Mother, and the natural elements that sustain us. This will be disrupted by the ISL Project.

URI/HRI does not know our way of life for it is a daily practice, not something that can be discovered through surveys and interviews. HRI's arguments have no plausible basis for a claim of expertise to comment on or analyze key Navajo values and lifestyles. etc.), to render accurate, real-life opinions and knowledge of facts that could depict Hozhoji and other aspects of our way of life.

HRI's project will not enhance our livelihood as it supposes but rather, because many Dine' depend on their sheep, cattle, and domestic livestock for their subsistence and because most land at the proposed sites is used for grazing and ALL grazing permits will be revoked during operation, their source of livelihood will be threatened if not outright cut off.

The Project is touted as "economic development" but by who's definition and at who's expense--URI/HRI will take most of the profit and the development will not be community controlled. The loss of the land use will mean the loss of food and income. Moreover, the intrusion will impact our culture and spirituality that has historically tied us to the land.

All of the land within the six sacred mountains is considered a "zone of interest" and the ISL Project will cause "injury in fact" to many Dine' who are practitioners of our traditional way of life.

Section 3.15.2.1 would support a charge of perjury if our experts were consulted in the preparation of the DEIS and appears to be mere recital of individuals who stand to "benefit" from negotiated leases not anything that is of special expertise or skill allegedly relevant to this proceeding.

Hydro Resources, Inc. is a Delaware corporation authorized to do business in New Mexico as HRI; there is cause for concern for many fly-by-night "corporations" use this means to establish their financial worth on paper. Perhaps this move justifies a financial insolvency audit of URI/HRI and its ability to operate a business of such unprecedented magnitude and longevity.

The subsurface injection of fluids requires an Underground Injection Control (UIC) license that meets UIC standards established by the U.S. Environmental Protection Agency and EPA Region 9 has oversight of UIC activities on the Navajo reservation deemed "Indian Country".

UIC regulations also require the regulator, the Nuclear Regulatory Commission, to determine the amount of financial assurance required to ensure restoration of the mine sites and the mined aquifer. The UIC licensee, (HRI), is also required to post that financial assurance prior to commencement of any drilling. It is unclear if such arrangements have been made, there is no proof.

Because there is a current lack of financial credibility on the part of URI, it is the Dine' (Navajo) People that need protection. The people should not be made to suffer so that URI, (Mr. Oren Benton, family and "friends" who have over 51% controlling interests), can escape accountability.

Our way of life has kept and sustained us for millennia and we have no intention of surrendering our inherent rights to any outside interests, suffice it to say keep your "Economic Development".

(Author's note: The language contained in this article is the same language that HRI's attorney used to discredit Easter Navajo Dine' Against Uranium Mining, Dine' Care, SW Research, Water Information Network, ZMC and the 3 other individuals who have petitioned to become intervenors in this case.)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

HYDRO RESOURCES, INC.

Docket No.(s) 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing DSB MEMO TO B&P--TILDEN ARTICLE have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)40-8968-ML
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Dated at Rockville, Md. this
12 day of December 1996


Office of the Secretary of the Commission