

MEMO ROUTE SLIP		Form 400-95 (Rev. May 1957)	
		See me about this. Note and return.	For action. For information.
TO (Name and unit)	INITIALS	REMARKS	
D. I. Walker, ID		RE: MINES DEVELOPMENT, INC., LICENSE NO. R-174	
	DATE	Attached for your information is a copy of the	
		Answer filed by the Respondent, Mines Development, Inc.	
TO (Name and unit)	INITIALS	REMARKS	
R. C. Hageman, CH			
	DATE		
TO (Name and unit)	INITIALS	REMARKS	
	DATE		
FROM (Name and unit)	REMARKS		
L. D. Low INS	<div style="text-align: right;">RECEIVED</div> <div style="text-align: right;">1959</div> <div style="text-align: right;">INSPECTION</div>		
PHONE NO.	DATE		
3336	12/22/59		

USE OTHER SIDE FOR ADDITIONAL REMARKS

U. S. GOVERNMENT PRINTING OFFICE 167-0-42807

9612260205 591222
PDR ADDCK 04001341
C PDR

TIPPIT, HASKELL & WELBORN
ATTORNEYS AT LAW
DENVER CLUB BUILDING
DENVER 2, COLORADO

December 8, 1959

AIR MAIL
CERTIFIED
RETURN RECEIPT REQUESTED

The Secretary
Atomic Energy Commission
Washington 25, D. C.

Dear Sir:

Re: Source Material License No. R-174
Docket No. 40-1341

There is transmitted herewith an Answer filed by the Respondent, Mines Development, Inc., in the above entitled matter.

No proof of service upon other parties is enclosed pursuant to Section 2.700, Rules of Practice, for the reason that this action is against the Respondent only.

Very truly yours,

TIPPIT, HASKELL & WELBORN,

By /s/ John H. Tippit

JHT/mb
Encls.

Actual Date of
Receipt in AEC 4:30pm 12/10/59

460310004 4p

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of } Source Material License No. R-174
MINES DEVELOPMENT, INC. } Docket No. 40-1341

A N S W E R

The respondent, Mines Development, Inc., answers the Notice of Hearing in the above entitled matter as follows:

(1) The position of the respondent is that it has taken all steps necessary to protect the health of its employees and to comply with Section 20.201 (b), Title 10, Code of Federal Regulations. The issuance of the letter of the Atomic Energy Commission dated November 2, 1959, therefore, was unwarranted and should be withdrawn.

(2) The respondent will controvert all of the items named in the Specification of Issues contained in the Notice of Hearing.

(3) The respondent will appear and present evidence at the hearing.

(4) The respondent denies specifically each allegation of fact contained in the letter of November 2, 1959, and the Specification of Issues.

The respondent declares the following affirmative defenses:

(1) If the respondent has violated Section 20.201 (b), then such section is not sufficiently definite and clear to provide fair notice to the respondent of the exact nature of the requirements imposed thereby.

(2) The letter of November 2, 1959, ordered action to be taken which is inconsistent with the nature of the violations alleged.

(3) Compliance with the letter of November 2, 1959, is moot, for the information requested therein has been made available or furnished previously to the Atomic Energy Commission.

(4) An unreasonable burden is placed on the respondent by the Order of November 2 in that it requires a listing of all deficiencies with respect to Part 20, Title 10, Code of Federal Regulations. By reason of the difficulty in interpretation of such regulations, a good faith and unintentional variation in interpretation from that of the Atomic Energy Commission by the respondent would result in a violation of the Order.

The respondent requests a pre-hearing conference, in advance of the time set for hearing, in accordance with Section 2.740, Chapter 1, Title 10, Code of Federal Regulations.

Respectfully submitted,
MINES DEVELOPMENT, INC.,

By /s/ John E. Tippit
Its Attorney.