

Norman Begay
White Mesa Ute Citizen
Box 1138 Blanding, Utah 84511

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USNRC

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OFFICE OF SECRETARY
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June 6, 1997

Administrative Judge
Peter B. Bloch
Presiding Officer
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Judge Bloch:

I am thankful for your notice sent to me on what your position is as Presiding Officer in my petition for standing against the Cotter Concentrate license amendment to Energy Fuels Nuclear, Inc. (now called International Uranium (USA) Corporation (IUSA)).

I have suggested that the three petitioning groups join together to save you time in going through our pleadings, and save us from a lot of work. Please use the technical information from the Avikan Affidavit where it applies to mine and Ms. Katso's petitions. We do have common interests. However, we reserve the right, depending on your decisions, to appeal separately.

I have already stated my case, in my original letter of petition, and I believe all that I need to do additionally is to restate, or verify a few facts.

The fact, alone, that the Cotter Concentrate, with its documented track record (see Avikan filing), is being brought near my Reservation against the traditional teachings of my people, should be justification for a case according to Environmental Justice. We have stated again, and again, that these wastes contain bad spirits which cannot be tolerated by our traditions. Therefore, the appeals will go on and until these materials are removed. We have no choice. And because we have no choice, EFN will learn that they have no choice. This is America. Big business cannot dump on the people like this. Environmental statutes from President Clinton's February 16, 1994 Executive Order on Environmental Justice, along with the May 16th Resolution of the National Environmental Justice Advisory Council, "Indigenous People Resolution No. 23" are sufficient to give us standing in these cultural matters.

Couple this situation with the known constituents of the

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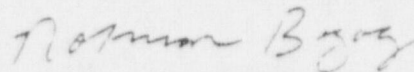
Cotter Concentrates, and the fact that there can be no doubt but what this site, like the three others where it has been milled, will have to become a Superfund site because these hazardous materials are already proven to be unstable and uncontrollable. If that record does not give substantial proof in "injury in fact," then we must all admit that there is no reality so far as the law and justice are concerned.

My house is 2.4 miles from the EFN/IUSA mill site. I have relatives who live 100 feet from the fence line that separates our Reservation from the Cotter Concentrate Waste dump. The people are afraid. I am afraid. The reality of what Cotter Concentrate does to people and the environment are well established in Lincoln Park Colorado, Miamisburg Ohio, and St. Louis Missouri. It is insane to put the waste next to human beings again. Everyone knows, especially Harold Roberts of EFN, that I speak the truth. They are already bringing the Cotter Concentrate next door to my home, even before you have made your decision. I believe that is criminal. How could America have a law that would allow such injustice?

I hold the petitions of 99% of the Native Americans of San Juan County opposing this action. This is America. The people make the laws. I am a human being. I am an American. The people have spoken. If this material is allowed here, forced upon us by high government offices, lawyers and administrators, then there is no more America. But if America is no more, then the people will build it again.

This is my Affidavit. I have spoken the truth.

Sincerely,



Norman Begay
Ute Citizen

White Mesa Ute Citizen
Box 1138 White Mesa, Utah 84511 (801) 678-3444

DOCKETED
USNRC

April 30, 1997

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FAXED 4/30/97

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BRANCH

Ms. Shirley Jackson, Chairperson
Nuclear Regulatory Commission
11555 Rockville Place
Rockville, MD. 20855

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Dear Ms. Jackson:

This letter is my petition for standing to be heard in an Adjudicatory hearing before the Atomic Safety and Licensing Board in opposition to Energy Fuels Nuclear, Inc.'s requests for License Amendments to bring the Cotter Concentrates and other hazardous wastes from other places for re-milling and storage at the White Mesa Mill which sits next door to the Ute Indian Reservation community of White Mesa where I reside with my family and fellow tribal members.

I ask for standing to be heard in the following issues regarding EFN's license amendment requests:

1. Our Community and our water wells lie adjacent to the well as downstream and downwind from the EFN Mill. The Radionuclides which make up the Cotter Concentrate originally came from Belgium Congo Ore containing approximately 60% Uranium, and now still contain 10% Uranium. Not only does this hazardous waste contain extremely high radioactivity and radon gas properties, but each time it is processed it adds further harmful constituents, which are perhaps more immediately dangerous to human health than the Radionuclides. According to reports, your agency, and the Department of Energy have stated that DOE is unable to stabilize the Cotter Concentrate. Therefore, on the basis of concerns for the health and safety of myself, my family, and my community, I ask for standing to argue against bringing these contaminants to the White Mesa Mill.

2. The Cotter Concentrate Project proposal prepared by Project Manager Colleen O'Laughlin April 2, 1997 (the same date as your agency's approval of EFN's License Amendment) discusses follow up projects which would turn the EFN White Mesa Mill site into a hazardous waste dump. I quote from that document: "Project (Cotter Concentrate Project) will demonstrate the commercial feasibility for full-scale implementation:
(a) Applicability to Fernald and other DOE sites.
(b) Thousands of tons of material potential reclaimed at EFN.
(c) May remove need to construct some DOE complex treatment facilities.

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I hereby request standing in the matter of whether or not EFN should be licensed to take currently illegal wastes into its mill and tailings ponds without further EPA studies and public input.

3. The EFN mill sits on traditional Ute burial grounds, and many graves of my people have already been desecrated. In the spirit of respect for the ancestors of my people I ask for standing, that no further desecration be allowed by bringing the Cotter Concentrates, or any other hazardous material for milling and storage at the White Mesa EFN mill.

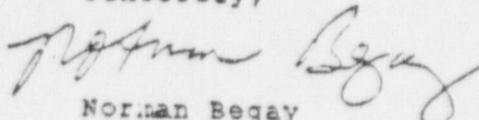
4. The Cotter Concentrate contains the residue from the original Atomic Bomb, and it therefore has the blood of approximately 1,000,000 human beings on it. Wherever it goes the evil curse it has had upon human life on this planet goes with it. Therefore, I ask for standing in this issue on the basis of the traditional religious beliefs of my people, to insure That such a curse and remembrance not be brought to further desecrate my ancestors and tribal members in sacred Ute lands and burial grounds.

5. As an American Citizen, in a democracy "by the people" and "for the people, I ask for standing with your agency in order that I, my family, and my Ute People be protected by the United States Constitution and dignified with public hearings in this and any other matter affecting our physical, mental, and spiritual rights and well-being.

6. Since the original environmental impact study which was prepared prior to EFN's mill being built excluded mention of my adjacent community of over 300 people as a population of concern, not even testing our wells as is required by law, I hereby ask for standing that your agency give justification for this disregard.

Thank you for your consideration. I will wait for your reply.

Sincerely,



Norman Begay
White Mesa Ute Citizen

cc: Governor Michael O. Leavitt, Governor, State of Utah
Mr. Hugh L. Thompson, Jr., Acting Executive Director, NRC
Mr. William Sinclair, Secretary, Utah Division of Radiation Control
Mr. Preston Truman, Public Representative, Utah Division of Radiation Control
Mr. Cullen Battle, Attorney at Law
Utah Congressional Delegation