

**UNITED STATES COURT OF APPEALS FOR THE 10<sup>th</sup> CIRCUIT**

**Eastern Navajo Diné Against Uranium Mining,  
Southwest Research and Information Center,  
Marilyn Morris and Grace Sam**

**Petitioners,**

**v.**

**United States Nuclear Regulatory Commission and  
the United States,**

**Respondents,**

**Hydro Resources, Inc.,**

**Intervenor.**

**Case File  
No. 07-9505**

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**Petitioners' Designation of Portions of the Record to be Included in the  
Deferred Joint Appendix.**

Pursuant to Federal Rule of Appellate Procedure 30(c)(1) and this Court's Order of May 11, 2007, Petitioners hereby designate the following portions of the administrative record to be included in the Deferred Joint Appendix in the above-captioned matter:

**Record No. ("R #") 97** - Affidavit of William H. Ford. pp. 25, 26 (Feb. 20, 1998), attached to NRC Staff's Response to Motion for Stay, Request for Prior Hearing, and Request for Temporary Stay (Feb. 20, 1998).

**R #130** - Hydro Resources, Inc., (2929 Coors Rd., Suite 101, Albuquerque, NM 87120), LBP-98-9, 47 NRC 261 (1998).

**R# s 170-039, 170-041** - Church Rock Revised Environmental Report at 86; Church Rock Well Tables (1993)

**R# 170-063** - Draft Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crownpoint, New Mexico (NUREG-1508), Table 3.2, p. 3-19 (1994).

**R# 170-118** - Final Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crownpoint, New Mexico (NUREG-1508)(1997), pp. 2-25, 2-29, 3-3, 3-31, 3-35, 3-36, 4-29 - 4-38, 4-40, 4-72, 4-73, 4-88, 4-117, 4-125.

**R# 170-129** - Crownpoint Uranium Project Consolidated Operations Plan, Rev. 2.0 (Aug. 15, 1997), Figure 1.1-3.

**R# 170-137** - Materials License, SUA-1508, License Conditions 9.5, 10.21, 10.22 (Jan. 5, 1998).

**R# 269** - Eastern Navajo Diné Against Uranium Mining's and Southwest Research and Information Center's Brief in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to: Financial Assurances for Decommissioning pp. 15-16 (Jan. 11, 1999)

**R# 275** - Intervenors' Amended Written Presentation In Opposition To Hydro Resources, Inc.'s Application for a Materials License With Respect To Groundwater Protection (Jan. 18, 1999).

**R# 275** - Affidavit of Dr. Richard J. Abitz at 15 (January 8, 1999), attached as Exhibit I to Intervenors Amended Written Presentation in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to Groundwater Protection (January 18, 1999)

**R# 300** - Written Testimony of Christine J. Benally, Ph.D. pp. 21, 24, 38-42. (Feb. 15, 1999), attached as Exhibit 2 to Eastern Navajo Diné Against Uranium Mining's and Southwest Research and Information Center's Brief in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to Environmental Justice Issues (Feb. 19, 1999).

**R# 300** - Testimony of Dr. Robert D. Bullard Regarding Environmental Justice Issues at the Crownpoint Uranium Project at 25 and Exhibit J attached thereto (Feb. 17, 1999), attached as Exhibit 1 to Eastern Navajo Diné Against Uranium Mining's and Southwest Research and Information Center's Brief in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to Environmental Justice Issues (Feb. 19, 1999).

**R# 318** - Hydro Resources, Inc., (2929 Coors Rd., Suite 101, Albuquerque, NM 87120), LBP-99-13, 49 NRC 233 (1999).

**R#451** - Brief of Intervenors Eastern Navajo Diné Against Uranium Mining and Southwest Research and Information Center on Review of Partial Initial Decision LBP-99-13, Financial Assurance for Decommissioning pp. 6, 23 (Aug. 13, 1999)

**R#452** - Hydro Resources, Inc., (2929 Coors Rd., Suite 101, Albuquerque, NM 87120), LBP-99-30, 50 NRC 77 (1999).

**R# 524** - Hydro Resources, Inc., (2929 Coors Rd., Suite 101, Albuquerque, NM 87120), CLI-00-8, 51 NRC 227 (2000).

**R# 528** - Hydro Resources, Inc., (2929 Coors Rd., Suite 101, Albuquerque, NM 87120), CLI-00-12, 52 NRC 1 (2000).

**R# 540** - Hydro Resources, Inc. (P.O. Box 15910, Rio Rancho, NM 87174), CLI-01-4, 53 NRC 31, 60 (2001).

**R# 565-028** - Church Rock Section 8/Crownpoint Processing Plant Restoration Action Plan § E.2 and Attachment A-1.

**R# 585** - Testimony of William H. Ford, Hearing of November 8, 2001, Transcript at 305-306 (Nov. 8, 2001)

**R# 681** - Hydro Resources, Inc., (2929 Coors Rd., Suite 101, Albuquerque, NM 87120), CLI-04-33, 60 NRC 581 (2004).

**R# 709** - Intervenors Written Presentation in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to Groundwater Protection, Groundwater Restoration and Surety Estimates (March 7, 2005).

**R# 709** - Declaration of Dr. John W. Leeper at 5, ¶ 9, 10; 8-9, ¶¶ 19-20; 11, ¶ 23 ; 15, ¶ 28; and 17, ¶ 31 (March 1, 2005), attached as Exhibit E to Intervenors Written Presentation in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to Groundwater Protection, Groundwater Restoration and Surety Estimates (March 7, 2005)

**R# 727** - Intervenors ENDAUM's and SRIC's Written Presentation in Opposition to HRI's Application for a Materials License With Respect to Radiological Air Emissions for Church Rock Section 17 (June 13, 2005)

**R# 727** - Declaration of Melinda Ronca-Battista, pars. 21-27 (June 12, 2005), attached to Intervenors ENDAUM's and SRIC's Written Presentation in Opposition to HRI's Application for a Materials License With Respect to Radiological Air Emissions for Church Rock Section 17 (June 13, 2005).

**R# 727** - Declaration of Larry J. King, pars. 3 and 4 and Exhibit 3 (June 2, 2005), attached to Intervenors ENDAUM's and SRIC's Written Presentation in Opposition to HRI's Application for a Materials License With Respect to Radiological Air Emissions for Church Rock Section 17 (June 13, 2005).

**R# 727** - Declaration of Bernd Franke, ¶ 15 and Exhibit 2 attached thereto to Intervenors ENDAUM's and SRIC's Written Presentation in Opposition to HRI's Application for a Materials License With Respect to Radiological Air Emissions for Church Rock Section 17 (June 13, 2005)

**R# 730** - Intervenors' Written Presentation in Opposition to Hydro Resources, Inc.'s Application for a Materials License With Respect to NEPA Issues for Church Rock Section 17, Unit 1 and Crownpoint at 20-26 (June 24, 2005)

**R# 733** - Hydro Resources, Inc., (P.O. Box 777, Crownpoint, New Mexico 87313), LBP-05-17, 62 NRC 77 (2005).

**R# 752** - Order (Directing Parties to Provide Supplemental Briefing in Phase II Radiological Air Emissions Challenges to In Situ Leach Uranium Mining License (November 15, 2005)

**R# 757** - Intervenors' Supplemental Brief on Radioactive Air Emissions (December 7, 2005) ("Intervenors' Supplemental Air Brief")

**R# 760** - Hydro Resources, Inc. (P.O. Box 777, Crownpoint, New Mexico 87313), LBP-06-01, 63 NRC 41 (2006).

**R# 761** - Hydro Resources, Inc., (P.O. Box 777, Crownpoint, New Mexico 87313), CLI-06-01, 63 NRC 1 (2006).

**R# 763** - Intervenors' Petition for Review of LBP-06-01 (January 26, 2006)

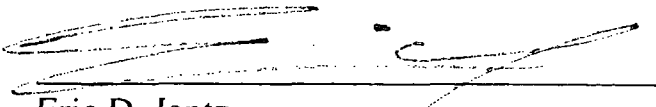
**R# 770** - Intervenors' Supplemental Brief Regarding Church Rock Section 17 Air Emissions (March 13, 2006)

**R# 777**- Hydro Resources, Inc., (P.O. Box 777, Crownpoint, New Mexico 87313), CLI-06-14, 63 NRC 510 (2006).

**R# 783** - Hydro Resources, Inc., (P.O. Box 777, Crownpoint, New Mexico 87313), LBP-06-19, 64 NRC 53 (2006).

**R# 793** - Hydro Resources, Inc., (P.O. Box 777, Crownpoint, New Mexico 87313), CLI-06-29, 64 NRC 417 (2006).

Dated, June 22, 2007

  
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