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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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BEFORE THE COMMISSION

OFFICE OF SECRETARY
REGULATORY AFFAIRS
ADJUDICATIVE STAFF

_____)	
In the Matter of:)	
)	
HYDRO RESOURCES, INC.)	Docket No. 40-8968-ML
P.O. Box 15910)	
Rio Rancho, New Mexico 87174)	
_____)	

**HYDRO RESOURCES, INC.'S RESPONSE TO MOTION TO SUPPLEMENT
THE RECORD**

Hydro Resources, Inc. ("HRI"), respectfully opposes the January 27, 2000, motion of Intervenors Eastern Navajo Dine Against Uranium Mining and Southwest Research and Information Center (jointly, "Intervenors") to supplement the record. Specifically, Intervenors' motion requests that the Commission take "judicial notice" of, and supplement the record with, the January 6, 2000, decision of the United States Court of Appeals for the Tenth Circuit in HRI, Inc. v. Environmental Protection Agency, No. 97-9556. Motion at 1. As a basis for their request, Intervenors assert that the decision is "directly relevant" to issues pending before the Commission because it establishes that HRI "has no valid [UIC] permit, nor . . . a valid aquifer exemption." Motion at 1. HRI opposes the Motion for the reasons stated in "NRC Staff's Response to Motion to Supplement the Record," dated February 3, 2000 ("NRC's Response"). While not particularly relevant to this proceeding as the 10th Circuit decision deals only with jurisdictional issues, and not safety or environmental issues, HRI notes that it will be seeking *en banc* review of the decision within the time permitted by the rules. In

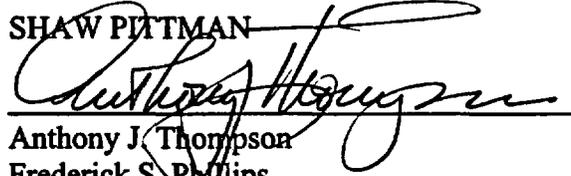
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addition, HRI disputes Intervenor's claims regarding the validity of the UIC permit and aquifer exemption for Section 8.

For the reasons stated in NRC's Response, HRI respectfully requests that Intervenor's "Motion to Supplement the Record" be denied.

Respectfully submitted this 7th day of February, 2000.

SHAW PITTMAN



Anthony J. Thompson

Frederick S. Phillips

David C. Lashway

2300 N Street, N.W.

Washington, D.C. 20037-1128

Tel.: (202) 663-8000

Fax: (202) 663-8007

ON BEHALF OF HYDRO RESOURCES, INC.

P.O. Box 15910

Rio Rancho, New Mexico 87174

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In the Matter of:)

HYDRO RESOURCES, INC.)
P.O. Box 15910)
Rio Rancho, New Mexico 87174)
_____)

Docket No. 40-8968-ML
ASLBP No. 95-706-01-ML

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION STAFF

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document in the above-captioned proceeding has been served on the following by electronic mail (as indicated) and on all parties by first class mail, postage pre-paid, on this 7th day of February, 2000.

Administrative Judge
Peter Bloch, Presiding Officer
Atomic Safety and Licensing Board
Two White Flint North
11545 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852
BY FIRST CLASS MAIL AND EMAIL

Adjudicatory File
Atomic Safety and Licensing Board
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852
BY FIRST CLASS MAIL AND EMAIL

Office of the Secretary
Attn: Rulemakings and Adjudications Staff
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852
BY FIRST CLASS MAIL AND EMAIL

Office of Commission Appellate
Adjudication
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852
BY FIRST CLASS MAIL

Administrative Judge
Thomas D. Murphy
Special Assistant
Atomic Safety and Licensing Board
11545 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852
BY FIRST CLASS MAIL AND EMAIL

Atomic Safety and Licensing Board Panel
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852
BY FIRST CLASS MAIL

Jep Hill Esq.
Law Office of Jep Hill
P.O. Box 30254
Austin, TX 78755
BY FIRST CLASS MAIL

Mitzi Young
John Hull
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
BY FIRST CLASS MAIL AND EMAIL

Mr. Mark Pelizza
President
URI, Inc.
12750 Merit Drive, Suite 720, LB12
Dallas, TX 75251
BY FIRST CLASS MAIL AND EMAIL

Mitchell W. Capitan, President
Eastern Navajo-Diné Against
Uranium Mining
P.O. Box 471
Crownpoint, New Mexico 87313
BY FIRST CLASS MAIL

Marilyn Morris
c/o Samuel D. Gollis
Hopi Legal Services
Highway 263 behind Hopi Judicial Complex
Keams Canyon, AZ 86034
BY FIRST CLASS MAIL

Commissioner Nils J. Diaz
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852
BY FIRST CLASS MAIL AND EMAIL

Richard A. Meserve, Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852
BY FIRST CLASS MAIL AND EMAIL

Geoffrey H. Fettus
New Mexico Environmental Law Center
1405 Luisa Street Suite 5
Santa Fe, NM 87505
BY FIRST CLASS MAIL AND EMAIL

Diane Curran Esq.
Harmon Curran Spielberg & Eisenberg
1726 M Street N.W., Suite 600
Washington, DC 20036
BY FIRST CLASS MAIL AND EMAIL

W. Paul Robinson
Chris Shuey
Southwest Research and Information Center
P.O. Box 4524
Albuquerque, New Mexico 87106
BY FIRST CLASS MAIL

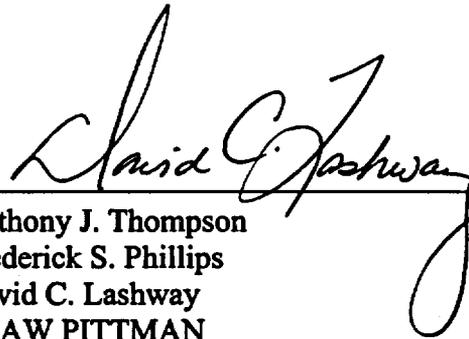
Grace Sam
c/o Samuel D. Gollis
Hopi Legal Services
Highway 263 behind Hopi Judicial Complex
Keams Canyon, AZ 86034
BY FIRST CLASS MAIL

Commissioner Edward McGaffigan, Jr.
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852
BY FIRST CLASS MAIL AND EMAIL

Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852
BY FIRST CLASS MAIL AND EMAIL

Commissioner Greta J. Dicus
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852
BY FIRST CLASS MAIL AND EMAIL

Herb Yazzie, Attorney General
Steven J. Bloxham, Esq.
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515
BY FIRST CLASS MAIL

A handwritten signature in black ink that reads "David C. Lashway". The signature is written in a cursive style and is positioned above a horizontal line.

Anthony J. Thompson
Frederick S. Phillips
David C. Lashway
SHAW PITTMAN
2300 N Street, N.W.
Washington, DC 20037

Counsel for Hydro Resources, Inc.