

During a telephonic hearing on January 31, 2001 that was not recorded and included counsel for all parties in this matter, Presiding Officer Moore stated that Intervenors may receive an opportunity to reply to the NRC Staff's and HRI's filings of January 21, 2001 as well as any related material generated subsequent to those filings. However, on that date (1/31/01), the Presiding Officer noted that the NRC Staff had not yet made a determination regarding the adequacy of HRI's RAP and surety estimate. In light of the NRC Staff's position, the Presiding Officer stated that it was not appropriate to dispose of the Intervenors' Motion for Reply at that time. The Presiding Officer indicated that the Intervenors motion may be granted at the appropriate time, such as when the NRC Staff made its decision regarding the adequacy of the Section 8 RAP.

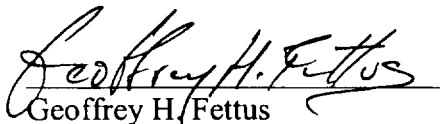
Intervenors submit that it is the appropriate time to grant Intervenors' Motion for Reply. Since the January 31, 2001 conference call, the NRC Staff sent a Request for Additional Information ("RAI") to HRI regarding the Section 8 RAP, HRI has responded to that request, and the NRC Staff has made its determination of the adequacy of the RAP and surety estimate. For the reasons stated in Intervenors' original motion for reply, a reply brief and rebuttal testimony are necessary to respond to new information and testimony in support of the RAP provided for the first time in both HRI's and the Staff's presentations and in the response to the RAI. To ensure a full and complete record on

Reply."). In addition, this renewed motion is timely because it is being filed within three (3) business days of receipt of the NRC Staff's acceptance of HRI's RAP. Counsel in New Mexico received the NRC's letter by first class mail on Thursday, April 19, 2001.

these issues for this proceeding, this motion for reply should be granted.²

Accordingly, for the foregoing reasons and for those reasons stated Intervenor's original Motion of January 29, 2001, ENDAUM's and SRIC's Motion for Leave to Reply should be granted. In consideration of the novelty of the legal issues, the complexity of the technical issues, and the need to prepare expert rebuttal testimony along with a brief, ENDAUM and SRIC request that they be given twenty pages for the reply brief and a period of twenty days from the Presiding Officer's order granting this motion to submit their reply. Counsel respectfully requests that the Presiding Officer please take into account that lead counsel for ENDAUM and SRIC, who bears primary responsibility for preparing the reply, will be out of town for a longstanding personal commitment from the afternoon of May 15th to May 21st.

Respectfully submitted,



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² In accordance with the former Presiding Officer's September 22, 1998 Order, Intervenor's have not attached their reply to this motion.

April 24, 2001

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judge Thomas S. Moore

In the Matter of)	
)	
HYDRO RESOURCES, INC.)	Docket No. 40-8968-ML
P.O. Box 15910)	ASLBP No. 95-706-01-ML
Rio Rancho, NM 87174)	
)	

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2001, I caused to be served copies of the foregoing:

INTERVENORS' MOTION FOR LEAVE TO REPLY

upon the following persons by U.S. mail, first class, and in accordance with the requirements of 10 C.F.R. § 2.712. Service was also made via e-mail to the parties marked below by an asterisk. The envelopes were addressed as follows:

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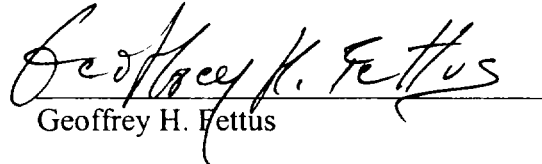
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Dated at Santa Fe, New Mexico,
April 24, 2001


Geoffrey H. Fettus