

August 22, 2001

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

August 28, 2001 (2:20PM)

Before Administrative Judges:  
Thomas S. Moore, Presiding Officer  
Thomas D. Murphy, Special Assistant

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

_____	)
In the Matter of	)
	)
HYDRO RESOURCES, INC.	)
P.O. Box 15910	)
Albuquerque, NM 87174	)
_____	)

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

**INTERVENORS' REQUEST TO  
HOLD A LIVE HEARING SESSION IN ROCKVILLE ON SEPTEMBER 12**

By order dated August 3, 2001, the Presiding Officer scheduled a telephone conference with the parties and their affiants on September 12, 2001. The purpose of the telephone conference is to provide the Licensing Board with an opportunity to ask follow-up questions regarding the parties' evidentiary submissions with respect to Hydro Resources Inc.'s ("HRI's") November 17, 2000, Restoration Act Plan for Section 8 of the Crownpoint Project. As the Board recognized in its Order, the alternative to a telephone conference is a live "hearing session." Id. at 1.

Intervenors Eastern Navajo Diné Against Uranium Mining ("ENDAUM") and Southwest Research and Information Center ("SRIC") respectfully request that in lieu of the planned telephone conference, the Licensing Board adopt the suggested alternative of holding a live hearing session at the Nuclear Regulatory Commission's ("NRC's") offices in Rockville,

Maryland. Intervenors believe that a live hearing will provide the Licensing Board and all parties with a more efficient and less confusing process than a conference call. Further, a live hearing will permit consultation during the conference between Intervenors' counsel and Intervenors' experts. In a telephone conference, it would be impossible for Intervenors' attorneys and experts to confer privately, because they each have separate offices in New Mexico, Washington, D.C., Ohio and Washington. Without a live hearing, Intervenors are concerned that their counsel will not be able to represent them effectively because counsel and experts will not be able to collectively evaluate the responses by other parties' experts to the questions of the Licensing Board. And without a live hearing where experts and counsel could consult, there would be no chance to ask for an opportunity to address answers to questions that have been asked of other parties' affiants. Intervenors also respectfully submit that, given the large number of individuals who would be involved in a conference call, it would assist the Board and parties in identifying speakers and orchestrating the participation of the parties if all of the individuals were present and visible in the same room. Intervenors therefore respectfully request that the Board hold a live hearing session at the NRC's office in Rockville on September 12.

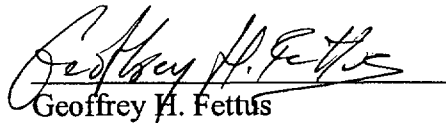
Intervenors regret that they were not able to make this request earlier, but a meeting between ENDAUM and SRIC was needed in order to approve the expenditure of funds to bring counsel and experts to Washington, D.C., and due to scheduling difficulties at this time of the year, it was not possible to convene the meeting until late last week.

Intervenors also wish to inform the Presiding Officer that despite our diligent efforts, we have not yet been able to confirm the availability on September 12 of April Lafferty, one of our

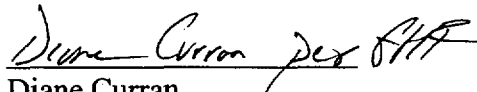
two expert witnesses. We understand from Ms. Lafferty's former employers that she is presently moving across the country and cannot be reached by telephone or e-mail. We hope to be able to contact her within the next few days to confirm her availability on September 12. If we are unable to do so, we will notify this Court by August 27.

Counsel for the NRC Staff and HRI were consulted regarding this motion. Counsel for both HRI and the NRC Staff did not have an objection to conducting a live hearing in Rockville on September 12.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2001, I caused to be served copies of the foregoing:

**INTERVENORS' REQUEST TO  
HOLD A LIVE HEARING SESSION IN ROCKVILLE ON SEPTEMBER 12**

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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Thomas S. Moore,\* Presiding Officer  
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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Office of the Secretary  
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Washington, D.C. 20555-0001  
Attn: Rulemakings and Adjudications  
Staff

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Thomas D. Murphy, Special Assistant  
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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Adjudicatory File  
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U.S. Nuclear Regulatory Commission\*  
Washington, D.C. 20555-0001

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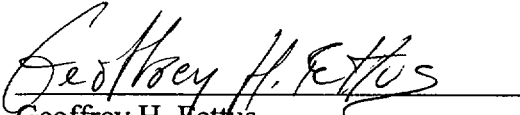
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Dated at Santa Fe, New Mexico,  
August 22, 2001

  
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