

RAS 3945

November 14, 2001

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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

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OFFICE OF THE 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' VERIFIED MOTION  
FOR SUBSTITUTION OF COUNSEL**

Come now the Intervenors Grace Sam and Marilyn Morris, through counsel, and move substitution of counsel. Intervenors Grace Sam and Marilyn Morris have been represented by DNA - People's Legal Services, Inc., in their individual capacities. Because of changes in these Intervenors' income, these Intervenors no longer qualify for legal services under the Legal Services Corporation Act as amended, 42 U.S.C. section 2996, and in particular 45 C.F.R. section 1611.3 providing for the establishment of income eligibility based on 125% of the current official Federal Poverty Income Guidelines. 45 C.F.R. 1611.9 requires DNA to discontinue representation "if the change in circumstance is sufficiently likely to continue for the client to afford private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities."

To satisfy the review of the parent Legal Services Corporation, the DNA clients' ability to afford private legal assistance must be considered in the light of the clients' relation to the

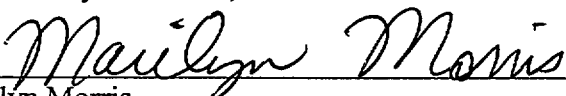
organization Intervenor, Eastern Navajo Dine' Against Uranium Mining (ENDAUM).

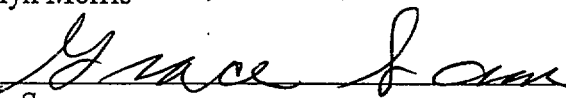
ENDAUM is well-represented by New Mexico Environmental Law Center (NMELC).

Intervenors Marilyn Morris and Grace Sam are fully aware that in order for NMELC to represent them, the legal goals of these Intervenors must remain the same. Intervenors Marilyn Morris and Grace Sam are committed to the ongoing dialogue within ENDAUM, and they understand that if the goals diverge, NMELC's representation is dedicated to ENDAUM. Intervenors Marilyn Morris and Grace Sam now move the substitution of counsel so that they may be represented by NMELC, fully understanding that such representation by NMELC is contingent upon Marilyn Morris' and Grace Sam's agreement with the organizational goals of ENDAUM. Upon a breakdown of such agreement, Intervenors Marilyn Morris and Grace Sam may seek other representation or submit their concerns to this forum pro se.

Agreement of ENDAUM and NMELC to this Motion for Substitution of Counsel will be manifest in their response to this Motion.

Respectfully submitted,

  
Marilyn Morris

  
Grace Sam

  
DNA - People's Legal Services, Inc.

By: Edward M. Dobson

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Rio Rancho, NM 87174	)	
	)	

**CERTIFICATION OF SERVICE**

I hereby certify that on November 14, 2001, I caused to be served copies of the foregoing:

**INTERVENORS' VERIFIED MOTION  
FOR SUBSTITUTION OF COUNSEL**

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:

Administrative Judge  
Thomas S. Moore,\* Presiding Officer  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Administrative Judge  
Thomas D. Murphy, Special Assistant  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Office of the Secretary  
Attn: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission\*  
Washington, D.C. 20555-0001

Adjudicatory File  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission\*  
Washington, D.C. 20555-0001

Atomic Safety and Licensing Board  
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(505) 989-9022

Dated at Mexican Hat, Utah,  
November 14, 2001

  
Edward M. Dobson