

RAS 4131

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 03/21/02

SERVED 03/21/02

Before Administrative Judges:

Thomas S. Moore, Presiding Officer
Thomas D. Murphy, Special Assistant
Robin Brett, Special Assistant

In the Matter of

HYDRO RESOURCES, INC.
PO Box 15910
Rio Rancho, New Mexico 87174

Docket No. 40-8968-ML

ASLBP No. 95-706-01-ML

March 21, 2002

MEMORANDUM

The settlement judge in this proceeding, Michael C. Farrar, has reported to me on the general nature of the conference call he convened among the parties on March 18, 2002. Judge Farrar indicates that, although the settlement process has moved more slowly up to this point than first expected, the parties have made sufficient progress to justify allowing that process to continue. In that regard, Intervenor's counsel is committed to pursuing an approach that, although it must remain confidential for now, Judge Farrar believes has much promise and would, if successful, constitute a salutary outcome. I am informed that HRI is open to entertaining the suggested approach and that, as he has throughout, HRI's President again offered to provide company information that might aid the process and to make himself available to discuss matters related to the settlement.

In that spirit, the parties have agreed to pursue the approach outlined, to meet face-to-face, and to file a full report with Judge Farrar by Wednesday, May 15, 2002, around the time of his return from a lengthy hearing in another case. Upon his receipt of that report, Judge Farrar will convene another conference call among the parties.

No party objected to the delay or indicated a belief that the settlement process should not continue. To the contrary, Judge Farrar reports, the Intervenor -- at whose instance the Commission had earlier directed that the proceeding move forward rather than be put off -- affirmatively requested the extra time, and neither HRI's nor the staff's representatives suggested their planned activities would be adversely affected by providing the additional time.

Accordingly, given the saving of the parties' and the Board's resources that would be occasioned by a settlement, and based on Judge Farrar's report to me that the settlement being discussed would be in the public interest, I shall continue to hold the proceeding in abeyance and await his next report, around the end of May, on the progress of the settlement negotiations.

BY THE PRESIDING OFFICER¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 21, 2002

¹Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM DATED MARCH 21, 2002 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 40-8968-ML
LB MEMORANDUM DATED MARCH 21, 2002

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of March 2002