

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBEFORE THE PRESIDING OFFICER

In the Matter of )

HYDRO RESOURCES, INC. )

P.O. Box 777 )

Crownpoint, NM 87313 )

Docket No. 40-8968-ML

NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIMEINTRODUCTION

Pursuant to 10 C.F.R. §§ 2.730 and 2.711,<sup>1</sup> the NRC Staff ("Staff") hereby respectfully requests, for good cause shown, an extension of time, from June 1, 2004 to June 21, 2004, within which to file its answer to "Intervenors' Motion to Supplement the Final Environmental Impact Statement For the Crownpoint Uranium Project Church Rock Section 17." Counsel for Hydro Resources, Inc. (HRI) and Counsel for Eastern Navajo Diné Against Uranium Mining (ENDAUM) and Southwest Research and Information Center (SRIC) (collectively, "Intervenors") have both consented to this Motion.

DISCUSSION

On April 14, 2004, the parties participated in a transcribed telephone conference held at the Presiding Officer's request. The chief purpose of the conference was to discuss the Intervenors' previously-stated plans to request that NUREG-1508, the "Final Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crownpoint, New

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<sup>1</sup> The NRC recently amended its adjudicatory procedural rules in 10 C.F.R. Part 2. See Final Rule, "Changes to Adjudicatory Process," 69 Fed. Reg. 2182 (Jan. 14, 2004). Because this proceeding commenced prior to the effective date of the revision of 10 C.F.R. Part 2, the former Part 2 rules still apply. The requirements of 10 C.F.R. § 2.730(c) are incorporated by reference in the subpart L hearing rules applicable here. See 10 C.F.R. § 2.1237(a).

Mexico" (FEIS), be supplemented to evaluate the potential impacts mining might have on a proposed housing development (to be called Springstead Estates). Tr., at 40-68. After deciding that the Intervenor would be required to file their motion to supplement by May 14, 2004, the Presiding Officer indicated he would be amenable to granting HRI and Staff requests for extensions of time to respond to such a motion beyond the periods specified in 10 C.F.R. § 2.730(c). Tr. 67-68.

Intervenor served all parties with their Motion to Supplement the FEIS by electronic mail on May 14, 2004. By the Staff's calculation, HRI's response would be due by May 24, and the Staff's response would be due by June 1. The Staff has received HRI's Motion for Extension of Time. The Staff agrees that additional time is necessary to meaningfully address the complex technical matters raised in the Intervenor's Motion and the accompanying Affidavits.

#### CONCLUSION

For good cause shown, the Staff respectfully requests that its Motion for Extension of Time be granted and that the Staff have until June 21, 2004<sup>2</sup> in which to file its answer to Intervenor's Motion to Supplement the FEIS.

Respectfully submitted,

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Mauri T. Lemoncelli  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 21<sup>st</sup> day of May, 2004

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<sup>2</sup> This date assumes that the Licensee will file its answer on June 14, 2004; the additional five days sought by the Staff is based on the provisions of 10 C.F.R. § 2.730(c).

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME" in the above-captioned proceeding have been served on the following persons this 21<sup>st</sup> day of May, 2004, by deposit into the U.S. Mail, first class (or as indicated by an asterisk, through the Nuclear Regulatory Commission's internal mail system), and by electronic mail (except as indicated by a double asterisk).

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