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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

June 28, 2004 (9:18AM)

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judge:
Thomas Moore, Presiding Officer

In the Matter of:

Hydro Resources, Inc.
P.O. Box 777
Crownpoint, NM 87313

)
)
) Docket No.: 40-8968-ML

)
) Date: June 8, 2004
)
)

**HYDRO RESOURCES, INC.'S AND NRC STAFF'S UNOPPOSED JOINT
MOTION FOR EXTENSION OF TIME**

Hydro Resources, Inc. (HRI) and the Nuclear Regulatory Commission (NRC) Staff, by its undersigned counsel of record, hereby submits this Unopposed¹ Joint Motion for Extension of Time in response to several Motions recently filed by the Eastern Navajo Dine Against Uranium Mining (ENDAUM) and Southwest Research and Information Center (SRIC) (collectively the "Intervenors") regarding HRI's NRC license to operate an *in situ* leach (ISL) uranium recovery facility at its Crownpoint Uranium Project (CUP) in New Mexico.

HRI and NRC Staff are in receipt of two (2) Motions from ENDAUM and SRIC, both date May 14, 2004, requesting: (1) that the Commission direct NRC Staff to supplement the FEIS for the portion of the CUP encompassing the Section 8 mining site; and (2) that the Presiding Officer direct NRC Staff to supplement the final environmental impact statement (FEIS) for the portion of the CUP encompassing the Section 17 mining

¹ HRI and NRC Staff have consulted Intervenors on this Motion and they have indicated that they have no objection to the requested time extension.

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site. In an order dated May 26, 2004, the Commission referred Intervenor's Motion regarding the Section 8 mining site to the Presiding Officer for his consideration.² Then, on June 2, 2004, Intervenor filed a third motion requesting that the Presiding Officer re-open the administrative record with respect to the Section 8 mining site.

HRI and NRC Staff assert that the issues addressed in both Intervenor's Motion regarding supplementation of the FEIS for the Section 8 mining site and Intervenor's Motion requesting that the administrative record for such mining site be re-opened are inextricably linked, because the Presiding Officer cannot consider new issues related to a previously adjudicated licensing action without ordering the administrative record to be re-opened. Given that the issues related to these two Motions are inextricably linked, HRI and NRC Staff request that the Presiding Officer grant HRI a time extension of seven (7) days from its current filing deadline of June 14, 2004,³ to June 21, 2004 to allow HRI to respond to each of Intervenor's three (3) above-mentioned Motions in a single Response. Further, NRC Staff requests that, if HRI's Response date is extended to June 21, 2004, the Staff's Response date be extended until June 28, 2004 in accordance

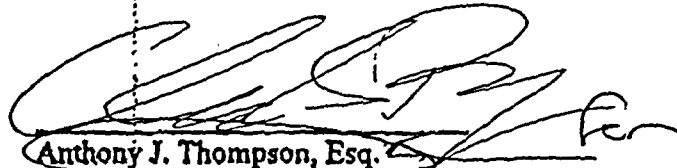
² The Commission's reference of Intervenor's Motion regarding Section 8 to the Presiding Officer places additional emphasis on questions previously raised by the Presiding Officer regarding jurisdiction over Intervenor's Motion. As such, HRI asserts that its requested time extension is warranted.

³ HRI also is required to file a substantive brief (25 page maximum) with the Commission regarding the Section 8 mining site on June 14, 2004. Therefore, HRI asserts that a time extension is necessary to allow for proper preparation and submission of this brief to the Commission.

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with the extra time provided to NRC Staff by 10 CFR § 2.730(c) (2003) (incorporated by reference in 10 CFR § 2.1237(a).

Respectfully Submitted,



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

Before the Presiding Officer:

**Thomas S. Moore, Presiding Officer
Richard F. Cole, Special Assistant**

In the Matter of:)
Hydro Resources, Inc.) Docket No.: 40-8968-ML
P.O. Box 777)
Crownpoint, NM 87313) Date: June 8, 2004
_____)

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Hydro Resources, Inc.'s and NRC Staff's Unopposed Joint Motion for Extension of Time in the above-captioned matter has been served upon the following via electronic mail, facsimile and U.S. First Class Mail on this 8th day of June, 2004.

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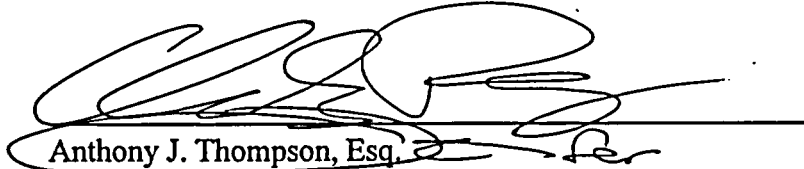
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(hydro resourcesCERTIFICATEOFSERVICE.DOC)

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June 8, 2004

BY ELECTRONIC MAIL, FACSIMILE AND U.S. FIRST CLASS MAIL

U.S. Nuclear Regulatory Commission
Office of the Secretary
Attn: Rulemaking and Adjudications Staff
Mail Stop: OWFN-16C1
Washington, DC 20555

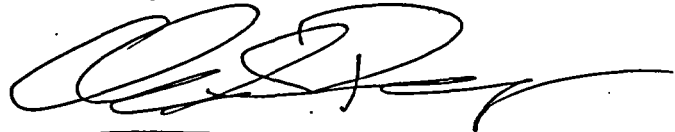
Re: In the Matter of: Hydro Resources, Inc.
Docket No: 40-8968-ML
ASLBP No: 95-706-01-ML

Dear Sir or Madam:

Please find attached for filing Hydro Resources, Inc.'s and NRC Staff's Unopposed Joint Motion for Extension of Time in the above-captioned matter. Copies of the enclosed have been served on the parties indicated on the enclosed certificate of service. Additionally, please return a file-stamped copy in the self-addressed, postage prepaid envelope attached herewith.

If you have any questions, please feel free to contact me at (202) 496-0780.
Thank you for your time and consideration in this matter.

Sincerely,



Anthony J. Thompson, Esq.
Christopher S. Pugsley, Esq.
Law Offices of Anthony J. Thompson, P.C.
Counsel of Record to HRI

Enclosures

(hydro resourcesCOVERLETTTER.doc)