

October 1, 2004 (3:38PM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
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: September 27, 2004  
)  
)

**HYDRO RESOURCES, INC.'S SUBMISSION OF INFORMATION  
POTENTIALLY RELEVANT TO THIS PROCEEDING**

Hydro Resources, Inc. (HRI), by its undersigned counsel of record, hereby submits this Submission of Information Potentially Relevant to this Proceeding regarding HRI's NRC-licensed *in situ* leach (ISL) uranium mining project at Church Rock, New Mexico.

On May 14, 2004, Intervenors filed a motion requesting that the Presiding Officer direct NRC Staff to supplement the FEIS with respect to Section 17. Intervenors also filed a separate motion with the Commission requesting that NRC Staff be directed to supplement the FEIS with respect to Section 8. On May 26, 2004, the Commission issued an Order referring Intervenors' Motion to supplement the FEIS with respect to Section 8 to the Presiding Officer to be considered in conjunction with Intervenors' Motion to supplement the FEIS with respect to Section 17.

Subsequently, Intervenors' filed an additional motion requesting that the Presiding Officer re-open the administrative record with respect to Section 8 to be considered in conjunction with their Motion to Supplement the FEIS with respect to

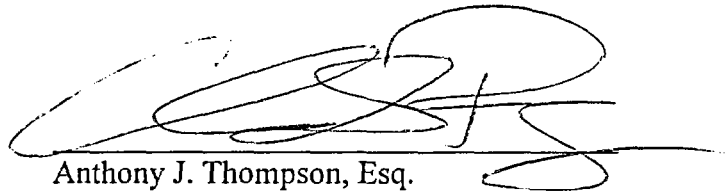
Section 8. On June 21, 2004, HRI filed a response to Intervenors' motions. In addition, on June 25, 2004, NRC Staff filed a Response to Intervenors' motions.

The central focus of each of Intervenors' Motions and HRI's and NRC Staff's Responses is the proposed Department of Housing and Urban Development (HUD) housing project at Ft. Defiance, New Mexico, otherwise known as the Springstead Estates Project (SEP). In HRI's Response to Intervenors' Motions, HRI asserted that the SEP had not yet proceeded beyond a conceptual stage of development that could represent a significant new circumstance warranting a supplement to the FEIS. Based on this factor, HRI stated that Intervenors' claim that a supplemental EIS was warranted for the Sections 8 and 17 Church Rock mining sites was without merit.

By letter dated August 11, 2004 from Everett Ross, Chief Executive Officer of the Ft. Defiance Housing Corporation, to Mr. Mark Pelizza, President of HRI, the Ft. Defiance Housing Corporation notified HRI that, on July 13, 2004, it had signed a Relinquishment of Development Consultant Agreement between itself and Lodgebuilder, Inc. and had reassigned all rights, duties, and responsibilities for the project to the Navajo Nation Housing Authority. By doing so, the Ft. Defiance Housing Corporation has foregone its position as developer for the SEP and, as such, will no longer pursue the development of the SEP unless their assistance is requested by the Navajo Nation Housing Authority.

Therefore, since the above-discussed letter contains information potentially relevant to this proceeding, HRI hereby attaches the above-mentioned letter to the Presiding Officer for his consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'AJT', written over a horizontal line.

Anthony J. Thompson, Esq.  
Christopher S. Pugsley, Esq.  
Law Offices of Anthony J. Thompson, P.C.  
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[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)

# Fort Defiance Housing Corporation

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P. O. Box 579  
Window Rock, AZ 86515  
Phone: (520) 729-5212  
Fax: (520) 729-5209  
August 11, 2004

Mr. Mark S. Pelizza, P. G.  
President  
Hydro Resources, Inc.  
650 S. Edmonds Lane – Suite 108  
Lewisville, TX 75067

Re: Springstead Estates Housing Development

Dear Mark,

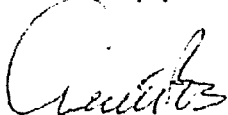
This is our notice to you that on 13 July 2004 the Fort Defiance Housing Corporation signed a Relinquishment of Development Consultant Agreement between the Fort Defiance Housing Corporation and Lodgebuilder, Inc. and re-assigned all rights, duties, and responsibilities to the Navajo Housing Authority. Prior to this date the Navajo Housing Authority demanded that the title and deed to 83 acres of the Springstead Estates Housing Development be transferred to the Navajo Housing Authority.

It is my understanding that the Navajo Housing Authority has also acquired 410 acres of the Springstead Estates Housing Development from Mr. Aubrey. The balance of the remaining 147 remains with Mr. Aubrey as well as the water rights that accompanied the original sale of the land.

The Fort Defiance Housing Corporation no longer will be involved in the development of housing unless the Navajo Housing Authority should change its mind.

I hope that this information will help you in your quest to develop your leach mining operation.

Sincerely yours,



Everett Ross  
Chief Executive Officer

**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: September 27, 2004

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**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a copy of the foregoing Hydro Resources, Inc.'s Submission of Information Potentially Relevant to this Proceeding in the above-captioned matter has been served upon the following via electronic mail and U.S. First Class Mail on this 26<sup>th</sup> day of September, 2004.

Administrative Judge,  
Thomas S. Moore  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop T-3 F23  
Washington, DC 20555  
Email: [tsm2@nrc.gov](mailto:tsm2@nrc.gov)

Administrative Judge  
Richard F. Cole, Special Assistant  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Jep Hill and Associates  
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Office of the Secretary  
Attn: Rulemakings and  
Adjudications Staff  
U.S. Nuclear Regulatory  
Commission  
Mail Stop: OWFN-16 C1  
Washington, DC 20555  
Email: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

Mark S. Pelizza, President  
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Office Manager  
Eastern Navajo-Diné Against  
Uranium Mining  
P.O. Box 150  
Crownpoint, New Mexico 87313

Administrative Judge, Robin Brett  
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Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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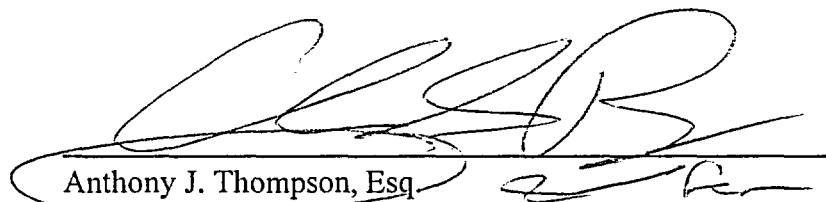
Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory  
Commission  
Mail Stop: O-16G15  
Washington, DC 20555

Atomic Safety and Licensing Board  
Panel  
U.S. Nuclear Regulatory  
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Washington, DC 20555  
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Nuclear Regulatory Commission  
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Email: [tlf@nrc.gov](mailto:tlf@nrc.gov)

A large, stylized handwritten signature in black ink, appearing to read 'AJT', is written over a horizontal line. The signature is fluid and cursive.

Anthony J. Thompson, Esq.  
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(e-mail): ajthompson@athompsonlaw.com

September 27, 2004

**BY ELECTRONIC MAIL 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

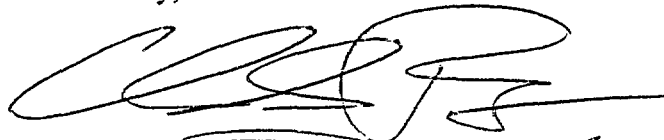
Re: In the Matter of: Hydro Resources, Inc.  
Docket No: 40-8968-ML  
ASLBP No: 95-706-01-ML

Dear Sir or Madam:

Please find attached for filing Hydro Resources, Inc.'s Submission of Information Potentially Relevant to this Proceeding 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)



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September 27, 2004

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Attn: Rulemaking and Adjudications Staff  
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Washington, DC 20555

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Anthony J. Thompson, Esq.  
~~Christopher S. Pugsley, Esq.~~

Law Offices of Anthony J. Thompson, P.C.  
Counsel of Record to HRI

Enclosures

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