

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

February 2, 2005 (4:00pm)

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: January 24, 2005

**HYDRO RESOURCES, INC.'S AND EASTERN NAVAJO DINE AGAINST  
URANIUM MINING AND SOUTHWEST RESEARCH AND INFORMATION  
CENTER'S SECOND JOINT MOTION FOR APPROVAL OF PROTECTIVE  
ORDER**

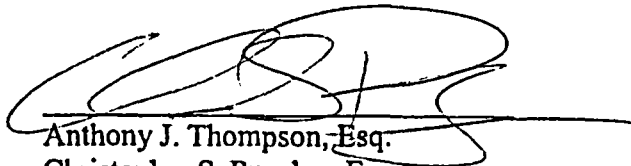
Hydro Resources, Inc. (HRI) and the Eastern Navajo Dine Against Uranium Mining (ENDAUM) and the Southwest Research and Information Center (SRIC) (collectively the "Intervenors"), by their undersigned counsel of record, hereby submit this Second Joint Motion for Approval of Protective Order regarding HRI's decision to voluntarily grant Intervenors access to certain documents regarding HRI's NRC license to operate an *in situ* leach uranium mining operation in Church Rock and Crownpoint, New Mexico.

Pursuant to discussions with the Presiding Officer and Intervenors earlier this year, HRI and Intervenors commenced discussions regarding a Protective Order to allow Intervenors access to specific documents previously requested for review by Intervenors. After a series of negotiations, HRI and Intervenors have drafted and finalized a Protective Order permitting specifically designated persons to review the documents specifically listed in Intervenors December 29, 2004, Motion for a Subpoena that currently are not

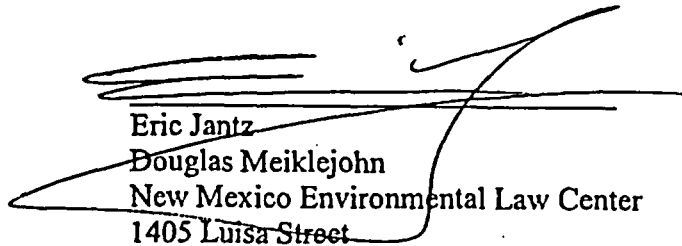
part of the NRC Subpart L hearing file for this proceeding. The following persons shall execute Attachment A to the Protective Order entitled *Confidentiality Undertaking* thereby entitling them to review the documents covered by this Protective Order:

1. Eric Jantz
2. Doug Meiklejohn
3. New Mexico Environmental Law Center Employees and Staff
4. Mike Wallace and Globalhaptics Staff
5. Richard Abitz
6. Geoffrey Fettus
7. Spencer Lucas

For the foregoing reasons, HRI and Intervenors hereby request that the Presiding Officer formally approve the attached Protective Order for use in this proceeding.



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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**

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Hydro Resources, Inc.	) Docket No.: 40-8968-ML
P.O. Box 777	)
Crownpoint, NM 87313	) Date: January 24, 2005
_____	)

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a copy of the foregoing Hydro Resources, Inc.'s and Eastern Navajo Dine Against Uranium Mining and Southwest Research and Information Center's Second Joint Motion for Approval of Protective Order in the above-captioned matter has been served upon the following via electronic mail and U.S. First Class Mail on this 24<sup>th</sup> day of January, 2005.

Administrative Judge,  
Thomas S. Moore  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Mail Stop T-3 F23  
Washington, DC 20555  
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Administrative Judge  
Richard F. Cole, Special Assistant  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Office of the Secretary  
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Adjudications Staff  
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Commission  
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Information Center  
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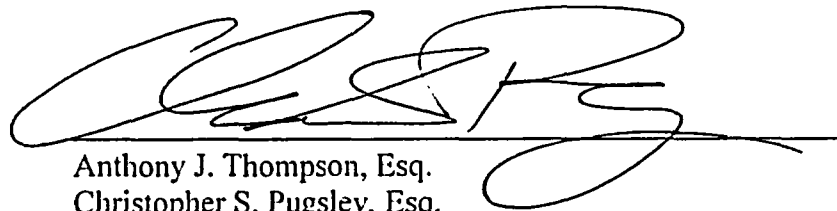
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A large, stylized handwritten signature in black ink, likely belonging to Christopher S. Pugsley, is positioned above the contact information for his law firm.

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January 24, 2005

**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

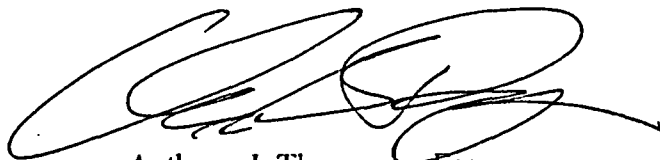
Re: In the Matter of: Hydro Resources, Inc.  
Docket No: 40-8968-ML

Dear Sir or Madam:

Please find attached for filing Hydro Resources, Inc.'s and Eastern Navajo Dine Against Uranium Mining and Southwest Research and Information Center's Second Joint Motion for Approval of Protective Order 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,

A handwritten signature in black ink, appearing to be 'AJT', with a large, sweeping flourish extending to the right.

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)