

RAS 9258

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

DOCKETED 02/03/05

SERVED 02/03/05

Before Administrative Judges:

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

In the Matter of

HYDRO RESOURCES, INC.
PO Box 777
Crownpoint, New Mexico 87313

Docket No. 40-8968-ML

ASLBP No. 95-706-01-ML

February 3, 2005

Order
(Revised Schedule for Written Presentations)

On January 19, 2005, the Presiding Officer granted the joint motion of the Licensee, Hydro Resources, Inc. (HRI) and the Intervenors, Eastern Navajo Dine' Against Uranium Mining, Southwest Research and Information Center, Grace Sam, and Marilyn Morris, to modify the previously established schedule for the parties' written presentations on the seven groupings of areas of concern for each of the three remaining mining sites (i.e., Church Rock Section 17, Crownpoint Unit 1, and Crownpoint). The joint motion, with which the NRC staff concurred, set out a proposed new schedule and recited that the Intervenors waived their right to litigate the second group of areas of concern (i.e., liquid waste disposal and surface water protection), the fourth group of areas of concern (i.e., financial and technical qualifications), and the seventh area of concern (i.e., environmental justice) for each of the three remaining mining sites. The joint motion also stated that the Intervenors also waived their right to litigate the fifth area of concern (i.e., air emission controls) for the Unit 1 and Crownpoint sites. Finally, the joint motion indicated that the Intervenors agreed to forego presenting any new evidence with respect to the sixth area of concern (i.e., adequacy of EIS (cumulative impacts, mitigation actions)) and instead "will file a pleading incorporating by reference their arguments raised with

respect to the adequacy of the EIS for Section 8, thereby preserving those arguments with respect to Section 17, Unit 1, and Crownpoint.”¹

In accordance with the joint motion, the Intervenor’s first written presentation on the first group of areas of concern (i.e., groundwater protection, groundwater restoration, and related surety estimates) should be filed by March 7, 2005. HRI’s response to the Intervenor’s first written presentation shall be filed by April 21, 2005, and the Staff’s response shall be filed by May 2, 2005.

The Intervenor’s second written presentation on the third group of areas of concern (i.e., historic presentation (NHPA, NGPRA)) shall be filed by April 28, 2005. HRI’s second response shall be filed by June 17, 2005, and the Staff’s response shall be filed by June 27, 2005.

The Intervenor’s third written presentation on the fifth area of concern (i.e., air emission controls) for Section 17 shall be filed by June 14, 2005. HRI’s third response shall be filed by July 29, 2005, and the Staff’s response shall be filed by August 8, 2005.

The Intervenor’s filing with respect to the adequacy of the EIS for Section 8 for the purpose of preserving their arguments with respect to Section 17, Unit 1, and Crownpoint shall be filed by June 28, 2005. HRI’s response shall be filed by July 28, 2005, and the Staff’s response shall be filed by August 15, 2005.

¹ Intervenor’s and HRI’s Joint Motion for Change in Schedule of Written Presentations; Expedited Consideration Requested (Jan. 18, 2005) at 3.

The parties are reminded that Parts 2 and 3 of the Presiding Officer's November 5, 2004, order remain in full effect and shall be followed.

It is so ORDERED.

BY THE PRESIDING OFFICER²

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 3, 2005

²Copies of this Order were sent this date by Internet e-mail to counsel for (1) HRI, (2) NRC Staff, and (3) Intervenors.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REVISED SCHEDULE FOR WRITTEN PRESENTATIONS) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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LB ORDER (REVISED SCHEDULE FOR WRITTEN
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of February 2005