

RAS 11646

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION **DOCKETED 05/16/06**

ATOMIC SAFETY AND LICENSING BOARD

SERVED 05/16/06

Before Administrative Judges:

E. Roy Hawkens, Presiding Officer
Dr. Richard F. Cole, Special Assistant
Dr. Robin Brett, Special Assistant

In the Matter of

HYDRO RESOURCES, INC.
P.O. Box 777
Crownpoint, New Mexico 87313

Docket No. 40-8968-ML

ASLBP No. 95-706-01-ML

May 16, 2006

ORDER

(Directing The Parties To Provide Supplemental Briefs)

On March 23, 2006, pursuant to the parties' assent, I issued an order staying further proceedings regarding the Intervenor's Phase II NEPA-related claims pending the Commission's resolution of the appeal of LBP-06-01, 63 NRC 41 (2006), which rejected the Intervenor's Phase II radiological air emission challenges.

On May 16, 2006, the Commission affirmed the decision in LBP-06-01. See Hydro Resources, Inc., CLI-06-14, 63 NRC __ (2006). Thus, pursuant to the terms of the order of March 23, 2006, the stay is dissolved.

It appears that the Commission's decision in CLI-06-14 may provide guidance and/or outcome-determinative rulings affecting the analysis and resolution of several issues raised in the Intervenor's Phase II NEPA-related claims. The parties are directed to provide supplemental briefs addressing the impact of the Commission's decision on such issues.

Unless otherwise authorized by subsequent order, the parties shall submit their supplemental briefs – which shall not exceed 10 pages in length – on or before May 30, 2006.

It is so ORDERED.

BY THE PRESIDING OFFICER¹

/RA/

E. Roy Hawkens
ADMINISTRATIVE JUDGE

Rockville, MD
May 16, 2006

¹ Copies of this Order were sent this date by Internet email transmission to counsel for: (1) the applicant, HRI; (2) the Intervenor, Eastern Navajo Diné Against Uranium Mining, the Southwest Research and Information Center, Grace Sam, and Marilyn Morris; and (3) the NRC Staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DIRECTING THE PARTIES TO PROVIDE SUPPLEMENTAL BRIEFS) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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LB ORDER (DIRECTING THE PARTIES TO PROVIDE SUPPLEMENTAL
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of May 2006