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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL ADJUDICATORY STAFF

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION STAFF

Before Administrative Judges:
Peter B. Bloch, Presiding Officer
Thomas D. Murphy, Special Assistant

SERVED FEB - 4 1999

In the matter of

HYDRO RESOURCES, INC.
(2929 Coors Road
Suite 101
Albuquerque, New Mexico 87120)

Docket No. 40-8968-ML

Re: Leach Mining
and Milling License

ASLBP No. 95-706-01-ML

MEMORANDUM AND ORDER
(Procedural Issues)

This morning I have before me "Intervenors' Motion to File Motions for Leave to Reply and/or Request Oral Presentations After Their Final Presentations and Motion for Extension of Filing Date; Expedited Review Requested," February 3, 1999 and also "Hydro Resources, Inc's [HRI] Request for Scheduling Clarification," February 3, 1999.

In light of the Nuclear Regulatory Commission's Memorandum and Order, CLI-99-1 (January 29, 1999), I lack the authority to extend the February 16 deadline set by the Commission for the last filing by Intervenors. The Commission also urged me to act on a current basis in issuing Partial Initial Decisions. It would be inconsistent with that ruling by the Commission for me to delay issuing decisions until I receive motions for a right to reply or for oral argument. Accordingly, such motions must be filed within ten days of the

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responsive pleading to which they are addressed. If Intervenors seek to reply or to participate in oral argument, they should file their motion within ten days of the response that creates the need for this additional procedural step.

Motions for reconsideration shall be filed within ten days of the issuance of a Partial Initial Decision. Such motions must demonstrate errors in the Presiding Officer's determination.

Intervenors' Motion to defer deadlines and to set special deadlines for motions to reply or for oral argument is *denied*.

On the other hand, HRI's request for schedule clarification seems reasonable. Subject to reconsideration upon a contrary response, the following schedule is adopted:

<u>Issue</u>	<u>Intervenor deadline</u>	<u>HRI deadline</u>	<u>Staff deadline</u>
financial/technical qualifications; financial surety; potential for radio-logical air emission		February 11, 1999	February 18, 1999
environmental justice & related; NEPA & related	February 16, 1999	March 18, 1999	March 25, 1999
groundwater		February 19, 1999	February 26, 1999

IT IS SO ORDERED.



Peter B. Bloch, Administrative Judge
Presiding Officer

Rockville, Maryland

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
HYDRO RESOURCES, INC.

Docket No.(s) 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (PROCEDURAL ISSUES) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555	Administrative Judge Peter B. Bloch Presiding Officer Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555
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Jep Hill, Esq. Attorney for Hydro Resources, Inc. Jep Hill & Associates P.O. Box 2254 Austin, TX 78768	Herb Yazzie, Attorney General Steven J. Bloxham, Esq. Navajo Nation Department of Justice P.O. Box 2010 Window Rock, AZ 86515

Docket No.(s)40-8968-ML
LB M&O (PROCEDURAL ISSUES)

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Dated at Rockville, Md. this
4 day of February 1999


Office of the Secretary of the Commission