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SEP 30 1999
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

In the Matter of)

HYDRO RESOURCES, INC.)

P.O. Box 15910)

Rio Rancho, NM 87174)

Docket No. 40-8968-ML

ASLBP No. 95-706-01-ML

**ENDAUM'S AND SRIC'S REQUEST FOR
CLARIFICATION OF CLI-99-18 AND AUGUST 25 ORDER**

Intervenors Eastern Navajo Diné Against Uranium Mining ("ENDAUM") and Southwest Information and Research Center ("SRIC") hereby request clarification of statements made by the Commission in CLI-99-18, 50 NRC 411, 412 (1999), regarding the page limit for petitions for review of the remaining partial initial decisions issued in the above-captioned case, which ENDAUM and SRIC have yet to appeal. CLI-99-18 sets a 60-page limit for the single petition for review of these decisions, and imposes a limit of ten pages for "any individual partial initial decision." *Id.*, 50 NRC at 412. The requirement was reiterated in a recent scheduling order issued by the Commission on August 25, 1999.

ENDAUM and SRIC seek confirmation that the Commission intended the ten-page limit to apply to each of the six major *issues* addressed by the Presiding Officer in LBP-99-18 (Technical Qualification Issues) (May 11, 1999), LBP-99-19 (Radioactive Air Emissions) (May 13, 1999), and LBP-99-30, Partial Initial Decision

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concluding Phase I (Groundwater, Cumulative Impacts, NEPA and Environmental Justice) (August 20, 1999). This interpretation is consistent with the rationale behind the establishment of the 60-page limit.

The Commission originally imposed a page limit of 30 pages on the final petition for review, in a May 3, 1999, Order. ENDAUM and SRIC moved for an extension of the page limit to 60 pages, on the ground that the Presiding Officer might issue "as many as six additional partial initial decisions, giving rise to a potential for six petitions for review, which ordinarily are governed by a ten-page limit." CLI-99-18, 50 NRC at ___ *quoting* ENDAUM's and SRIC's Motion for Reconsideration of May 3, 1999 Order (Expedited Review Requested) (May 13, 1999). The Commission "granted" the request for a 60-page limit in CLI-99-18, but stated that "[n]o more than ten pages . . . may be devoted to any individual partial initial decision."

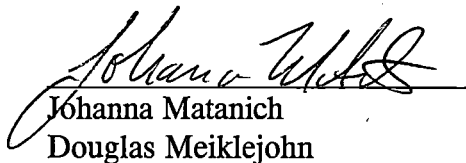
It appears that the Commission believed, as did ENDAUM and SRIC, that the Presiding Officer would issued six separate decisions, addressing the six separate issues raised by ENDAUM and SRIC: technical and financial qualifications, air emissions, groundwater, cumulative impacts, NEPA, and Environmental Justice.¹ Because the Presiding Officer in fact only issued three decisions, a strict interpretation of the

¹ENDAUM and SRIC note that the Commission also expects them to address the issue of the legality of the "bifurcation" of the proceeding in the final petition for review. CLI-99-22, 50 NRC ___, slip op. at 4-5 (July 23, 1999). ENDAUM and SRIC intend to do this within the sixty-page limit.

language of CLI-99-18 would effectively reduce the page limit for ENDAUM's and SRIC's brief to 30 pages.

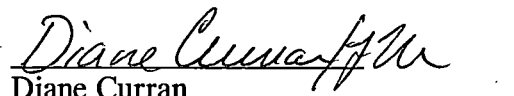
Therefore, ENDAUM and SRIC request clarification that this result was not intended by the Commission.

Respectfully submitted,



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August 30, 1999

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In the Matter of)

HYDRO RESOURCES, INC.)

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Albuquerque, NM 87120)

Docket No. 40-8968-ML

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OFFICE OF THE SECRETARY
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CERTIFICATE OF SERVICE

I hereby certify that:

On August 30, 1999, I caused to be served copies of the following:

**ENDAUM'S AND SRIC'S REQUEST FOR CLARIFICATION OF MAY 3 AND
AUGUST 25 ORDERS**

upon the following persons by U.S. mail, first class, and in accordance with the requirements of 10 C.F.R. § 2.712. Service was also made via facsimile and e-mail to the parties marked below by an asterisk. The envelopes were addressed as follows:

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Dated at Santa Fe, New Mexico,
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