

August 30, 1999
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'99 AUG 31 P 4:24

ATOMIC SAFETY AND LICENSING BOARD PANEL

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

OFFICE OF REGULATORY
RULEMAKING AND
ADJUDICATION STAFF

In the Matter of:)
)
)

HYDRO RESOURCES, INC.)
P.O. Box 15910)
Rio Rancho, New Mexico 87174)
_____)

Docket No. 40-8968-ML
ASLBP No. 95-706-01-ML

MOTION IN OPPOSITION TO INTERVENORS' REQUEST FOR AN EXTENSION

On August 26, 1999, Hydro Resources, Inc. ("HRI"), moved to suspend, or in the alternative, reprimand or censure Intervenor Eastern Navajo Dine Against Uranium Mining ("ENDAUM"), Southwest Research and Information Center ("SRIC") and their counsel, Douglas Meiklejohn, Johanna Matanich, and Lila Bird of the New Mexico Environmental Law Center and Diane Curran of Harmon, Curran, Spielberg & Eisenberg LLP from participation in the above captioned proceeding. HRI brought its motion on the grounds that Intervenor and the above named counsel repeatedly have engaged in disruptive, contemptuous and borderline libelous conduct during the course of this 10 C.F.R. Part 40, Subpart L proceeding which has impeded the fair and efficient administration of justice. In furtherance of their goal to drag these proceedings out and deny HRI a just outcome, Intervenor have sought an extension of time in which to respond to the motion. See ENDAUM and SRIC's Motion for Extension of Time to Respond to Motion for Suspension, Etc. (Aug. 30, 1999). As has been the case throughout this proceeding, here, Intervenor again fail to state an adequate basis for their request and ignore

SECY-EHD-006

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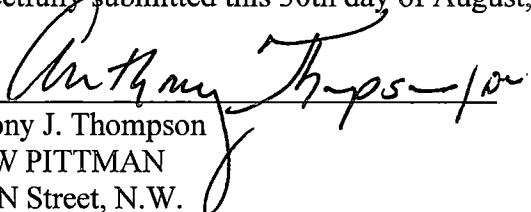
U.S. NUCLEAR REGULATORY COMMISSION
RULEMAKING & REGULATIONS STAFF
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OF THE COMMISSION

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Commission rules that, if adhered to, require the denial of their request. See Louisiana Power & Light Co. (Waterford Steam Electric Station, Unit 3), ALAB0-117, 6 AEC 261 (1973) (It is a long established rule that motions to extend time for briefing are not favored.).¹ In sum, Intervenor's attempts to prolong this proceeding further at the expense of HRI and to avoid being held accountable for their sanctionable actions should not be entertained by this Court. Accordingly, Intervenor's request should be denied.

Respectfully submitted this 30th day of August, 1999.



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ON BEHALF OF HYDRO RESOURCES, INC.
P.O. Box 15910
Rio Rancho, New Mexico 87174

¹ Further, Intervenor fails to cite any authority in support of their argument that an extension is warranted because HRI's motion is "untimely" based on the fact that Intervenor has another brief due to be filed September 3. In addition, notwithstanding Intervenor's assertions to the contrary, HRI chose to file its motion for sanctions when it did because Phase I of the proceeding is now complete as the Presiding Officer has issued his final decision on all matters pending before him. Finally, HRI will suffer severe prejudice by the requested delay as the parties at whom the motion is directed will be filing presentations to the Commission and participating in Commission proceedings in the very near future. As HRI's motion requests the suspension of these parties, any delay will result in their further participation at the expense of HRI.

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Peter B. Bloch, Presiding Officer
Thomas D. Murphy, Special Agent

OFFICE OF SECRETARY
RULEMAKING AND
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In the Matter of:)
)
)

HYDRO RESOURCES, INC.)
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Albuquerque, NM 87120)
_____)

Docket No. 40-8968-ML
ASLBP No. 95-706-01-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing documents, HYDRO RESOURCES, INC.'S MOTION, in the above-captioned proceeding were sent to the following by overnight mail on this 30th day of August, 1999.

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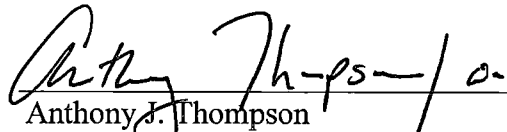
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