DOCKETED USNRC

August 23, 1999 '99 AUG 26 P4:34

## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## OFFICE DISTORTION OF ADJUDITAL TO THE PROPERTY OF THE PROPERTY

#### BEFORE THE COMMISSION

In the Matter of	)	
HYDRO RESOURCES, INC.	)	Docket No. 40-8968-ML
2929 Coors Road	)	
Suite 101	)	ASLBP No. 95-706-01-ML
Albuquerque, NM 87120	)	
	)	

#### NOTICE OF ERRATA IN INTERVENORS' BRIEF ON REVIEW OF PARTIAL INITIAL DECISION LBP-99-13

Undersigned counsel hereby notifies the Commission and the parties of three errors in the Brief of Intervenors Eastern Navajo Diné Against Uranium Mining and Southwest Research and Information Center on Review of Partial Initial Decision LBP-99-13, Financial Assurance for Decommissioning (August 13, 1999). Intervenors' Brief should be corrected as follows:

- 1. On page 13, the first sentence under heading "B" is missing the word "which". The complete corrected sentence should read as follows: "Pre-licensing review of decommissioning cost estimates is necessary to satisfy the NRC's statutory mandate to regulate for the protection of public health and safety, which requires the Staff to review an applicant's cost estimates and surety plan prior to licensing."
- 2. On page 28, in the third sentence of the first full paragraph, the word "unresolved" should be replaced with "uncontroversial". The complete sentence should read, "Similarly, in this case, there are no uncontroversial aspects of financial

U.S. NUCLEAR REGULATORY COMMISSION RULEMAKINGS & TELL TO, TIONS STAFF OFFICE OTTERN EUDETARY OF THE COMMISSION

Document Stalistics

Postmark Date 8/23/99
Copies Received
Add'l Copies Reproduced
pecial Distribution
-SIDS RIDS

assurance, and the matter of financial assurance itself is not a minor procedural deficiency."

3. In the last sentence on page 29, the word "issued" should be replaced with "approved". The complete sentence should read, "Thus, Intervenors are entitled to a hearing on the Applicant's compliance with Criterion 9, before the license can be approved."

Counsel for ENDAUM and SRIC regrets any inconvenience that these errors may have caused.

Respectfully Submitted,

Johanna Matanich

Douglas Meiklejohn

Lila Bird

**NEW MEXICO ENVIRONMENTAL** 

LAW CENTER

1405 Luisa Street, Suite 5

Santa Fe NM 87505

(505) 989-9022

Diane Curran

HARMON, CURRAN, SPIELBERG,

& EISENBERG, LLP

1726 "M" Street, Suite 600

Washington DC 20036

(202) 328-3500

August 13, 1999

'99 AUG 26 P4:34

# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION BEFORE THE COMMISSION

OEDIO		- :	
OFFICE (		1	
RULL V			11
ADJUDIC	911	Mc	i, WEF

In the Matter of	)	
HYDRO RESOURCES, INC.	)	Docket No. 40-8968-ML
2929 Coors Road	)	Docket No. 40-8908-WIL
Suite 101	j j	ASLBP No. 95-706-01-ML
Albuquerque, NM 87120	)	
	)	

#### **CERTIFICATE OF SERVICE**

I hereby certify that: On August 23, 1999, I caused to be served copies of the following:

## NOTICE OF ERRATA IN INTERVENORS' BRIEF ON REVIEW OF PARTIAL INITIAL DECISION LBP-99-13

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 e-mail to the parties marked below by an asterisk. The envelopes were addressed as follows:

Office of the Secretary
U.S. Nuclear Regulatory Commission\*
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications
Staff

Greta J. Dicus, Chairwoman U.S. Nuclear Regulatory Commission Washington, DC 20555

Shirley Ann Jackson, Commissioner U.S. Nuclear Regulatory Commission Washington, DC 20555

Nils J. Diaz, Commissioner U.S. Nuclear Regulatory Commission Washington, DC 20555

Edward McGaffigan, Jr., Commissioner U.S. Nuclear Regulatory Commission Washington, DC 20555

Jeffrey S. Merrifield, Commissioner U.S. Nuclear Regulatory Commission Washington, DC 20555

Administrative Judge
Peter B. Bloch\*
Atomic Safety and Licensing Board
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555

Administrative Judge
Thomas D. Murphy\*
Special Assistant
Atomic Safety and Licensing Board
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington DC 20555

Jep Hill, Esq.
Attorney for Hydro Resources, Inc.
Jep Hill & Associates
P.O. Box 2254
Austin, TX 78768

Mitzi Young
John T. Hull
Office of the General Counsel\*
Mail Stop - O-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Samuel D. Gollis Hopi Legal Services\* PO Box 558 Keams Canyon, AZ 86034 Diane Curran HARMON, CURRAN, SPIELBERG & EISENBERG, LLP\* 1726 M Street NW Suite 600 Washington DC 20036

Levon Henry, Attorney General Steven J. Bloxham, Esq. Navajo Nation Department of Justice P.O. Drawer 2010 Window Rock, AZ 86515

Anthony J. Thompson Frederick Phillips David Lashway SHAW, PITTMAN, POTTS & TROWBRIDGE\* 2300 "N" Street, N.W. Washington, D.C. 20037-1128

William Paul Robinson
Chris Shuey
Southwest Research and Information
Center
P.O. Box 4524
Albuquerque, NM 87106

Mitchell Capitan ENDAUM P.O. Box 150 Crownpoint, NM 87313

Dated at Santa Fe, New Mexico August 23, 1999,

Johan Mitarush Johanna Matanich