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USNRC
September 14, 1999
'99 SEP 15 P3:34

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION STAFF

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

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 TO PLACE HEARING IN ABEYANCE

This 10 C.F.R. Part 2, subpart L proceeding concerns Hydro Resources, Inc.'s ("HRI's") source materials license (SUA-1508), issued January 5, 1998. SUA-1508 authorizes HRI to conduct *in situ* leach uranium recovery for a five-year period on various parcels of land in and around Church Rock and Crownpoint, New Mexico. On May 11, May 13, and August 20, 1999, the Presiding Officer issued partial initial decisions LBP-99-18,¹ LBP-99-19,² and LBP-99-30,³ respectively, denying requests made by Intervenors Eastern Navajo Diné Against Uranium Mining ("ENDAUM"), and Southwest Research and Information Center ("SRIC"), (jointly,

¹ "Partial Initial Decision (Technical Qualification Issues), 49 NRC _____, slip op.

² "Partial Initial Decision (Radioactive Air Emissions), 49 NRC _____, slip op.

³ "Partial Initial Decision (Partial Initial Decision Concluding Phase I: Groundwater, Cumulative Impacts, the National Environmental Policy Act, and Environmental Justice), 49 NRC _____, slip op.

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U.S. NUCLEAR REGULATORY COMMISSION
RULEMAKINGS & ADMINISTRATION
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“Intervenors”), to revoke HRI’s license. In accordance with LBP-99-30, see id., slip op. at 78, HRI files this brief concerning the schedule and procedures for the remainder of this case. HRI respectfully moves for the Presiding Officer to place the remainder of this proceeding (concerning matters relating to HRI’s planned operations at Section 17, Crownpoint, and Unit 1) in abeyance.

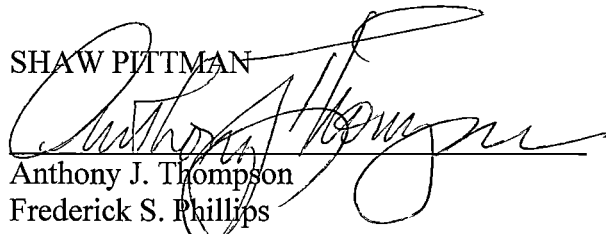
Placing the proceeding in abeyance will neither deny Intervenors’ a meaningful opportunity to be heard with respect to their concerns relating to Section 17, Crownpoint and Unit 1, nor result in any endangerment to public health and safety. Should HRI wish to go forward with operations at Section 17, Crownpoint, and/or Unit 1, HRI will give thirty (30) days written notice to all parties stating its intent to commence such operations. Such notice will provide Intervenors and NRC Staff ample opportunity to request that this proceeding be resumed.⁴ Further, placing the hearing in abeyance will conserve the resources of the Presiding Officer and all parties while maintaining the status quo as HRI does not intend to go forward with operations at Section 17, Crownpoint, and/or Unit 1 at this time. Counsel for the NRC Staff has indicated that the Staff does not oppose this motion.

⁴ Thirty (30) days is more than adequate notice as, at present, HRI is not required to provide any notice to the parties before commencing operations at Section 17, Crownpoint and/or Unit 1. Rather, HRI need only provide the NRC Staff with a groundwater restoration demonstration for Section 8 before injecting lixiviant at Section 17, Crownpoint, and/or Unit 1, pursuant to SUA-1538 LC 10.28 and 10.29.

For the foregoing reasons, HRI respectfully requests that the remainder of this proceeding (concerning matters relating to HRI's planned operations at Section 17, Crownpoint, and Unit 1) be placed in abeyance.

Respectfully submitted this 14th day of September, 1999.

SHAW PITTMAN



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ON BEHALF OF:

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OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

In the Matter of:)
)
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HYDRO RESOURCES, INC.)
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_____)

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 14th day of September, 1999.

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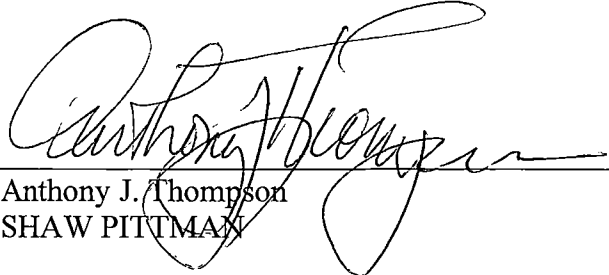
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