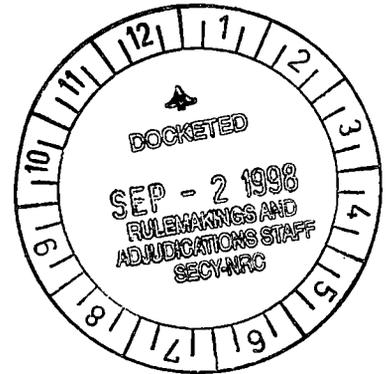


September 2, 1998

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

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



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

**SCHEDULING CONFERENCE BRIEF  
OF MARILYN MORRIS AND GRACE SAM**

Marilyn Morris and Grace Sam, through counsel, respectfully submit this scheduling conference brief in accordance with the Presiding Officer's Memoranda and Orders dated May 13, 1998 (LBP 98-9), July 1, 1998, July 13, 1998 and July 30, 1998. This brief addresses four issues: 1) whether bifurcation of this proceeding to address only the portion of HRI's materials license for mining at Church Rock and processing in Crownpoint would violate NEPA and impair the fair and efficient management of this proceeding; 2) whether requiring Intervenors to file formal written contentions is unnecessary; 3) what issues, if any, Intervenors nominate as purely legal issues to be

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determined by legal briefing rather than through findings of facts; 4) a plan of analysis for Marilyn Morris and Grace Sam and suggestions for the efficient disposition of this proceeding.

**I. THIS PROCEEDING SHOULD NOT BE BIFURCATED TO SEPARATELY ADDRESS SECTION 8 MINING BECAUSE SUCH BIFURCATION VIOLATES NEPA AND WOULD IMPAIR THE FAIR AND EFFICIENT MANAGEMENT OF THIS PROCEEDING.**

In its amended application for a materials license, HRI proposes to mine uranium from Sections 8 and 17 in Church Rock, New Mexico and from two sites in Crownpoint, New Mexico, "Unit 1" and "Crownpoint"<sup>1</sup>. HRI's application states its intent to process the uranium extracted from each site at a Crownpoint processing facility.<sup>2</sup> The NRC issued a Final Environmental Impact Statement (FEIS) and a Safety Evaluation Report (SER), both of which evaluate the entire application as a single project.<sup>3</sup> HRI's

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<sup>1</sup> HRI submitted its initial application on April 13, 1988, proposing to mine from Section 8 in Church Rock. HRI later amended the application to include processing in Crownpoint, and mining at Section 17, Unit 1 and Crownpoint. Consolidated Operations Plan, Rev. 2.0, August 15, 1997, Section 1.1. See Accession No.s 8805200339 (Application for Materials License, April 13, 1988), 9509080065 (Environmental Assessment of Unit 1, January 6, 1992), 9211399381 (forwarding documents, including Crownpoint project technical report, July 31, 1992), 9211300077 (requests NE quarter of Section 17 be included in Church Rock mining project, September 28, 1992).

<sup>2</sup> Consolidated Operations Plan, Rev. 2.0, August 15, 1997, Section 1.1. See Accession No. 8811040138 (HRI changes location of the proposed Central Processing Facility, October 12, 1988).

<sup>3</sup> Final Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crownpoint, New Mexico, NUREG-1508, February, 1997 (FEIS); Safety Evaluation Report, Docket No. 40-8968, Accession No. 9712310295, December 4, 1997, Section 1.0.

Consolidated Operations Plan (COP) encompasses the entire Crownpoint project.<sup>4</sup> The NRC issued a license for the "Crownpoint Uranium Project" that contemplates mining at Church Rock, Unit 1 and Crownpoint. License No. SUA-1508, Docket No. 40-8968, January 5, 1998, Section 9.1.

On June 4, 1998, HRI proposed bifurcation of this proceeding so that only issues related to Section 8 be heard and adjudicated at this time and that all other "phases" of the Crownpoint Uranium Project be heard at a later time. HRI suggests that only Section 8 is ripe for adjudication at this time because HRI has firm plans to proceed only with Section 8.<sup>5</sup> HRI submits that "bifurcation will allow the parties and the Presiding Officer to review the later phases of the Project on a more complete and informed record," and that "the operating experience within Section 8 will provide NRC Staff with valuable information before HRI may proceed with Section 17, Unit 1 and Crownpoint."<sup>6</sup>

The Presiding Officer has decided that at the scheduling conference, he will hear arguments "about whether to phase or bifurcate the trial of this case, consistent with planned activities and the availability of information."<sup>7</sup> This proceeding should not be

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<sup>4</sup> Consolidated Operations Plan, Rev. 2.0, August 15, 1997, Sections 1.0 and 1.1.

<sup>5</sup> HRI's Request for Partial Clarification or Reconsideration of Presiding Officer's Memorandum and Order of May 13, 1998; and Request for Bifurcation of the Proceeding (hereinafter HRI's Request for Bifurcation), June 4, 1998 at 13.

<sup>6</sup> Id. at 14.

<sup>7</sup> Memorandum and Order, July 13, 1998 at 2, n.2.

bifurcated because doing so would violate NEPA and prohibit a fair, efficient and comprehensive airing of the significant environmental issues HRI's license application raises. Moreover, because all issues presently are ripe for adjudication, putting off certain issues for later adjudication would serve no practical purpose. Finally, bifurcation of this proceeding may potentially confuse and mislead the public.

**A. Bifurcation of this Proceeding Violates the National Environmental Policy Act.**

**1. Segmentation Cannot Divide Discussion of NEPA Based Environmental Concerns.**

Bifurcation of this proceeding would violate NEPA because it would cause segmentation of the Crownpoint Uranium Project and avoid comprehensive environmental review of the entire project. Under NEPA, "[s]egmentation is to be avoided in order to 'insure that interrelated projects[,] the overall effect of which is environmentally significant, not be fractionalized into smaller, less significant actions.'" Town of Huntington v. Marsh, 859 F.2d 1134, 1142 (2nd Cir. 1988) citing Taxpayers Watchdog, Inc. V. Stanley, 819 F.2d 294, 298 (D.C. Cir. 1987). The U.S. Supreme Court has also ruled that "when several proposals for . . . actions that will have a cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together." Kleppe v. Sierra Club, 427 U.S. 390, 410 (1976). In Huntington, the court ruled that the Army Corps of Engineers could not consider types, quantities and cumulative effects of dredged waste

disposal at a Long Island Sound site on a case-by-case basis. The cumulative effects of the entire disposal project had to be considered together.

Similarly, all environmental impacts of the Crownpoint Uranium Project must be reviewed together. It is HRI's own amended application and COP which treat the so-called "phases" of HRI's project as a single project, the "Crownpoint Uranium Project." In accordance with this characterization of the project, the SER and the materials license also treat all four mine sites as a single project. The FEIS evaluates the environmental impact of these phases as a single project.<sup>8</sup> Segmentation of environmental concerns for this proceeding will violate NEPA and defeat the purpose of creating a comprehensive impact statement for the Crownpoint Uranium Project.

Although past Board proceedings have been segmented, the segmentation has occurred only by issue, not by geographical site as HRI proposes; the Board has never segmented its consideration of the environmental impacts of a project. For example, in Long Island Lighting Company (Shoreham Nuclear Power Station Unit 1), LBP-83-30, 17 N.R.C. 1132,1136 (1983), the Board explained that different issues "can be grouped into separate segments of the evidentiary hearing . . . for purposes of being able to issue separate partial initial decisions, each of which decide a major segment of the case." Such segmentation promotes the efficient management of issues in a lengthy case. Long Island Lighting Company, LBP-83-30, 17 N.R.C. 1132,1136 (1983). In Pennsylvania Power and

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<sup>8</sup> FEIS, generally, and at 2-1, 4-120 - 4-127.

Light, the Board divided the proceeding into parts so as to evaluate NEPA-related environmental concerns first and health and safety issues second. Pennsylvania Power and Light Company and Allegheny Electric Cooperative, Incorporated (Susquehanna Steam Electric Station, Units 1 and 2), LBP 80-18, 11 N.R.C. 906, 908 (1980). None of these cases permitted the segmented consideration of environmental concerns because doing so would have violated NEPA.

Bifurcation of this proceeding as HRI suggests would cause the NEPA-related environmental concerns to be divided and discussed separately by geographical site rather than comprehensively. For example, issues regarding inadequacies in the EIS as to transportation risks would be heard piecemeal. Transportation risks relating to each section would be heard separately at different hearings. At none of these hearings would a comprehensive look at the overall transportation risks for the entire project be considered; this would violate NEPA.

2. The Board's Review of Environmental Concerns Related to other Aspects of the Project Will be Distorted.

If the review of environmental impacts is bifurcated in this case, preliminary decisions on Section 8 will impair the Board's ability to make subsequent decisions about the other mine sites. HRI argues that mining at Section 8 will create a more complete record for review of the later phases of the project. In reality, mining at Section 8 will undermine the purpose of NEPA and distort review of the entire project.

In Susquehanna Valley Alliance v. Three Mile Island Nuclear Reactor 619 F.2d

231 (1980), the NRC approved a plan to treat a portion of contaminated water at Three Mile Island, without preparing an environmental impact statement for the entire clean-up project. The court, in deciding whether there was a valid cause of action under NEPA, reasoned that if private parties are able to expend money on construction before a review of the environmental impacts, the construction “has the almost inevitable effect of distorting the view of the agency and reviewing court as to the desirability of the action.” Susquehanna Valley Alliance, 619 F.2d at 240. The court decided that the NRC’s failure to consider the entire project under a comprehensive impact statement stated a cause of action under NEPA.

Here, HRI is asking the Board to consider approving one portion of the Crownpoint Uranium Project before evaluating the potential environmental risks posed by the entire project. If HRI’s proposal for bifurcation were to be accepted by the Board, this case would be very similar to Susquehanna Valley Alliance. HRI’s proposal runs contrary to the holding of that case, which cautions against allowing a private party to begin a project before a comprehensive environmental review is performed. If HRI begins mining Section 8, the Board’s perceptions of other issues may understandably be affected. The Staff and the Board may become unduly influenced by the existence of an operating mine site in their review.

**B. Bifurcation Would Be Inefficient for All Parties and Fundamentally Unfair to Intervenors Marilyn Morris and Grace Sam.**

Bifurcation of these proceedings would violate the Presiding Officer’s “duty to conduct a

fair and impartial hearing according to law, to take appropriate action to avoid delay, and to maintain order.” 10 C.F.R. § 2.1209. Bifurcation of this proceeding would be inefficient because it will indefinitely and unnecessarily extend the proceeding when the issues to be raised for each of the proposed mine sites are similar. It would be especially unfair to Intervenors Marilyn Morris and Grace Sam, who are low income parties and may not be able to participate in multiple proceedings.

The Presiding Officer acknowledged in LBP 98-9 that this proceeding has the potential to be “complex, contentious and expensive”.<sup>9</sup> Bifurcation of this proceeding will indefinitely extend these proceedings, thereby increasing the complexity of the issues, contentiousness and expenses of the parties. Once the issues surrounding Section 8 are heard, similar if not identical issues regarding Sections 17, Unit 1 and the Crownpoint site may also have to be heard in separate proceedings which have the potential to be as long and as complicated as this proceeding. Issues such as the adequacy of the EIS, use of Performance Based Licensing and control of horizontal and vertical excursions will be heard again. This multiplication of proceedings, despite similar issues being presented for each mine site, will waste the resources of Intervenors, HRI and the NRC staff alike by forcing them all to address issues such as water quality, in situ leach techniques and HRI’s qualifications more than once. Along with the multiplication of proceedings will come the multiplication of legal fees, legal pleadings,

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<sup>9</sup> LBP 98-9 at 34.

expert witness fees and time.

While inefficiency is detrimental to all parties, it is uniquely prejudicial to Intervenors, especially Marilyn Morris and Grace Sam. As low-income parties to this proceeding who have retained a non-profit legal services organization for representation, Marilyn Morris and Grace Sam have an even greater interest in an efficient proceeding on this matter. There is no guarantee that with their limited resources, Ms. Morris and Ms. Sam will be able to participate in separate proceedings for Section 17, Unit 1 and Crownpoint, although they have a genuine and legitimate interest in all phases of HRI's plan. Furthermore, there is no guarantee that other Intervenors from the community would participate in future hearings because of the confusion of issues that bifurcation may cause for the community (see section D below). Thus, bifurcation may result in the whittling of parties, not by their legitimate interests or concerns, but merely by their respective incomes.

**C. All Issues Regarding All Sections of the Crownpoint Uranium Project are Ripe and Ready for Adjudication.**

HRI states that only Section 8, the first phase of the Project, is ripe for adjudication at this time because HRI presently has firm plans to proceed only with Section 8 and has not made any final decision or firm plans to proceed with uranium recovery activities at Section 17, Unit 1 or Crownpoint and that no such decision probably will be made in the next few years.<sup>10</sup> Thus, HRI believes it makes "little sense

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<sup>10</sup> HRI Request for Bifurcation at 13.

to proceed with hearings on any phase of the Project other than Section 8.”<sup>11</sup>

However, HRI’s own amended application includes consideration of Crownpoint, Unit 1, and Sections 8 and 17 uranium recovery sites, and the NRC has issued a license to HRI for the Crownpoint Uranium Project which specifically includes these sites.<sup>12</sup> HRI has not suggested that it does not intend to mine at Crownpoint or Unit 1. In fact, the major portion of the Crownpoint Uranium Project involves these two mine sites.<sup>13</sup> If HRI does not intend to mine at Crownpoint or Unit 1, it should apply for an amendment to its license and exclude those sites. Otherwise, issues regarding all sections of the Crownpoint Uranium Project remain ripe for adjudication.

As it argues that only Section 8 is ripe for adjudication, HRI asserts that bifurcation will actually be beneficial to Intervenors by providing them with more information, and will provide the Presiding Officer with a more complete record by laying down “a track record” concerning the operation of one section of the Project before subsequent sections may proceed.<sup>14</sup> However, the argument of a need for a “track

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<sup>11</sup> Id. at 13-14.

<sup>12</sup> HRI Materials License, License Number SUA-1508, section 9.1

<sup>13</sup> See FEIS, at 2-27, 2-28 (Mining in Church Rock is projected to last eight years, while mining at Unit 1 and Crownpoint is projected to last seventeen and nineteen years, respectively. Unit 1 will involve the disturbance of 896 to 1536 acres of land, and Crownpoint will involve disturbance of 638 acres, while Church Rock will involve the disturbance of 324 to 964 acres).

<sup>14</sup> HRI’s Request for Bifurcation at 14.

record” is undercut by HRI’s own explanation of its performance based licensing requirements.<sup>15</sup> HRI states that its “operational flexibility under the license is limited such that HRI may not change its plans, or even fine tune them, in a way that would cause a degradation of the safety and environmental commitments made by the company. In particular, License Condition 9.3 requires HRI to comply with the Consolidated Operations Plan submitted by the company.”<sup>16</sup> If this statement is true, then it is unlikely that bifurcation of this proceeding will yield any more useful information than that which the record already contains.

The Consolidated Operations Plan is available now on the record, and it considers the project as a whole rather than the mine sites individually. If HRI’s argument is followed to its logical conclusion, any need for a “track record” would prove redundant with the Consolidated Operations Plan. Thus any argument from HRI that the issues for the sites other than Section 8 are not ripe and that bifurcation will help all parties is without merit.

**D. Bifurcation of this Matter Would Confuse and Mislead the Local Community, Preventing a Fair and Efficient Resolution of this Matter.**

Bifurcation of this case would violate the President’s Executive Order on Environmental Justice (Executive Order 12898, 59 Fed. Reg. 7629 [February 16, 1994])

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<sup>15</sup> Intervenors take issue with Performance Based Licensing in this matter separate from the issue of bifurcation. See Plan of Analysis at Issue 2.

<sup>16</sup> HRI’s Request for Bifurcation at 8.

which directs that:

Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that *such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation* in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

E.O. 12898, § 2-2. (emphasis added) The Executive Order also requires federal agencies to establish strategies to “ensure greater public participation by minority and low-income people.” E.O. 12898, § 1-103. Unfortunately, bifurcation in this matter may well deter the low-income, Native American people living around the site of the project from participation in subsequent hearings and issues on Section 17, Unit 1 and Crownpoint. The Crownpoint Uranium Project should be considered as a comprehensive plan and all issues considered together by the Board.

If the Presiding Officer orders bifurcation, it may confuse and mislead the local community in and around Section 8, Section 17, Unit 1 and Crownpoint. In the July 13, 1998 Memorandum and Order, the Presiding Officer noted that “due to the high interest of local citizens, as shown in the Intervenor’s Motion, it is appropriate to visit the site now.” This is in accordance with regulations which provide for participation by members of the public who are not parties to the proceeding through limited appearances. 10 C.F.R. §2.1211(a). The July 13 Memorandum and Order also noted that “further visits to

the site are not assured.” The Presiding Officer’s interest in informing the public and in learning public sentiment regarding this proceeding is clear. Bifurcation of the proceeding would defeat this goal.

Bifurcation of this matter would effectively eliminate the opportunity for a comprehensive hearing on all issues and deprive the local community of the chance to address issues related to Section 17, Unit 1 and Crownpoint, especially if further visits do not occur in any later hearings on these sites. Because HRI’s application and Consolidated Operations Plan and the FEIS and the SER address the four mine sites as a single project, it is natural for the public to view it as one. The public may not understand that only Section 8 is being addressed for the time being. They will not understand that Section 17, Unit 1 and Crownpoint have yet to be decided and so they will not participate in those hearings. This may prove to be advantageous to HRI and the NRC staff, but will not lead to a fair and equitable proceeding on the entire matter and will not ensure greater public participation by the local community.

**II. INTERVENORS SHOULD NOT BE REQUIRED TO FILE CONTENTIONS BECAUSE IT WOULD NOT CONTRIBUTE TO THE FAIRNESS AND EFFICIENCY OF THIS PROCEEDING.**

Intervenors should not be required to submit contentions in this proceeding.

Contentions are not required for informal Subpart L hearings. <sup>17</sup> Written contentions are

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<sup>17</sup> The requirement for contentions are found not under the Subpart L regulations, but under the Rules of General Applicability found at Subpart G. 10 C.F.R. §2.714(b)(1).

required in the formal hearing procedure for Intervention. 10 C.F.R. § 2.714(b). Subpart L proceedings are governed by a separate rule for Intervention. 10 C.F.R. §2.1205. This rule does not provide for the submission of written contentions. Instead, Subpart L hearings call for written presentations by parties (10 C.F.R. § 2.1233), and when needed, oral presentations (10 C.F.R. § 2.1235) rather than formal written contentions. The specific rule in 10 C.F.R. 2.1205 pre-empts application of the general rule in 2.714(b).

Furthermore, requiring written contentions in this proceeding would result in additional delay. The filing of contentions will neither narrow nor clarify any issues that have been presented already, but will merely delay the preparation of arguments regarding these issues and delay the efficient scheduling of the resolution of this case. It should not be ordered since it would violate the Presiding Officer's duty to take appropriate action to avoid delay and maintain order. See 10 C.F.R. §2.1209. Intervenors should be allowed to proceed simply under the Subpart L regulations and begin preparing their written presentations accordingly.

**III. INTERVENORS MARILYN MORRIS AND GRACE SAM DECLINE TO NOMINATE LEGAL ISSUES TO BE RESOLVED BY LEGAL BRIEFS RATHER THAN BY FACTUAL PRESENTATIONS.**

At this time, Intervenors Marilyn Morris and Grace Sam decline to nominate any legal issues to be decided by legal briefs rather than factual presentation.

#### **IV. PLAN OF ANALYSIS FOR INTERVENORS MARILYN MORRIS AND GRACE SAM**

In LBP 98-9, the Presiding Officer admitted ENDAUM, SRIC, and Marilyn Morris and Grace Sam as parties to this 10 C.F.R. Subpart L proceeding. In discussing which issues of Marilyn Morris and Grace Sam were germane areas of concern, the presiding officer found that “[t]o the extent that the concerns of the Sams are identical to ENDAUM’s, those concerns have been found to be germane.” The order went on to state that some of the concerns that Marilyn Morris and Grace Sam specifically mentioned in their December 14, 1994 letter were also found to be germane.

The plan of analysis submitted below will attempt to assist the presiding officer with scheduling matters. It incorporates the concerns mentioned above and represents these concerns through example issues. Intervenors suggest the type of analysis they will follow in presenting these concerns and issues and proposes a schedule for approaching these issues in a systematic and orderly fashion in accordance with the law and regulations. Intervenors Marilyn Morris and Grace Sam are currently actively seeking retention of expert witnesses in accordance with their proposed plan of analysis.

**Plan of Analysis for Marilyn Morris and Grace Sam**

<b><u>ISSUE</u></b>	<b><u>SCHEDULING</u></b>
<p>1.) <u>Any Legal Issues Successfully Nominated to Be Decided by Legal Briefing</u></p>	<p>Written briefs prepared by the end of October 1998 or early November 1998 depending upon the number of issues needed to be briefed.</p>
<p>2.) <u>Performance Based Licensing.</u>                      Intervenors plan to show that Performance Based Licensing is inappropriate for the HRI project.                      For example:                      a) Performance Based Licensing (PBL) for HRI prejudices intervenors by endangering the quality of intervenor's drinking water while depriving intervenors of due process rights for changed conditions and operations.                      b) Other related PBL issues</p>	<p>Written filings prepared by December 1998, after other legal briefs due. Responses by January 1999. Oral presentations after all written filings presented.</p>

Plan of Analysis for Marilyn Morris and Grace Sam

3.) Degradation of the water supply.

Intervenors plan to show that HRI has failed to prove that ISL mining and the HRI project will not adversely degrade intervenors' water supply.

Sub-issues may include:

- a) HRI's equipment, facilities & procedures are inadequate to protect health in accordance with 10 C.F.R. § 40.32(c).
- b) HRI has failed to show how horizontal and vertical excursions could be prevented.
- c) Risks of excursions are understated and pertinent information is disregarded.
- d) HRI cannot maintain the "pressure sink" needed to control horizontal excursions
- e) HRI provides for inadequate monitoring for excursions.
- f) HRI uses improper criteria for defining excursions
- g) accidents during mining and processing of the uranium would pose a threat to the water supply
- h) other related issues

Written filings prepared by February 1999 once issue on PBL is determined. Responses by March 1999. Oral presentations after all written filings presented.

**Plan of Analysis for Marilyn Morris and Grace Sam**

<p><b>4.) <u>Groundwater Restoration</u></b>                  Intervenors plan to show that HRI cannot achieve adequate groundwater restoration.                  Sub-issues may include:</p> <ul style="list-style-type: none"> <li>a) Inadequate ground restoration standards;</li> <li>b) inaccurate methods used to calculate baseline water quality</li> <li>c) inadequate financial surety for the proposed restoration and reclamation plan.</li> <li>d) other related issues.</li> </ul>	<p>Since the methods of proof for ground water restoration are similar if not the same as for the issue of groundwater degradation, written filings prepared by February 1999. Responses by March 1999. Oral presentations after all written filings presented.</p>
<p><b>5.) <u>General NEPA arguments including:</u></b></p> <ul style="list-style-type: none"> <li>a) Inadequacies in the EIS regarding cost/benefit analysis</li> <li>b) Inadequacies in the EIS regarding transportation of dangerous materials</li> <li>c) other similar and related issues .</li> </ul>	<p>Written filings prepared by April 1999 once issue on ground water degradation and restoration is determined. Responses by May 1999. Oral presentations after all written filings presented.</p>
<p><b>6.) <u>Air Emissions Control</u></b></p> <ul style="list-style-type: none"> <li>a) adequacy of consideration of risks in EIS</li> <li>b) other similar and related issues</li> </ul>	<p>Written filings prepared by June 1999. Responses by July 1999. Oral presentations after all written filings presented.</p>

Plan of Analysis for Marilyn Morris and Grace Sam

7.) Waste Disposal  
Intervenors plan to show that

- a) HRI's application is too vague on the specifics of liquid waste disposal in groundwater and;
- b) HRI fails to show how it will comply with requirements for disposal of waste by deep-well injection, land applications, and surface water discharge.
- c) other related issues.

Written filings can be prepared by August 1999 once issue on waste disposal is determined. Responses by September 1999. Oral presentations after all written filings presented.

8.) Other Issues  
Additional issues raised by other parties such as:  
a) HRI training and experience  
b) Environmental Justice consideration  
c) other related issues.

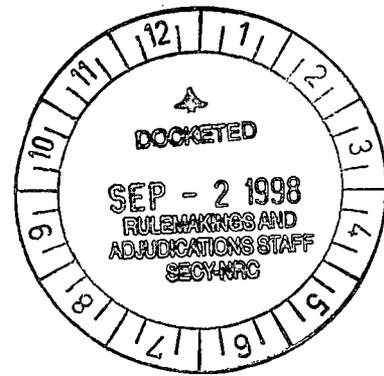
Deadline for written filings beginning in October 1999 and extending as needed depending on the number of issues addressed. Oral presentations as needed.

Dated this 2nd day of September, 1998.



Roderick Ventura  
Samuel D. Gollis  
Attorneys for Marilyn Morris  
and Grace Sam  
DNA-People's Legal Services  
P.O. Box 306  
Window Rock, Arizona 86515  
(520) 871-5643  
Fax: (520) 871-5036

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



In the Matter of: )  
)  
HYDRO RESOURCES, INC. )  
(2929 Coors Road, Suite 101 )  
Albuquerque, New Mexico 87120 )  
\_\_\_\_\_ )

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

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of Scheduling Conference Brief of Marilyn Morris and Grace Sam, this 2nd day of September, 1998, via first class U.S. Mail, in accordance with the requirements of 10 C.F.R. § 2.712, to the following persons:

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attention: Rulemakings & Adjudications Staff

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

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

Diana Curran  
Harmon, Curran, Spielberg & Eisenberg  
2001 S. Street, N.W., Suite 430  
Washington, DC 20009

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

Administrative Judge  
Peter B. Bloch  
Presiding Officer  
Atomic Safety & Licensing Bd Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Reg. Commission  
Washington, DC 20555

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

Douglas Meiklejohn  
New Mexico Envtl. Law Center  
1405 Luisa Street, Suite 5  
Santa Fe, NM 87505

Herb Yazzie, Attorney General  
Steven J. Bloxham  
Navajo Nation Department of Justice  
P.O. Box 2010  
Window Rock, AZ 86515

Mervyn Tilden  
Mary Lou James  
Zuni Mountain Coalition  
P.O. Box 39  
San Rafael, NM 87051

Lori Goodman  
Dine' CARE  
Navajo Nation  
10 A Town Plaza, S-138  
Durango, CO 81301

Anthony J. Thompson  
Barry S. Neuman  
David H. Kim  
Shaw, Pittman, Potts and Trowbridge  
2300 N. Street, N.W.  
Washington, DC 20037

Mervyn Tilden  
P.O. Box 457  
Churchrock, NM 87311

Mitchell W. Capitan, President  
Eastern Navajo Dine' Against Uranium Mining  
P.O. Box 471  
Crownpoint, NM 87313

Dated this 2nd day of September, 1998.

Lila Bird  
Executive Director  
Water Information Network  
P.O. Box 4524  
Albuquerque, NM 87106

John J. Indall  
Joseph E. Manges  
Comeau, Maldegen, Templeman  
& Indall, LLP  
P.O. Box 669  
Santa Fe, NM 87504

Bernadine Martin  
P.O. Box 370  
Crownpoint, NM 87313

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

By: Laura A. Chee