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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

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

SERVED JUN - 2 1999

In the matter of

HYDRO RESOURCES, INC.  
(2929 Coors Road  
Suite 101  
Albuquerque, New Mexico 87120)

Docket No. 40-8968-ML

Re: Leach Mining  
and Milling License

ASLBP No. 95-706-01-ML

MEMORANDUM AND ORDER  
(Revision of Schedule for Concluding Phase I)

In CLI-99-2, the Commission stated that:

Our expectation is that the presiding officer will complete his series of merits decisions on all matters related to the Church Rock Section 8 property -- the first area where Hydro Resources intends to engage in mining -- no later than June 15. If he cannot do so, we ask that he issue an order stating the reasons why the June 15 date is impracticable and establishing an alternate final decision date. See generally CLI-98-12, 48 NRC at 21 (Commission "strongly encourages presiding officers to issue decisions within 60 days after the parties file the last pleadings permitted by the board's schedule for the proceeding").

Although I have been endeavoring to meet the June 15 deadline, I now find that not to be practicable. On March 18, 1999, I posed eight questions to the parties concerning groundwater, which is the central remaining substantive issue in this proceeding. Responses to those questions were received on May 11, 1999. Then, on May 25, the parties filed their

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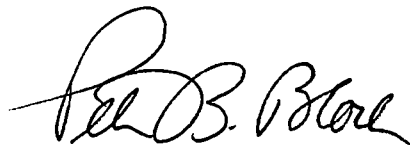
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responses concerning the answers provided by the others. Those responses contain substantive comments that must be carefully considered.

I have consulted with my Special Assistant, Robin Brett, a part-time member of the Atomic Safety and Licensing Board Panel, whose advice on groundwater has been indispensable. Based on his availability, I now consider July 23, 1999, to be a more realistic target for the last decision on this phase of the case. The decision issued on or before that date will cover all the remaining issues, including issues that cannot properly be decided until full consideration is given to the groundwater issues.

IT IS THEREFORE ORDERED THAT:

The last partial initial decision for Phase I of this case shall be issued on or before July 23, 1999.

A handwritten signature in black ink, appearing to read "Peter B. Bloch", written over a horizontal line.

Peter B. Bloch, Administrative Judge  
Presiding Officer

Rockville, Maryland

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Docket No.(s) 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O--REV. OF SCHED. PHASE I have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Dated at Rockville, Md. this  
2 day of June 1999

*Adria T. Byrdson*  
Office of the Secretary of the Commission