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October 2, 1998  
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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 Judge Peter B. Bloch, Presiding Officer

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)	)	
	)	

**ENDAUM'S AND SRIC'S NOTICE IN RESPONSE TO MEMORANDUM  
AND ORDER (SCHEDULING AND PARTIAL GRANT OF  
MOTION FOR BIFURCATION) OF SEPTEMBER 22, 1998**

This notice is filed pursuant to the Presiding Officer's Memorandum and Order  
(Scheduling and Partial Grant of Motion for Bifurcation) (September 22, 1998)  
("September 22 Order"). The September 22 Order provides that:

Intervenors shall divide their presentation into four roughly equal  
segments that will be filed on four dates that are roughly equally spaced  
between now and February 1, 1999. Within 10 days from today, they  
shall notify the service list in writing concerning the content and dates of  
their presentations.

*Id.* at 4.

Intervenors Eastern Navajo Diné Against Uranium Mining ("ENDAUM") and  
Southwest Research and Information Center ("SRIC") hereby provide notice of the  
content and dates of their presentations.

At the outset, ENDAUM and SRIC wish to point out that by filing this notice,  
they do not in any respect waive the arguments set forth in their Joint Motion for

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U.S. DEPARTMENT OF JUSTICE  
COMMISSION  
ON THE EFFECTS OF RACIAL DISCRIMINATION  
ON THE AMERICAN PEOPLE  
OFFICE OF THE SECRETARY  
OF THE COMMISSION

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Reconsideration of the September 22 Order, in which they have requested that the schedule for this case be reconsidered and modified. *See* Joint Motion for Reconsideration by ENDAUM, SRIC, Marilyn Morris, and Grace Sam of Memorandum and Order (Scheduling and Partial Grant of Motion for Bifurcation) of September 22, 1998 (September 30, 1998) ("Joint Motion"). As demonstrated in the Joint Motion, it is impossible for Intervenor's expert witnesses to prepare their analyses before February 1, 1999, let alone submit four roughly equally spaced filings before February 1, 1999. *Id.* at 16. Moreover, the September 22 Order was based on misconceptions or inadequate information by the Presiding Officer. *Id.* at 1-2, 6-16.

By adhering to the September 22 Order, ENDAUM and SRIC can only repackage the arguments and evidence set forth in their areas of concern and in their January, 1998 stay motion, rather than make adequate evidentiary and legal presentations in their admitted areas of concern. Some areas of concern will likely be abandoned because inadequate time has been allocated. *Id.* at 16. This will deprive the Intervenor's of their right to a meaningful hearing. *See* Joint Motion for Reconsideration at 7, 14. It is therefore with heavy reservations that ENDAUM and SRIC provide the following dates and content of their presentations. ENDAUM and SRIC reserve their right to challenge the September 22 Order before the Commission and before the federal Circuit Court, if necessary, at a later date.

Because the Presiding Officer has stated that these dates may be *roughly equally*

spaced, ENDAUM and SRIC have incorporated a small amount of flexibility in this schedule to avoid filing their presentations immediately following the upcoming holidays. And, each deadline contains either two or three presentation topics, which is consistent with the Presiding Officer's order requiring each segment to be roughly equal.

November 6, 1998

- Performance-based licensing, and related concerns
- Liquid waste disposal, surface water protection; adequacy of consideration in the EIS, and related concerns

December 7, 1998

- Compliance with NHPA; NGPRA; related cultural resource issues; adequacy of consideration in EIS, and related concerns
- Transportation of radioactive and hazardous materials and wastes; adequacy of consideration in EIS; related concerns

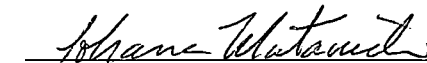
January 7, 1999

- Groundwater protection, adequacy of financial assurance, adequacy of information and consideration of groundwater impacts in EIS, and related concerns
- HRI qualifications in training and experience; adequacy of consideration in EIS; related concerns
- Air emissions controls; adequacy of consideration in EIS, related concerns

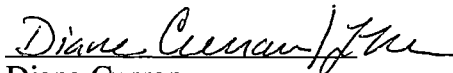
February 1, 1999

- NEPA consideration of action alternatives; cumulative impacts of project; segmentation of assessment of impacts; consideration of mitigation; failure to supplement FEIS; related concerns
- Environmental justice; consideration of health impacts; impacts on property values in low income minority community; designation of Navajo Nation EPA as cooperating agency
- NEPA purpose, need and cost-benefit analysis, consideration of economic risks and impacts; no action alternative; related concerns

Respectfully, Submitted this 2nd day of October, 1998,



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2929 Coors Road	)	
Suite 101	)	ASLBP No. 95-706-01-ML
Albuquerque, NM 87120	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that:

On October 2, 1998, I caused to be served copies of the following:

**ENDAUM'S and SRIC's Notice in Response to Memorandum and Order (Scheduling and Partial Grant of Motion ofr Bifurcation) of September 22, 1998**

upon the following persons by U.S. mail, first class, and in accordance with the requirements of 10 C.F.R. § 2.712. The parties marked by an asterisk (\*) were also served by e-mail. The envelopes were addressed as follows:

Office of the Secretary\*  
U.S. Nuclear Regulatory Commission  
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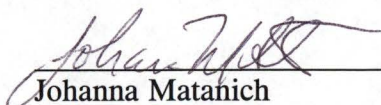
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Dated at Santa Fe, New Mexico,  
October 2, 1998,

  
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