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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 Agent

In the Matter of:)
)
)

HYDRO RESOURCES, INC.)
2929 Coors Road, Suite 101)
Albuquerque, NM 87120)
_____)

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

**HYDRO RESOURCES, INC.'S RESPONSE TO
ENDAUM'S AND SRIC'S MOTION TO STRIKE HRI'S LETTER
CORRECTING MISTAKES IN GROUNDWATER PROTECTION BRIEF**

Perhaps counsel for Intervenors believe that their ongoing practices of distorting facts, offering incomplete, out of context, recitations of witness statements, reference sources, regulations and statutes, and otherwise misleading HRI and Staff counsel and this Presiding Officer are somehow justified by their crusade to drive HRI out of business. Even when measured against Intervenors' routine abuse of this informal, Subpart L proceeding, however, Intervenors' Motion to Strike is an astonishing waste of everyone's time and resources.

Pursuant to the Presiding Officer's Order via electronic mail dated March 8, 1999, HRI's counsel has spoken with Johanna Matanich, counsel for Intervenors, on four separate occasions between March 8 and 10, explaining that the revisions set forth in the February 26, 1999, letter

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from David Lashway, one of HRI's lawyers, to the Presiding Officer, Judge Peter Bloch, were intended to correct typographical errors and transpositions and/or to fill in words or phrases that had inadvertently been omitted from sentences in the brief or in supporting affidavits. HRI's counsel do not intend by these revisions to alter the substance of the brief or the supporting affidavits and do not believe that the proposed revisions have that effect. It seemed, and continues to seem, sensible to HRI to submit an informal errata letter to correct typographical errors and render comprehensible incomplete sentences rather than to file voluminous amended briefs and affidavits.

The substituted set of exhibits to the Bartels affidavit also has been explained to Ms. Matanich. Mr. Bartels sent HRI's counsel a set of exhibits in support of his first draft of his affidavit. Subsequently, Mr. Bartels revised and expanded his affidavit (more than once, actually) and, upon finalizing the affidavit, sent to HRI's counsel a final set of exhibits in support thereof. In the flurry of activity surrounding the final copying, collating, and filing of the brief and all supporting documents, HRI's counsel included Mr. Bartels' draft exhibits, rather than his final exhibits. HRI's counsel attempts to correct this error by the errata filing. Affidavits attesting to this chain of events will be provided upon request of the Presiding Officer.

After our several discussions, Ms. Matanich agreed only to accept changes numbers 2 and 3 to the brief, change number 2 to the Lichnovsky affidavit, and changes numbers 7 and 8 and accepts in part changes numbers 12 and 13 to the Bartels affidavit (Ms. Matanich elaborates on this partial acceptance in Intervenors' Motion to Strike).

CONCLUSION

For all of the reasons set forth above, HRI respectfully requests that all of the errata noted in HRI's February 26, 1999, errata letter, including the correct set of attachments to Mr. Bartels' affidavit, be accepted for the record and that Intervenors' Motion to Strike be DENIED.

Respectfully submitted this 11th day of March, 1999.



Anthony J. Thompson
Frederick S. Phillips
David C. Lashway
SHAW, PITTMAN, POTTS & TROWBRIDGE
2300 N Street, N.W.
Washington, D.C. 20037-1128
Tel.: (202) 663-8000
Fax: (202) 663-8007

Jeptha P. Hill
Law Office of Jeptha P. Hill
816 Congress Avenue, Suite 1100
Austin, Texas 78701-2443

ON BEHALF OF HYDRO RESOURCES, INC.
2929 Coors Road, Suite 101
Albuquerque, New Mexico 87120

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document, HYDRO RESOURCES, INC.'S RESPONSE TO INTERVENORS' MOTION TO STRIKE, in the above-captioned proceeding has been served on the following by overnight mail on this 11th day of March, 1999.

Administrative Judge
Peter B. Bloch, Presiding Officer
Atomic Safety and Licensing Board
Two White Flint North
11545 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852

Adjudicatory File
Atomic Safety and Licensing Board
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852

Office of the Secretary
Attn: Rulemakings and Adjudications Staff
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852

Office of Commission Appellate
Adjudication
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852

Administrative Judge
Thomas D. Murphy
Special Assistant
Atomic Safety and Licensing Board
Two White Flint North
11545 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852

Atomic Safety and Licensing Board Panel
One White Flint North
11555 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852

Jep Hill, Esq.
Jep Hill and Associates
816 Congress Avenue, Suite 1100
Austin, Texas 78701

Mitzi Young
John Hull
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Mr. Mark Pelizza
Vice President
URI, Inc.
Lockbox 12 - 12750 Merit Drive, Suite 1020
Dallas, TX 75251

Mitchell W. Capitan, President
Eastern Navajo-Diné Against
Uranium Mining
P.O. Box 471
Crownpoint, New Mexico 87313

Marilyn Morris
c/o Roderick Ventura
and Samuel D. Gollis
DNA - People's Legal Services, Inc.
P.O. Box 306
Window Rock, AZ 86515

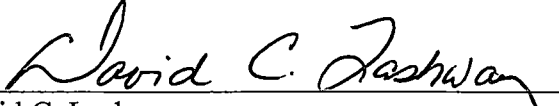
Richard F. Clement, Jr., President
Hydro Resources, Inc.
2929 Coors Road, Suite 101
Albuquerque, New Mexico 87120

Douglas Meikeljohn
Johanna Matanich
New Mexico Environmental Law Center
1405 Luisa Street Suite 5
Santa Fe, NM 87505

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg
2001 S Street, N.W., Suite 430
Washington, D.C. 20009

W. Paul Robinson
Chris Shuey
Southwest Research and Information Center
P.O. Box 4524
Albuquerque, New Mexico 87106

Grace Sam
c/o Roderick Ventura
and Samuel D. Gollis
DNA - People's Legal Services, Inc.
P.O. Box 306
Window Rock, AZ 86515



David C. Lashway
SHAW PITTMAN POTTS & TROWBRIDGE
2300 N Street, N.W.
Washington, DC 20037

Counsel for Hydro Resources, Inc.