

March 10, 1999
DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'99 MAR 10 P5:28

BEFORE THE PRESIDING OFFICER

In the matter of)	
)	Docket No. 40-8968-ML
HYDRO RESOURCES, INC.)	
2929 Coors Road, Suite 101)	Re: Leach Mining and Milling License
Albuquerque, New Mexico 87120)	

OFFICE OF SECRETARY
RULES AND PRACTICE
ADJUTANT GENERAL

NRC STAFF'S RESPONSE TO INTERVENOR MOTION
TO FILE GROUNDWATER REPLY BRIEF

INTRODUCTION

On March 5, 1999, Intervenors Eastern Navajo Diné Against Uranium Mining (ENDAUM), and Southwest Research and Information Center (SRIC), jointly filed a motion requesting "leave to reply to the initial presentation filed by Hydro Resources, Inc. ("HRI") regarding groundwater protection" (March 5 Motion). By electronic message dated March 8, 1999, the Presiding Officer requested that responses to the March 5 Motion be filed by March 11, 1999.

DISCUSSION

By earlier order dated February 12, 1999 (Memorandum and Order (Staff Request for an Extension of Time)) (unpublished), the Presiding Officer gave the Staff until March 12, 1999, to respond to the amended written presentation on groundwater issues, dated January 18, 1999, filed on behalf of ENDAUM, SRIC, Marilyn Morris, and Grace Sam (Intervenors). In the interests of maintaining an orderly proceeding, and in anticipation that the Intervenors will file a similar motion seeking leave to reply to the Staff's March 12 groundwater presentation, the Staff requests the Presiding Officer to hold in abeyance any consideration

of the March 5 Motion. If, within ten days after the Staff files its response to the Intervenors' amended written presentation on groundwater issues, the Intervenors seek leave to reply, such a request could be considered together with the March 5 Motion.

CONCLUSION

Accordingly, for the reasons set forth above, the Presiding Officer should hold in abeyance any consideration of the March 5 Motion, and should further order that:

1. Any intervenor motion seeking leave to reply to the Staff's groundwater presentation is to be filed within ten days thereof;
2. Any HRI or staff response to such a request is to be filed within ten days of the Intervenors' request; and
3. No further Intervenor motions (other than those referenced above) regarding groundwater issues will be considered.

Respectfully submitted,



John T. Hull
Counsel for NRC Staff

Dated at Rockville, Maryland
this 10th day of March, 1999

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In the Matter of)
HYDRO RESOURCES, INC.)
2929 Coors Road, Suite 101) (Leach Mining and Milling License)
Albuquerque, New Mexico 87120)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF
Docket No. 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO INTERVENOR MOTION TO FILE GROUNDWATER REPLY BRIEF" in the above-captioned proceeding have been served on the following by U.S. Mail, first class, or, as indicated by a single asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, or, as indicated by double asterisks, via e-mail and express mail, this 10th day of March, 1999:

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Adjudicatory File* (2)
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