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

OFFICE OF STAFF COUNSEL
RULEMAKING AND
ADJUDICATION 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 AND SRIC'S MOTION FOR RECONSIDERATION OF
AND TO VACATE THE MARCH 3, 1999 ORDER,
AND REITERATION OF THEIR MOTION TO REPLY**

INTRODUCTION

Intervenors Eastern Navajo Diné Against Uranium Mining ("ENDAUM") and Southwest Research and Information Center ("SRIC") move the Presiding Officer to reconsider the Memorandum and Order issued on March 3, 1999 ("March 3 Order") and to vacate the Order's request for more information. March 3 Order at 3. This motion is made pursuant to 10 C.F.R. §§2.730 and 2.1237 on three grounds.

First, the March 3 Order provides Hydro Resources, Inc. ("HRI") and the NRC Staff with a second opportunity, which neither of them requested, to present arguments on issues which already have been addressed. This is contrary to the Commission's January 29, 1999 instructions for the conduct of this proceeding.

Second, the questions posed to the parties in the March 3 Order are not an

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appropriate request for additional information under 10 C.F.R. §2.1233.

Third, the Order constitutes an effort to assist HRI and the Staff in their presentations of their cases. This effort violates the Presiding Officer's duty to conduct a fair and impartial hearing.

ENDAUM and SRIC also object to the March 3 Order because it neither "grant[s] in part"¹ nor addresses in full ENDAUM's and SRIC's February 26, 1999 Motion for Leave to File a Reply Brief and Rebuttal Testimony.² ENDAUM and SRIC reiterate their request in that Motion that they be provided with a full opportunity to file a reply.

Counsel for the ENDAUM and SRIC have not had a chance to contact counsel for HRI and the Staff to determine their position on this motion, but because of the nature of the motion ENDAUM and SRIC assume that HRI and the Staff oppose it. Counsel for intervenors Marilyn Morris and Grace Sam has informed counsel for ENDAUM and SRIC that Ms. Morris and Ms. Sam support this motion.³

¹ March 3 Order at 3, n.3.

² ENDAUM's and SRIC's Motion for Leave to File a Reply Brief and Rebuttal Testimony on Issues of Financial Assurance for Decommissioning and Financial and Technical Qualifications or, in the Alternative, to Strike Documents Submitted on those Issues ("ENDAUM's and SRIC's Motion to Reply").

³ Because it is ENDAUM's and SRIC's position that the March 3 Order should be vacated, they have not responded to the questions that have been posed about the information requested in that Order.

FACTUAL BACKGROUND

On January 11, 1999, pursuant to the briefing schedule established by the Presiding Officer in this matter, ENDAUM and SRIC filed written presentations regarding HRI's lack of technical and financial qualifications to build and operate the Crownpoint Project.⁴ As provided by the schedule, HRI filed its written presentation in response to ENDAUM and SRIC on February 11, 1999.⁵ Also in accordance with the schedule, the Staff filed its written presentation on February 18, 1999.⁶ Neither HRI nor the Staff complained of insufficient time to prepare its written presentation. In addition, neither HRI nor the Staff has requested an opportunity to supplement or to amend its presentation since their presentations were filed.

After receiving HRI's and the Staff's written presentations, the Presiding Officer issued the March 3 Order. The Order states that it was prepared after an analysis of the parties' filings on the issue of technical qualifications, and cites language in ENDAUM's and SRIC's Qualifications Brief which argues that:

In accordance with 10 C.F.R. §40.32(b), the NRC is required to determine that an applicant for a license is qualified to conduct the

⁴ ENDAUM's and SRIC's January 11, 1999 Brief in Opposition to Hydro Resources, Inc.'s Application for a Materials License with Respect to: Hydro Resources, Inc.'s Lack of Technical and Financial Qualifications ("ENDAUM's and SRIC's Qualifications Brief").

⁵ HRI's Response to Intervenors' Brief with Respect to Hydro Resources, Inc.'s Technical and Financial Qualifications, etc. (HRI's Response").

⁶ NRC Staff's Response to Intervenors' Presentations on Technical Qualification, Financial and Decommissioning Issues (Staff's Response").

proposed project, not that the applicant will become qualified at some point in the future.

Id. at 2. The Order also observes that this argument "is supported by 10 C.F.R. §40.32(b), which requires a finding that "The Applicant *is* qualified by reason of training and experience." *Id.*

The March 3 Order goes on to conclude that the Staff's Response referred to the Safety Evaluation Report, which reviewed HRI's management and administration but which did not specifically conclude that HRI is technically qualified. *Id.* The Order also concludes that HRI's Brief "does not present any analysis of why HRI should be considered to be technically qualified." *Id.*

The March 3 Order directs that the parties answer three questions pursuant to 10 C.F.R. §2.1233. Specifically, the Order directs that HRI answer the questions within 12 days, and provides that the Staff may answer them simultaneously with HRI. The Order also indicates that ENDAUM and SRIC may respond within 12 days after their receipt of the latest of those filings. The questions are:

1. What is the factual basis for finding that HRI is qualified for licensing by reason of training and experience.
2. To what extent, if any, is the financial condition of HRI relevant to a determination that it is qualified by reason of training and experience.
3. To what extent, if any, is the Texas investigation and allegations referenced by Intervenors relevant to a determination that HRI is qualified for licensing by reason of training and experience? *See* Intervenors Brief at Attachment 3.

Id. at 3.

ARGUMENT

I. THE MARCH THIRD ORDER IS CONTRARY TO THE COMMISSION'S DIRECTION FOR THE CONDUCT OF THIS PROCEEDING.

A. The Commission has directed that this proceeding not be delayed absent a request by one of the parties for additional time.

The Commission has made it clear that it expects this proceeding to be conducted expeditiously, and that "it does not advance that goal to stretch out briefing deadlines well beyond what even the hard-pressed parties themselves need or request." CLI-99-1; January 29, 1999. The Commission made that statement in its *sua sponte* review of the Presiding Officer's January 21, 1999 Order extending to March 5, 1999 the deadline for the Intervenors to file their final presentations. The Commission reversed that January 21, 1999 Order on the grounds that the goal of resolving this matter expeditiously was not advanced by extending the time for filing those briefs beyond what the Intervenors had requested. CLI-99-1 at 3.

The March 3 Order should be reconsidered and vacated because it does essentially the same thing: it provides HRI and the Staff with an opportunity to amend their written presentations for the purpose of providing information that could have and should have been presented in those written presentations, and it invites HRI and the Staff to submit such information.⁷

Neither HRI nor the Staff has requested this opportunity; nor did either of

⁷ ENDAUM and SRIC assume for purposes of this motion that such information exists, but they do not waive their right to assert that there is no such information.

them request any extension of time in which to make those presentations initially. Moreover, all of the parties have had ample opportunity to address the issues on which the Presiding Officer has requested additional briefing. In addition, as is explained below and as is reflected in the record, ENDAUM and SRIC have addressed all three issues, and HRI and the Staff have chosen not to address the first issue and have addressed the second and third issues.

The March 3 Order's request for information amounts to an extension of the deadlines for HRI's and the Staff's presentations, an extension that no party has requested. This is contrary to the Commission's direction, and the Order therefore should be vacated⁸ and the three questions that it poses should be withdrawn.

- 1. The parties have had ample opportunity to address HRI's lack of qualification by reason of experience and training and either have addressed the issue or have chosen not to do so.**

The first issue on which the Presiding Officer has requested more information, HRI's lack of technical qualifications, is raised directly by 10 C.F.R. §40.32(b) and was addressed extensively by ENDAUM and SRIC in their Qualifications Brief. ENDAUM and SRIC cited the provisions of the Atomic Energy Act and the NRC regulations that require applicants for source materials licenses to be qualified by reason of training and experience. ENDAUM's and SRIC's Qualifications Brief at 2-

⁸ The Order's direction to the parties that they answer the three questions posed should be vacated. The Presiding Officer's findings (March third Order at 1-2), which are correct, should be retained and should be the basis for his decision on the issue of HRI's lack of technical qualifications.

3. ENDAUM and SRIC also pointed out that HRI "does not have its own expertise but relies instead on the expertise of its parent corporation Uranium Resources, Inc." *Id.* at 5. As ENDAUM and SRIC explained, statements made by Uranium Resources, Inc. employee Mark Pelizza and documents generated by that company make it clear that Uranium Resources, Inc. provides HRI's leadership and personnel, and that HRI itself has no experience and training. *Id.* at 5-7.

ENDAUM and SRIC further demonstrated that the record of Uranium Resources, Inc. and its wholly owned subsidiary URI indicates that HRI is not qualified because Uranium Resources, Inc. has not mined under conditions like those at the Crownpoint and Church Rock sites and because Uranium Resources, Inc. has had a history of problems and violations at other projects. *Id.* at 11-14.

ENDAUM and SRIC therefore have raised and articulated the issue of HRI's lack of qualifications by experience and training. ENDAUM and SRIC also have met their burden of going forward on this issue. *See Louisiana Power and Light Company* (Waterford Steam Electric Station, Unit 3), ALAB-732, 17 NRC 1076, 1093 (1983),⁹ quoting *Consumers Power Company* (Midland Plant, Units 1 and 2), ALAB-123, 6 AEC 331, 345 (1973). Because the ultimate burden of proof in this

⁹ The Appeal Board upheld a Licensing Board decision in favor of the applicant for a license for the Waterford 3 nuclear power plant. The Appeal Board determined that radioactive releases from the plant would not have a synergistic effect with other chemical pollutants in the area, and that evacuation plans prepared for the parishes surrounding the plant were adequate. The Appeal Board also determined that the Licensing Board had not committed procedural error. 17 NRC at 1082-1083.

matter is HRI's (*id.*), HRI had the burden of demonstrating that it is qualified by experience and training.

Moreover, both HRI and the Staff knew that this issue had been raised by ENDAUM and SRIC. HRI and the Staff each had an opportunity to respond to ENDAUM's and SRIC's Qualifications Brief and therefore to address the issue of HRI's qualifications or lack of qualifications. HRI and the Staff chose not to avail themselves of that opportunity.

As the Presiding Officer has correctly determined, neither HRI nor the Staff has provided any basis for a determination that HRI is qualified. HRI's Response presented no analysis of why HRI should be considered technically qualified. The Staff referred in its Response only to a general finding in the Safety Evaluation Report, but did not refer to any specific finding concluding that HRI is qualified. March 3 Order at 2.

2. The parties have addressed the relevance of HRI's financial qualifications.

The second question asked in the March 3 Order is whether HRI's financial condition is relevant to a determination about its qualification by reason of training and experience. This issue too has been addressed by ENDAUM and SRIC. As they stated in their Qualifications Brief, 10 C.F.R. §§40.32(c), (d), and (e) taken together indicate that the financial capability of an applicant should be taken into account in determining whether a license should be issued. ENDAUM and SRIC Qualifications

Brief at 16-17. ENDAUM and SRIC also explained, quoting the detailed testimony of Dr. Michael Sheehan,¹⁰ the reasons why an applicant's financial condition is relevant to the decision whether a license should be issued to the applicant. *Id.* at 17-18.

In addition, both HRI and the Staff also addressed this issue. HRI spent almost four pages of its Response asserting that there is no financial qualification requirement, that its license is a valuable prerequisite to obtaining financing, that its market analysis indicates that the Crownpoint Project will be profitable, and that HRI will not attempt to operate the Project unless market conditions are favorable. HRI Response at 12-15. The Staff devoted only one page to the issue (Staff Response at 9), arguing that HRI's financial condition is not a subject for Staff inquiry.¹¹

3. The parties have addressed the relevance of the URI experiences in Texas.

Finally, all of the parties also had ample opportunity to and did address the relevance of the URI operations in Texas. ENDAUM and SRIC devoted almost seven pages of their Brief to their demonstration that the NRC should consider the records of Uranium Resources, Inc. and URI in determining whether HRI is

¹⁰ Exhibit 1 to ENDAUM's and SRIC's January 11, 1999 Brief in Opposition to Hydro Resources, Inc.'s Application for a Materials License with Respect to: Financial Assurance Issues.

¹¹ Although HRI and the Staff have addressed these issues in their Responses, ENDAUM and SRIC do not concede that any of the points that HRI and the Staff have asserted are correct.

qualified.

ENDAUM and SRIC pointed out that the NRC will disregard corporate forms when that is appropriate, and that the evidence here indicates that Uranium Resources, Inc. participates actively in and controls the management of HRI. ENDAUM's and SRIC's Qualifications Brief at 4. ENDAUM and SRIC also cited the evidence that demonstrates that HRI is operated and directed by Uranium Resources, Inc., that Uranium Resources, Inc., HRI, and URI conduct themselves as one entity, that Uranium Resources, Inc. is responsible for HRI's conduct, and that HRI relies upon the experience of Uranium Resources, Inc. and URI. *Id.* at 5-8. ENDAUM and SRIC explained as well why disregarding the corporate form is appropriate in these circumstances to achieve the purposes of the Atomic Energy Act. *Id.* at 8-10.

HRI and the Staff also addressed the relevance of URI's experience in Texas in their Responses. HRI alleged that once it is operating, HRI will be "a profit center wholly independent from URI", and asserted that regardless of the relationship of HRI, URI, and Uranium Resources, Inc., HRI had shown itself to be qualified. HRI Response at 2. HRI also presented information purporting to show how different the operations in Texas are from the proposed Crownpoint Project. *Id.* at 2-12. The Staff argued that piercing the corporate veil is not warranted, asserting that HRI and URI are "genuinely separate companies." Staff's Response at 10.¹²

¹² ENDAUM and SRIC do not concede the validity of any of these assertions by HRI and the Staff.

The parties therefore have had the opportunities that were provided in the schedule for this case to address all of the questions posed by the March 3 Order. The March 3 Order simply gives the parties an opportunity to try to do a better job of addressing issues that they should have addressed in their written presentations. Moreover, HRI and the Staff had notice that these issues should be addressed because these issues were addressed in ENDAUM's and SRIC's Qualifications Brief and because these issues are raised by the Atomic Energy Act and the NRC regulations.

The March 3 Order essentially extends the time in which parties may address these issues by giving the parties a second chance to submit both briefs and evidence in response to the Order's three questions. That is not called for by the schedule for the case, and it is contrary to the Commission's direction in CLI-99-1.

II. THE MARCH 3 ORDER'S REQUEST FOR ADDITIONAL INFORMATION ON ISSUES ALREADY BRIEFED VIOLATES THE PROCEDURAL RULES GOVERNING SUBPART L PROCEEDINGS.

Although 10 C.F.R. §2.1233 provides that the Presiding Officer may solicit information from parties, it is not appropriate for the Presiding Officer to do so when the parties have already had opportunities to address and have addressed the issues involved. In explaining the manner in which a Subpart L proceeding is to be conducted, the Commission has pointed out that a Presiding Officer's use of questions pursuant to 10 C.F.R. §2.1233 should be for the purpose of following up on and clarifying the information that parties provide in their written presentations, not to put matters into controversy initially. See Rockwell International Corporation

(Rocketdyne Division), ALAB-925, 30 NRC 709, 717-718 (1989). In that case, the Appeal Board instructed the Presiding Officer "to comply with both the letter and intent of the Subpart L rules." The Appeal Board stated that:

In particular, pursuant to 10 C.F.R. §2.1251(d), the Presiding Officer is to examine and decide only those issues properly put into controversy by the parties, absent some basis for invoking the exception found in that same provision.

30 NRC at 723.

This is consistent with the Commission's 1998 Policy on Conduct of Adjudicatory Proceedings. In that Policy, the Commission directed that:

parties are obligated in their filings before the board and the Commission to ensure that their arguments and assertions are supported by appropriate and accurate references to legal authority and factual basis, including, as appropriate, citation to the record.

NRC Policy on Conduct of Adjudicatory Proceedings; Policy Statement (August 5, 1998), 63 FR 41872, 41874.

A party that chooses to address an issue in a specific manner or not to address the issue has made a choice and should be prepared to live by it. *See* Curators of the University of Missouri (Trump-S Project), LBP-91-14 (ASLBP No. 90-613-02-MLA), 33 NRC 265, 266 (1991) (denying because of a lack of a specific enough showing a motion for leave to respond to an NRC Staff response to the Presiding Officer's request for information). The purpose of requests for additional information pursuant to 10 C.F.R. §2.1233 should be to insure a complete record, not to provide parties with additional opportunities to address issues. *Cf.* Curators of the University of

Missouri (Trump-S Project), CLI-95-1, 41 NRC 71, 116-117 (1995) (upholding a Presiding Officer decision that denied intervenors who had already submitted presentations an opportunity to submit rebuttal evidence as well).

Moreover, this is particularly true when the parties involved are represented by counsel, especially counsel who have experience. The Commission does not hold *pro se* parties to the high standards it expects attorneys to achieve (*see* Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit 1), ALAB-772, 19 NRC 1193, 1246-1247 [1984] [remanding a licensing proceeding to the Licensing Board for further hearing on several issues, including the adequacy of a training program, and granting an intervenor group's motion to reopen the record for hearing on allegations of improper leak rate practices]), but it expects even those parties to conduct their cases appropriately. Attorneys, on the other hand, particularly experienced attorneys, are held to high standards. *See* Kansas Gas and Electric Company (Wolf Creek Generating Station, Unit No. 1) (vacating a Licensing Board decision and remanding to the Board with instructions to dismiss an intervention petition for lack of specificity required by Commission's rules), ALAB-279, 1 NRC 559, 576-577 (1975).

In this case, the Presiding Officer should hold HRI and the Staff to the highest standards because their counsel appear to be experienced and to have significant backgrounds in NRC proceedings. The Presiding Officer therefore should not be in the business of providing them with second opportunities to make their presentations, particularly when they have not requested those opportunities.

III. THE MARCH THIRD ORDER PROVIDES INEQUITABLY FAVORABLE TREATMENT TO HRI AND THE STAFF.

The most egregious aspect of the March 3 Order is the inequitable treatment that it provides to HRI and the Staff as opposed to the other parties in this matter. The March 3 Order finds that neither HRI nor the Staff has provided information indicating that HRI is qualified by reason of experience and training. The response of the March 3 Order is to give HRI and the Staff a second opportunity to address that issue, and to invite them to provide information on that issue. That is not the treatment that has been afforded to ENDAUM and SRIC in this matter.

There are several factual issues on which the Presiding Officer has determined that ENDAUM and SRIC have not submitted adequate information to support their positions. For example, in LBP-99-9, the February 19, 1999 Partial Initial Decision on Issues Related to the National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA) and Cultural Resources ("Cultural Resources Decision"), the Presiding Officer found that the testimony of a witness presented by ENDAUM and SRIC (William Dodge) was not helpful, and that their brief "did not explain what official action was taken by the NRC and what regulations apply to that action." Cultural Resources Decision at 6.

The Presiding Officer did not, however, request that ENDAUM and SRIC provide more helpful testimony or more information on these issues. Rather, on the basis of those and other findings, the Presiding Officer found that ENDAUM and

SRIC had "not demonstrated that there is a defect in the NRC's proof of compliance with 36 C.F.R. §800.4(d)." *Id.* at 9. That finding was one of the grounds for the Presiding Officer's ruling denying ENDAUM and SRIC any of the relief they requested in their brief on the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and related cultural resources issues. Cultural Resources Decision at 12.

Similarly, in LBP-99-10, the February 19, 1999 Partial Initial Decision on Performance Based Licensing Issues ("Performance Based Licensing Decision"), the Presiding Officer rejected arguments presented by all of the Intervenors to the effect that license condition 9.4 (the performance based license condition) grants HRI authority to modify its operations. Specifically, the Presiding Officer determined that:

"[t]he number and breadth of express requirements in HRI's license restrict application of PBL [Performance Based Licensing] to a very few, discrete, operational changes.

Performance Based Licensing Decision at 6-7.

The Presiding Officer did not, however, request that the Intervenors answer questions about what changes HRI is permitted to make unilaterally under the performance based licensing condition. Instead, he rejected the Intervenors' claims. *Id.* at 12. The Presiding Officer also ruled on other factual issues raised by the Intervenors concerning performance based licensing. For example, the Presiding Officer rejected their claims concerning the record on which the license is based and their arguments concerning the scope of the license's delegation of authority to HRI.

Id. at 5-8. . On none of these or any other issues did the Presiding Officer pose questions to the parties that would have given ENDAUM and SRIC an additional opportunity to present their positions.

ENDAUM and SRIC do not agree with the Presiding Officer's findings on these and other issues on which he has ruled against ENDAUM and SRIC in the three partial initial decisions that have been issued. Nevertheless, ENDAUM and SRIC understand that having made those findings, the Presiding Officer has an obligation to rule on the basis of them. It is not equitable, however, for the Presiding Officer to refuse to rule on the basis of findings that are made against HRI and the Staff.

The Presiding Officer has "the duty to conduct a fair and impartial hearing according to law" (10 C.F.R. §2.738), which means that he must accord the same treatment to HRI and the Staff as he does to ENDAUM and SRIC. For that reason, if the Presiding Officer makes a finding against HRI and the Staff, he must rule against them just as he has ruled against ENDAUM and SRIC. The Presiding Officer has violated his principal duty by favoring HRI and the Staff. Although he found that they had not provided necessary information, he chose not to rule against them, but to point out to them that they have not provided information that could be the basis for a ruling in their favor, inviting them to submit that information, and giving them an opportunity to do so.

IV. THE PRESIDING OFFICER SHOULD GRANT ENDAUM'S AND SRIC'S MOTION TO REPLY.

Whether the Presiding Officer grants or denies this motion, the Presiding Officer should grant ENDAUM's and SRIC's Motion to Reply. That Motion should be granted because the points raised in it are valid and they have not been addressed by the Presiding Officer. Despite its statement that it "grant[s] in part"¹³ ENDAUM's and SRIC's Motion to Reply, the March 3 Order in fact does not address that Motion. ENDAUM and SRIC's Motion to Reply sought leave to reply to HRI's and the Staff's Responses. The March 3 Order does not provide ENDAUM and SRIC with any opportunity to address those Responses; that Order only permits the Intervenors to address HRI's and the Staff's answers to the questions posed by the Order. Moreover, none of the questions posed in the March third Order pertain to HRI's failure to provide the required financial assurance, which is one of the primary issues on which ENDAUM and SRIC sought an opportunity to reply. Motion to Reply at 3-7. The March 3 Order also does not address the Motion to Reply's argument that specified materials submitted by HRI should be stricken. *Id.* at 7-9.

ENDAUM's and SRIC's Motion to Reply therefore has not yet been decided. The Presiding Officer should rule on that Motion and, for the reasons stated in the Motion, should grant it. The Presiding Officer also should strike the material that ENDAUM and SRIC sought to strike from the record.

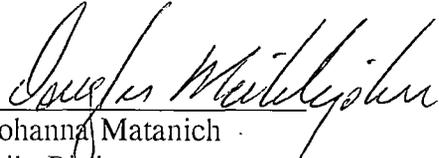
¹³ March Third Order at 3, n.3.

CONCLUSION AND REQUEST FOR RELIEF

The March 3 Order violates the Commission's direction for the conduct of this proceeding, and is an improper use of the Presiding Officer's authority to request additional information. Moreover, that Order is an inequitable effort to assist HRI and the Staff in the presentation of their cases by giving them a second chance to provide information that they chose not to submit. ENDAUM and SRIC therefore request that the Presiding Officer vacate the portion of that Order that requests additional information from the parties. The Intervenors further request that the Presiding Officer act on the basis of the findings made on pages 1 and 2 of the Order.

ENDAUM and SRIC further request that the Presiding Officer address and grant ENDAUM's and SRIC's Motion to Reply.

Dated: March 8, 1999.


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UNITED STATES OF AMERICA
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ATOMIC SAFETY AND LICENSING BOARD PANEL

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Before Administrative Judge Peter B. Bloch, Presiding Officer

In the Matter of)	
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HYDRO RESOURCES, INC.)	Docket No. 40-8968-ML
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Albuquerque, NM 87120)	

CERTIFICATE OF SERVICE

I hereby certify that:

On March 8, 1999, I caused to be served copies of the following:

**ENDAUM AND SRIC'S MOTION FOR RECONSIDERATION OF AND TO
VACATE THE MARCH 3, 1999 ORDER, AND REITERATION OF THEIR
MOTION TO REPLY**

upon the following persons by U.S. mail, first class, and in accordance with the requirements of 10 C.F.R. § 2.712. Service was also made via e-mail to the parties marked below by an asterisk. The envelopes were addressed as follows:

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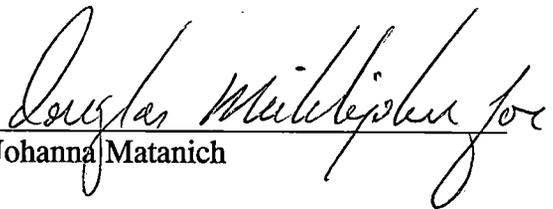
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Dated at Santa Fe, New Mexico,
March 8, 1999,


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