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

OFFICE OF GENERAL COUNSEL  
RULING AND APPEALS  
ADVISORY STAFF

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

SERVED MAR 25 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  
(Motions to Reply and Rebut)

ENDAUM and SRIC may reply to specific new information and they may contest the credibility of experts utilized by HRI or Staff in their filings related to the groundwater concerns. In each instance of response to new information, they should specify the new information to which they are replying. In their reply, ENDAUM and SRIC must limit themselves to the content specified for this phase of the case.

This determination grants ENDAUM and SRIC motions to reply filed on March 5, 1999 and March 23, 1999.

I agree with Intervenors that:

The NRC's Subpart L regulations generally provide that after a party has filed its initial written presentation, leave must be obtained to file any further presentations,

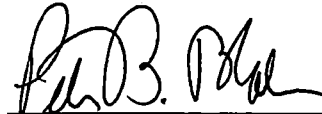
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subject to the discretion of the Presiding Officer, 10 C.F.R. § 2.1233(d). In the context of formal adjudications, the Appeal Board has held that the Presiding Officer's discretion is subject to the limited "right" to present rebuttal testimony where it is needed for "full and true disclosure of the facts." *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), ALAB-787, 20 NRC 1097, 1178 (1984) (upholding Licensing Board's decision to require parties to conduct cross-examination, redirect examination, and re-cross examination in depositions, with deposition transcripts to be filed in lieu of testimony).

Intervenors' March 6 Motion at 2. It is my determination that Intervenors may reply, as permitted, in order to permit them to make a "full and true disclosure of the facts." Their reply shall be filed so that it is received by the service list by close of business April 8, 1999.

IT IS SO ORDERED.



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Peter B. Bloch, Administrative Judge  
Presiding Officer

Rockville, Maryland

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
HYDRO RESOURCES, INC.

Docket No.(s) 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing M&O-MOTIONS TO REPLY AND REBUT 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  
25 day of March 1999

  
Office of the Secretary of the Commission