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USNRC

March 9, 1999

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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 Assistant

SERVED MAR - 9 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

(Motion for Reconsideration of Technical Qualification Decision)

ENDAUM and SRIC'S, "Motion for Reconsideration of and to Vacate The March 3, 1999 Order, And Reiteration of Their Motion to Reply," March 8, 1999, is *denied*. While it is possible to see the Presiding Officer's March 2 Order as providing to HRI an unrequested extension of time to file, it is not that.

10 C.F.R. § 2.1231(a) authorizes the Presiding Officer to exercise the discretion to propose written questions, which is what has been done. This action serves the objective of assuring a complete record on which to make a reasoned determination. *See also Texas Utilities Generating Company, et al. (Comanche Peak Steam Electric Station, Units 1 and*


SECY-EHD-007

20072

2), LBP-83-81, 18 NRC 1410 (1983). (Board provided applicant for nuclear power plant operating license a second opportunity to demonstrate that its plant design is adequate.)

This Presiding Officer is required to direct questions to either of the sides to this controversy when there is a *serious question* that has been raised in the record and not fully argued.

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 LB M&O RE MOTION...TECH QUAL.. 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  
9 day of March 1999

  
Office of the Secretary of the Commission