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ANTHONY J. THOMPSON
202.663.9198
anthony.thompson@shawpittman.com

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'99 DEC -1 P4:44

November 29, 1999

OFFICE OF THE
CLERK OF THE
ADJUDICATIVE BOARD

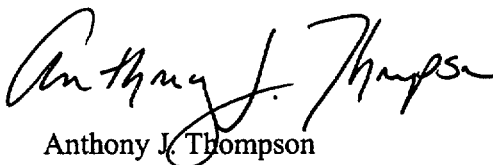
Administrative Judge Thomas S. Moore
Presiding Officer
Atomic Safety and Licensing Board
Two White Flint North
11545 Rockville Pike
U.S. Nuclear Regulatory Commission
Rockville, Maryland 20852

Re: Order in ENDAUM and SRIC v. NRC, Dkt. Nos. 99-1190, 99-1194, 99-1195
and 99-1196 (D.C. Cir. 1999)

Dear Judge Moore:

In light of the discussion of the above referenced case in Hydro Resources, Inc.'s August 26, 1999 Motion for Suspension or, In the Alternative, Reprimand or Censure and Request for Attorney Fees, we enclose for your review the November 24, 1999 Order of the U.S. Court of Appeals for the District of Columbia Circuit disposing of the matter. As indicated in the Order, the Court imposed sanctions on petitioners Eastern Navajo Dine Against Uranium Mining (ENDAUM) and Southwest Research and Information Center (SRIC) for filing petitions that were "wholly without merit."

Respectfully submitted,


Anthony J. Thompson

Enclosure

cc: Service List

DSO3

PDR ADD CK 40-8968

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

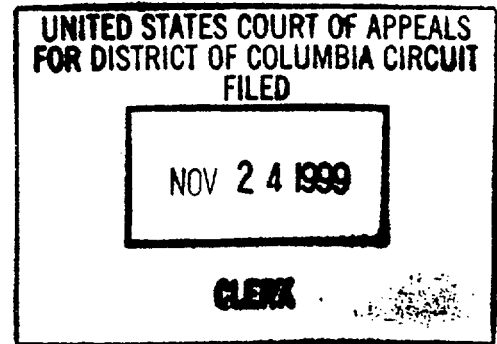
No. 99-1190

September Term, 1999

Eastern Navajo Dine Against Uranium Mining and
Southwest Research and Information Center,
Petitioners

v.

Nuclear Regulatory Commission and United States of
America,
Respondents



Hydro Resources, Inc.,
Intervenor

And cases 99-1194, 99-1195 and 99-1196

BEFORE: Silberman, Henderson, and Tatel, Circuit Judges

ORDER

Upon consideration of the court's order to show cause, filed September 27, 1999, and the response thereto, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED, on the court's own motion, that sanctions be imposed. Counsel's justifications for filing the clearly premature petitions for review are wholly without merit. See Garden Broadcasting Ltd. Partnership v. FCC, 996 F.2d 386, 396 (D.C. Cir. 1993) (sanctionable conduct consists of "making objectively groundless legal arguments in briefs filed in this court") (internal quotation omitted); cf. Reliance Insur. Co. v. Sweeney Corp., 792 F.2d 1137 (D.C. Cir. 1986) (per curiam) ("Appellate courts have the undisputed power to sanction a party who brings a frivolous appeal. . . . An appeal is considered frivolous when its disposition is obvious, and the legal arguments are wholly without merit."). Counsel for petitioners shall pay sanctions to respondents in the amount of respondents' reasonable costs and attorney's fees incurred in filing the motion to dismiss. See D.C. Cir. Rule 38; South Star Communications, Inc. v. FCC, 949 F.2d 450, 452 (D.C. Cir. 1991) (per curiam) (directing attorney to pay sanctions to agency, pursuant to Rule 38, for frivolous appeal). Respondents are directed to submit documentation supporting their fees and costs within 30 days of the date of this order.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-1190

September Term, 1999

Counsel for petitioners is directed to file any response within 14 days of the date respondents' documentation is filed.

Per Curiam

LHS

KLH

ML

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:
Thomas S. Moore, Presiding Officer
Thomas D. Murphy, Special Assistant

In the Matter of:)	
)	
HYDRO RESOURCES, INC.)	Docket No. 40-8968-ML
P.O. Box 15910)	ASLBP No. 95-706-01-ML
Rio Rancho, New Mexico 87174)	

CERTIFICATE OF SERVICE

I hereby certify that copy of the foregoing Letter to Judge Moore dated November 29, 1999 and attachment, in the above-captioned proceeding has been served on the following parties by first class mail, postage pre-paid, on this 29th day of November, 1999.

Administrative Judge
Thomas S. Moore, 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
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

Richard A. Meserve, Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

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

Geoffrey H. Fettus
Douglas Meikeljohn
New Mexico Environmental Law Center
1405 Luisa Street Suite 5
Santa Fe, NM 87505

Mr. Mark Pelizza
Vice President
URI, Inc.
12750 Merit Drive, Suite 720, LB12
Dallas, TX 75251

Diane Curran Esq.
Harmon Curran Spielberg & Eisenberg
1726 M Street N.W., Suite 600
Washington, DC 20036

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

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

Marilyn Morris
c/o Samuel D. Gollis
Hopi Legal Services
Highway 263 behind Hopi Judicial Complex
Keams Canyon, AZ 86034

Grace Sam
c/o Samuel D. Gollis
Hopi Legal Services
Highway 263 behind Hopi Judicial Complex
Keams Canyon, AZ 86034

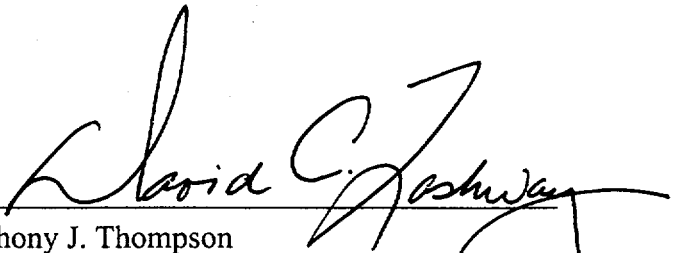
Commissioner Nils J. Diaz
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Commissioner Edward McGaffigan, Jr.
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Commissioner Greta J. Dicus
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Herb Yazzie, Attorney General
Steven J. Bloxham, Esq.
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515



Anthony J. Thompson
Frederick S. Phillips
David C. Lashway
SHAW PITTMAN
2300 N Street, N.W.
Washington, DC 20037

Counsel for Hydro Resources, Inc.