

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 2/11/99

COMMISSIONERS:

SERVED 2/11/99

Shirley Ann Jackson, Chairman  
Greta J. Dicus  
Nils J. Diaz  
Edward McGaffigan, Jr.  
Jeffrey S. Merrifield

Docket No. 40-8968-ML

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In the Matter of )  
 )  
HYDRO RESOURCES, INC. )  
 )  
(2929 Coors Road Suite 101, )  
Albuquerque, NM 87120) )  
\_\_\_\_\_)

CLI-99-03

**MEMORANDUM AND ORDER**

On February 4, 1999, several intervenors filed a petition for the Commission's interlocutory review of the Presiding Officer's Memorandum and Order (Procedural Issues) issued earlier on the same day. In particular, the Presiding Officer denied (1) a request to adjust the schedule for motions for leave to reply and/or to request oral presentations, and (2) a request to extend the February 16 filing deadline for the next round of written submissions. Hydro Resources, Inc. (HRI), has responded to the intervenors' petition and urges the Commission to deny it.

We ordinarily do not review interlocutory orders denying extensions of time, but we do so here as an exercise of our general supervisory jurisdiction over agency adjudications. See Baltimore Gas & Elec. Co. (Calvert Cliffs Nuclear Power Plants, Unites 1 and 2), CLI-98-19, 48 NRC 132, 134 (1998). The Presiding Officer's ruling of February 4 is consistent with the Commission's frequently expressed intention that this proceeding move to completion in an expeditious manner. In a recent decision in this case, issued on January 29 (CLI-99-1), the Commission -- acting sua sponte -- vacated an earlier scheduling order from the Presiding Officer setting a March 5 briefing deadline and instead required the intervenors to file their briefs by February 16. Nevertheless, it appears that, in this instance, the deadline set by the Commission's order may have unduly disrupted the expectations of the intervenors given their reliance on the earlier scheduling order. As such, the Commission is extending the filing deadline for intervenors' briefs to February 19, 1999.

Our decision today to relax the deadline by no means suggests any dissatisfaction with the Presiding Officer's handling of the matter. In light of the Commission's earlier direction, the Presiding Officer understandably refused to extend the February 16 deadline. We urge the Presiding Officer to continue his effort to move this proceeding forward expeditiously. Finally, as we have noted elsewhere (see, Calvert Cliffs, 48 NRC at 134), the Presiding Officer possesses considerable authority to adjust general deadlines and procedures set out in our rules and we expect him to continue to exercise that authority if appropriate and consistent with our directives to resolve this case promptly.

For the foregoing reasons, we grant the petition in so far as it seeks an extension to the February 16 filing deadline and give the intervenors additional time, until February 19, 1999. In all other respects, the petition is denied and the Commission does not alter the balance of the presiding officer's February 4 order.

IT IS SO ORDERED.

For the Commission  
[Original signed by Annette Vietti-Cook]

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Annette L. Vietti-Cook

Secretary of the Commission

Dated at Rockville, Maryland,  
this 11th day of February, 1999.