

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 8212

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 07/29/04

SERVED 07/29/04

Before Administrative Judges:

Thomas S. Moore, Presiding Officer
Dr. Richard F. Cole, Special Assistant
Dr. Robin Brett, Special Assistant

In the Matter of

HYDRO RESOURCES, INC.
P.O. Box 777
Crownpoint, New Mexico 87313

Docket No. 40-8968-ML

ASLBP No. 95-706-01-ML

July 29, 2004

ORDER

By motion dated July 7, 2004 Intervenors, Eastern Navajo Diné Against Uranium Mining (ENDAUM) and Southwest Research and Information Center (SRIC), seek leave to file a reply brief in support of their pending motions to Supplement the final Environmental Impact Statement for Church Rock Sections 8 and 17, and to Re-Open and Supplement the record for Section 8.

The parties are in agreement that under the present circumstances the applicable procedural rule, 10 C.F.R. §2.730(c), does not permit reply briefs without permission of the presiding officer. Furthermore, there is no quarrel among the briefs as to Commission case law prescribing the standard for measuring a request for permission to file a reply brief.¹ Suffice it to say that the standard set by the cases is a high one: "leave will be granted sparingly

¹ See Detroit Edison Co. (Enrico Fermi Atomic Plant, Unit 2), ALAB-469, 7 NRC 470, 471 (1978); Commonwealth Edison Co. (Byron Station, Units 1 and 2), LBP-81-30A, 14 NRC 364, 372 (1981).

and then only upon a strong showing of good cause.”² Upon careful review of the Intervenor’s motion and arguments, I find that they have not met that standard. Therefore, the motion is denied.

It is so ORDERED.

BY THE PRESIDING OFFICER³

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 29, 2004

² See id. at 372.

³ Copies of this Order were sent this date by e-mail transmission to counsel for each of the parties.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED JULY 29, 2004 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 40-8968-ML
LB ORDER DATED JULY 29, 2004

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 29th day of July 2004