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January 27, 1998

**BY FACSIMILE AND REGULAR MAIL**

Administrative Judge B. Paul Cotter, Jr.  
Presiding Officer  
Atomic Safety and Licensing Board  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555



Re: Hydro Resources Inc.  
Docket No. 40-8968-ML  
ASLBP No. 95-706-01-ML

Dear Judge Cotter:

Please find enclosed HRI's Request for Extension of Time in the above-referenced matter. Because HRI's deadline for filing a response to the various petitions in this matter is approaching, HRI respectfully requests the Presiding Officer to rule on this matter as expeditiously as possible so that counsel can plan accordingly.

Sincerely,

Paul J. Gormley

Enclosures

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

Before Chief Administrative Judge  
B. Paul Cotter, Jr., Presiding Officer

Administrative Judge  
Thomas D. Murphy, Special Assistant



In the matter of	)	
	)	
HYDRO RESOURCES, INC.	)	Docket No. 40-8968-ML
2929 Coors Road, Suite 101	)	
Albuquerque, New Mexico 87120	)	ASLBP No. 95-706-01-ML
	)	

**REQUEST FOR EXTENSION OF TIME**

I. Introduction

On December 18, 1997, the Presiding Officer in the above-referenced matter issued a scheduling order. Under the terms of that Scheduling Order, Petitioners ENDAUM and SRIC filed their Third Amended Request for a Hearing on January 16, 1998. Also under the terms of that order, Hydro-Resources, Inc. (HRI) is required to respond to all hearing requests filed in this matter by February 6, 1998. For the reasons set forth more fully below, HRI respectfully requests the Presiding Officer to grant an extension of time to HRI for filing its response.

II. Argument

HRI requests that the Presiding Officer exercise his power to enlarge the time prescribed for filing a response to Petitioners' Hearing Requests.<sup>1</sup> In support of this request, HRI shows that it has good cause to request an extension of time.

<sup>1</sup> 10 C.F.R. § 2.1203(e) and 10 C.F.R. § 2.711.

First, on January 15, 1998, the day before filing their Third Amended Request, Petitioners ENDAUM and SRIC filed a Stay Request to which these Petitioners attached over 200 pages of affidavits and supporting documents. Undersigned counsel, and HRI staff have spent a substantial amount of time since January 15, 1998 responding to ENDAUM and SRIC's Stay Request, and have been unable to turn their attention to preparing a response to Petitioners' Hearing Requests.<sup>2</sup>

Second, on January 23, 1998, HRI received the Presiding Officer's Order Granting Petitioners ENDAUM and SRIC's Request for a Temporary Stay. In that document, the Presiding Officer referenced two pleadings submitted by Mervyn Tilden. Neither HRI nor its counsel was served with these documents. NRC Staff was kind enough to fax a copy of Mr. Tilden's documents to undersigned counsel on January 23. Because our response to Petitioners Stay Request was due yesterday, January 26, HRI has not had an opportunity to carefully review Mr. Tilden's filings, but anticipates filing a response. In particular, Mr. Tilden's Second Amended petition to Intervene is dated January 16, 1998. If this filing is considered timely,<sup>3</sup> HRI would be required to respond by February 6. However, our late receipt of this document will further hinder our ability to file a response by February 6, 1998.

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<sup>2</sup> HRI also notes that because the past few months have seen the issuance of the NRC's Safety Evaluation Report and license, HRI expected all Petitioners, not just SRIC and ENDAUM, to amend their petitions accordingly. Therefore, HRI thought it would be an unwise use of resources to prepare a detailed response to the Petitions to Intervene prior to reviewing any amended requests. Because of the number of Petitions to Intervene, and because at least one Petition is of substantial bulk, HRI hopes that additional time to respond will allow the licensee to prepare a comprehensive, yet *concise*, response to all Petitions.

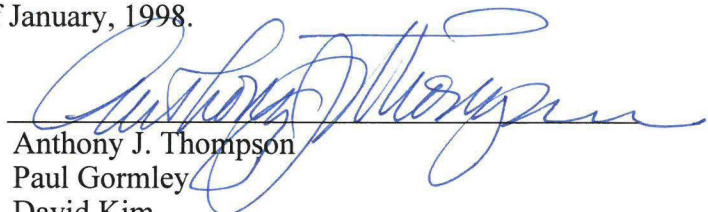
<sup>3</sup> Mr. Tilden's failure to serve this document on HRI would appear to be a clear violation of the Presiding Officer's Order requiring that any amended petitions be *received* by those on the official service list by January 16, 1998.

For the reasons above, HRI requests that the Presiding Officer grant HRI a fourteen day extension to its February 6, 1998 filing deadline. Such an extension would require HRI to submit its response on February 20, 1998.

Undersigned counsel has discussed this matter with John Hull, NRC Staff Counsel. Mr. Hull does not object to this request. Mr. Hull also noted that if the Presiding Officer grants HRI's extension NRC Staff would request an extension to file their response to the various Petitions filed in this case, and HRI supports granting NRC such an extension. Undersigned counsel also discussed this matter with Mr. Doug Meiklejohn of the New Mexico Environmental Law Center. Mr. Meiklejohn stated that he opposed this request for additional time.<sup>4</sup>

Because HRI desires a timely resolution of its pending stay issues, HRI requests that the Presiding Officer not alter the February 20th date with respect to NRC Staff's response to Petitioners Stay Request.<sup>5</sup>

Respectfully submitted the 27th day of January, 1998.



Anthony J. Thompson  
Paul Gormley  
David Kim

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<sup>4</sup> Mr. Meiklejohn stated that he has no objection to HRI responding to Allottee's Petition to Intervene by February 20.

<sup>5</sup> Undersigned counsel has discussed this matter with Mr. Hull. Mr. Hull stated that he would be prepared to file a response to Petitioners Stay Request by February 20.

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD PANEL**

Before Chief Administrative Judge  
B. Paul Cotter, Jr., Presiding Officer

Administrative Judge  
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	)	

**CERTIFICATE OF SERVICE**

I hereby certify that copies of HRI's Request for Extension of Time were distributed by Facsimile (or, in the instances where no facsimile numbers were available, as indicated by an asterisk, by Certified Mail, Return Receipt Requested) on this 27th day of January, 1998.

Chief Administrative Judge  
B. Paul Cotter, Jr., Esq.  
Presiding Officer  
Atomic Safety and Licensing Board  
Mail Stop: T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Adjudicatory File  
Atomic Safety and Licensing Board  
Mail Stop: T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
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Special Assistant  
Atomic Safety and Licensing Board  
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Atomic Safety and Licensing Board Panel  
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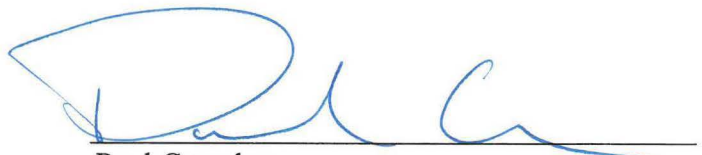
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