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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

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BEFORE THE COMMISSION

OFFICE OF SECRETARY  
REGULATORY AFFAIRS  
ADJUDICATIVE DIVISION

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

**HYDRO RESOURCES, INC.'S RESPONSE TO MOTION TO SUPPLEMENT  
THE RECORD**

Hydro Resources, Inc. ("HRI"), respectfully opposes the January 27, 2000, motion of Intervenors Eastern Navajo Dine Against Uranium Mining and Southwest Research and Information Center (jointly, "Intervenors") to supplement the record. Specifically, Intervenors' motion requests that the Commission take "judicial notice" of, and supplement the record with, the January 6, 2000, decision of the United States Court of Appeals for the Tenth Circuit in HRI, Inc. v. Environmental Protection Agency, No. 97-9556. Motion at 1. As a basis for their request, Intervenors assert that the decision is "directly relevant" to issues pending before the Commission because it establishes that HRI "has no valid [UIC] permit, nor . . . a valid aquifer exemption." Motion at 1. HRI opposes the Motion for the reasons stated in "NRC Staff's Response to Motion to Supplement the Record," dated February 3, 2000 ("NRC's Response"). While not particularly relevant to this proceeding as the 10<sup>th</sup> Circuit decision deals only with jurisdictional issues, and not safety or environmental issues, HRI notes that it will be seeking *en banc* review of the decision within the time permitted by the rules. In

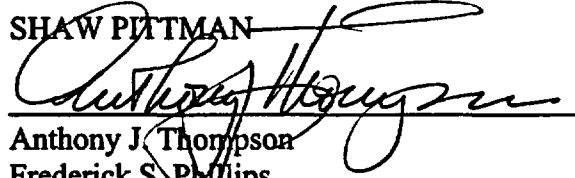
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addition, HRI disputes Intervenor's claims regarding the validity of the UIC permit and aquifer exemption for Section 8.

For the reasons stated in NRC's Response, HRI respectfully requests that Intervenor's "Motion to Supplement the Record" be denied.

Respectfully submitted this 7th day of February, 2000.

SHAW PITTMAN



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ON BEHALF OF HYDRO RESOURCES, INC.

P.O. Box 15910

Rio Rancho, New Mexico 87174

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Docket No. 40-8968-ML  
ASLBP No. 95-706-01-ML

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATION STAFF

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document in the above-captioned proceeding has been served on the following by electronic mail (as indicated) and on all parties by first class mail, postage pre-paid, on this 7th day of February, 2000.

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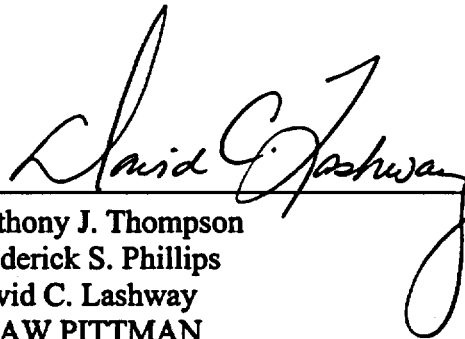
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A handwritten signature in black ink, reading "David C. Lashway", written over a horizontal line. The signature is cursive and includes a large, stylized flourish at the end.

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