

**RAS 10748**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 11/21/05**

**SERVED 11/21/05**

COMMISSIONERS:

Nils J. Diaz, Chairman  
Edward McGaffigan, Jr.  
Jeffrey S. Merrifield  
Gregory B. Jaczko  
Peter B. Lyons

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In the Matter of )

HYDRO RESOURCES, INC. )

(P.O. Box, 15910 )  
Rio Rancho, NM 87174 )

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Docket No. 40-8968-ML

NOTICE OF APPOINTMENT OF ADJUDICATORY EMPLOYEE

Pursuant to 10 C.F.R. § 2.4, notice is hereby given that Mr. Jon Peckinpaugh, Commission employee of the Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, has been appointed as a Commission adjudicatory employee within the meaning of section 2.4, to advise the Commission regarding issues relating to the pending Commission review of LBP-05-17. Mr. Peckinpaugh has not previously performed any investigative or litigating function in connection with this or any related proceeding. Until such time as a final decision is issued in this matter, interested persons outside the agency and agency employees performing investigative or litigating functions in this proceeding are required to observe the restrictions of 10 C.F.R. §§ 2.780 and 2.781<sup>1</sup> in their communications with Mr. Peckinpaugh.

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<sup>1</sup> The NRC last year amended its adjudicatory procedural rules in 10 C.F.R. Part 2. See Final Rule, "Changes to Adjudicatory Process," 69 Fed. Reg. 2182 (Jan. 14, 2004). For cases such as this one, docketed prior to February 13, 2004, the previous procedural rules, including 10 C.F.R. §§ 2.780 and 2.781, continue to apply. Substantially equivalent new rules now appear at 10 C.F.R. §§ 2.347 and 2.348.

IT IS SO ORDERED.

For the Commission

**/RA/**

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Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland  
this 21<sup>st</sup> day of November 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

HYDRO RESOURCES, INC.

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Docket No. 40-8968-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION NOTICE OF APPOINTMENT OF ADJUDICATORY EMPLOYEE have been served upon the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 21<sup>st</sup> day of November 2005