

IN RESPONSE, PLEASE
REFER TO: M060227

February 27, 2006

MEMORANDUM FOR: John F. Cordes, Director
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 2:45 P.M.,
MONDAY, FEBRUARY 27, 2006, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-06-0037 - Hydro Resources, Inc. (P.O. Box 777, Crownpoint, NM 87313) (In Situ Leach Mining Operation)

The Commission¹ approved an Order responding to a petition by Intervenor Eastern Navajo Diné Against Uranium Mining and Southwest Research and Information Center for Commission review of LBP-06-1, Partial Initial Decision concerning radiological air emissions at Section 17 of Hydro Resources, Inc.'s Crownpoint, New Mexico site. The Order accepts Commission review of LBP-06-1 and sets a briefing schedule.

(Subsequently, on February 27, 2006, the Secretary signed the Memorandum and Order.)

¹ Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners McGaffigan, Merrifield, and Jaczko were present in the Conference Room. Commissioner Lyons participated in the meeting via speakerphone. Chairman Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Chairman Diaz, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR