

April 25, 2008

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ADVISORY PRE-LICENSE APPLICATION
PRESIDING OFFICER BOARD**

_____)	
In the Matter of)	
)	Docket No. PAPO-01
U.S. DEPARTMENT OF ENERGY)	
)	
(High-Level Waste Repository:)	
Pre-Application Matters))	
_____)	

**JOINT MOTION BY EUREKA COUNTY AND LINCOLN COUNTY
FOR LEAVE TO PARTICIPATE BY VIDEO-CONFERENCE
IN MAY 14, 2008 CONFERENCE
AND NOTICE OF INTENT TO PARTICIPATE
BY VIDEO CONFERENCE LINK IF IT IS PERMITTED**

Pursuant to 10 C.F.R. § 2.323, Eureka County and Lincoln County, Nevada (“the Counties”) request the Advisory Pre-Application Presiding Officer (“Advisory PAPO”) Board to permit them to participate by video-conferencing in the upcoming May 14, 2008, conference that the Advisory PAPO Board plans to hold in the U.S. Nuclear Regulatory Commission’s (“NRC’s”) Las Vegas Hearing Facility (“LVHF”). The Counties request that their respective counsel be allowed to appear at the NRC’s Rockville, Maryland headquarters and participate in the conference via video conference link. The Counties request this relief in order to allow them to participate in the conference without incurring the significant expense of sending their respective counsel (both of whose offices are in Washington, D.C.) from Washington to Las Vegas.

In its April 16, 2008, Memorandum (Logistics for Conference) (“Memorandum”), the Advisory PAPO Board stated that intends to allow members of the public to attend the conference via video conference link; however, the Board did not offer the opportunity to participate in the conference via video conference link. Given that (a) the NRC has in place and plans to use video-conferencing for the May 14 conference, (b) the Counties have an interest in participating in the conference, and (c) it is reasonable for the Counties to seek to conserve their scarce resources by avoiding significant travel expenses, the Counties respectfully submit that the Board should allow them to participate in the conference by video conference link.

In addition, pursuant to the paragraph A.2 of the Board’s Memorandum, counsel for Eureka and Lincoln Counties hereby each notify the Board of their intent to participate in the May 14 conference if the Board permits them to participate by video conference link; otherwise, they do not intend to participate.¹

Counsel for Eureka County has contacted counsel for the U.S. Department of Energy, the NRC Staff, the Timbasha Shoshone Tribe, the State of Nevada, Nuclear Information and Resource Service, Churchill County, Clark County, Esmeralda County, Lander County, and Mineral County, who stated that they have no objection to this motion. Counsel for the Nuclear Energy Institute (“NEI”) stated that NEI does not object as long as the opportunity to participate by video conference link is offered to all parties who are otherwise entitled to participate in the conference. As stated below in the Certificate of Counsel Pursuant to 10 C.F.R. § 2.323(b), counsel for Eureka County was unable to reach counsel or representatives for the City of Las Vegas, Inyo County, Beyond Nuclear, Nevada Nuclear Waste Task Force, Inyo County, Nye County, or White Pine County.

Respectfully submitted,

Eureka County

/s/

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Lincoln County, Nevada

/s/

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April 25, 2008

¹ Counsel for Eureka County submitted her Notice of Appearance on April 18, 2008. Counsel for Lincoln County is filing a Notice of Appearance today, separately from this motion.

**CERTIFICATE OF COUNSEL
PURSUANT TO 10 C.F.R. § 2.323(b)**

Pursuant to 10 C.F.R. § 2.323(b), I certify that I made a sincere effort to contact the other participants in this proceeding to attempt to resolve the issues raised by the foregoing motion, by sending them an e-mail message on April 24, 2008. Although I heard back from most of the participants that they did not object to the motion, I did not receive responses from representatives for the City of Las Vegas, Inyo County, Beyond Nuclear, Nevada Nuclear Waste Task Force, Inyo County, Nye County, or White Pine County.

/s/ Diane Curran
Diane Curran

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