

November 27, 2007

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER

_____)	
In the Matter of)	
)	Docket No. PAPO-00
U.S. DEPARTMENT OF ENERGY)	
)	ASLB No. 04-829-01-PAPO
(High-Level Waste Repository:)	
Pre-Application Matters))	
_____)	

**EUREKA COUNTY’S AND LANDER COUNTY’S
CONDITIONAL REQUEST TO EXCUSE COUNSEL FROM
ATTENDING CASE MANAGEMENT CONFERENCE AND
PERMIT COUNSEL TO PARTICIPATE BY TELEPHONE**

In its November 16, 2007, Order (Terms, Logistics, and Questions for Oral Argument), the Pre-Application Presiding Officer (“PAPO”) Atomic Safety and Licensing Board (“ASLB”) stated that it may conduct a short case management conference following the December 5, 2007, oral argument on the State of Nevada’s Motion to Strike the United States Department of Energy’s October 19, 2007, Licensing Support Network Certification. Eureka and Lander Counties wish to participate in any case management conference the ASLB may hold through undersigned counsel, but she must be in Boston on December 5 in order to assist co-counsel for the Commonwealth of Massachusetts prepare for a December 6 oral argument in the U.S. Court of Appeals for the First Circuit in *Commonwealth of Massachusetts v. NRC*, No. 07-1482. Therefore she will be unable to come to Las Vegas or use the Rockville, Maryland facility to participate in the conference by video link.

Accordingly, Eureka and Lander Counties request that their counsel be excused from attending any case management conference that may be held. They also request that if the case management conference goes forward, the ASLB permit their counsel to participate by telephone and provide her with the relevant contact information.

Respectfully submitted,

/s/Diane Curran

Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, L.L.P.

1726 M Street N.W., Suite 600

Washington, D.C. 20036

202/328-3500

FAX 202/328-6918

dcurran@harmoncurran.com

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CERTIFICATE OF SERVICE

Pursuant to the Atomic Safety and Licensing Board's July 9, 2004, Initial Pre-License Application Phase Order, as modified by the Second Case Management Order of July 8, 2005, I certify that on November 27, 2007, the foregoing EUREKA COUNTY'S AND LANDER COUNTY'S CONDITIONAL REQUEST TO EXCUSE COUNSEL FROM ATTENDING CASE MANAGEMENT CONFERENCE AND PERMIT COUNSEL TO PARTICIPATE BY TELEPHONE was served on the parties to this proceeding by submitting it electronically to the NRC adjudicatory Electronic Information Exchange.

s/Diane Curran
Diane Curran