

April 25, 2008

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. PAPO-01
)	
(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/

By Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, LLP

1726 M Street N.W. Suite 600

Washington, D.C. 20036

dcurran@harmoncurran.com

Lincoln County, Nevada

/s/

By Barry S. Neuman

Carter, Ledyard & Milburn, LLP

701 Eighth Street N.W., Suite 410

Washington, D.C. 20001

Neuman@clm.com

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

April 25, 2008

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_____)	

CERTIFICATE OF SERVICE

I certify that on April 25, 2008, I served the foregoing JOINT MOTION BY EUREKA COUNTY AND LINCOLN COUNTY TO PARTICIPATE BY VIDEO CONFERENCING IN MAY 14, 2008, CONFERENCE on the parties to this proceeding by submitting it electronically to the NRC adjudicatory Electronic Information Exchange. It is my understanding that recipients are the same individuals on the list below, which is copied from the Advisory PAPO Board's April 16, 2008, Memorandum (Logistics for Conference).

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

Thomas S. Moore, Chair
Administrative Judge
E-mail: thomas.moore@nrc.gov

G. Paul Bollwerk, III
Administrative Judge
E-mail: gbp@nrc.gov

Alex S. Karlin,
Administrative Judge
E-mail: alex.karlin@nrc.gov

Paul S. Ryerson
Administrative Judge
E-mail: psr1@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Anthony C. Eitreim, Esq.
Chief Counsel
E-mail: anthony.eitreim@nrc.gov

James M. Cutchin: james.cutchin@nrc.gov
Joseph Deucher: joseph.deucher@nrc.gov
Margaret Parish: margaret.parish@nrc.gov
Marcia Carpentier: marcia.carpentier@nrc.gov
Bradley S. Baxter: bradley.baxter@nrc.gov
Lauren Bregman: lauren.bregman@nrc.gov
Zachary Kahn: zachary.kahn@nrc.gov
Erica LaPlante: erica.laplante@nrc.gov
Johanna Thibault: johanna.thibault@nrc.gov
Emily Krause: emily.krause@nrc.gov

Daniel J. Graser: daniel.graser@nrc.gov
LSN Administrator
ASLB HLW Adjudication
E-mail: ASLBP HLW Adjudication@nrc.gov *

U.S. Nuclear Regulatory Commission
Office of Public Affairs
Mail Stop O-16D3
Washington, DC 20555-0001

David McIntyre:
E-mail: david.mcintyre@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Janice E. Moore, Esq. janice.moore@nrc.gov
Mitzi A. Young, Esq. mitzi.young@nrc.gov
Marian L. Zobler, Esq. marian.zobler@nrc.gov
Andrea L. Silvia, Esq. andrea.silvia@nrc.gov

Margaret J. Bupp, Esq. margaret.bupp@nrc.gov
Daniel W. Lenehan, Esq. daniel.lenehan@nrc.gov
Jessica Bielecki, Esq. jessica.bielecki@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

U.S. Department of Energy
1551 Hillshire Drive
Las Vegas, NV 89134-6321

Timothy C. Gunter
E-mail: timothy.gunter@ymp.gov
Susan L. Rives
E-mail: susanrives@ymp.gov

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue S.W.
Washington, DC 20585

Martha S. Crosland, Esq.
E-mail: Martha.crosland@hq.doe.gov
Nicholas P. DiNunzio, Esq.
E-mail: nick.dinunzio@rw.doe.gov
Angela M. Kordyak, Esq.
E-mail: angela.kordyak@hq.doe.gov
Mary B. Neumayr, Esq.
E-mail: mary.neumayr@hq.doe.gov

U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321

George W. Hellstrom, Esq.
E-mail: george.hellstrom@ymp.gov

Counsel for the U.S. Department of Energy
Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004

Lewis Csedrik, Esq.
E-mail: lcsedrik@morganlewis.com
Jay Gutierrez, Esq.

E-mail: jguitierrez@morganlewis.com
Thomas Poindexter, Esq.
E-mail: tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
E-mail: apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
E-mail: tschmutz@morganlewis.com
Donald Silverman, Esq.
E-mail: dsilverman@morganlewis.com
Paul J. Zaffuts, Esq.
E-mail: pzaffuts@morganlewis.com
Egan, Fitzpatrick & Malsch, PLLC
Counsel for the State of Nevada
2001 K Street
Washington, DC 20006

Joseph R. Egan, Esq.
E-mail: eganpc@aol.com
Martin G. Malsch, Esq.
E-mail: mmalsch@nuclearlawyer.com
Susan Montesi
E-mail: smontesi@nuclearlawyer.com

Hunton & Williams, LLP
Counsel for the U.S. Department of Energy
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

W. Jeffrey Edwards, Esq.
E-mail: jewards@hunton.com
Kelly L. Faglioni, Esq.
E-mail: kfaglioni@hunton.com
Melissa Grier
E-mail: mgrier@hunton.com
Donald P. Irwin, Esq.
E-mail: dirwin@hunton.com
Stephanie Meharg:
E-mail: smeharg@hunton.com
Edward P. Noonan, Esq.
E-mail: enoonan@hunton.com
Audrey B. Rusteau
E-mail: arusteau@hunton.com
Michael R. Shebelskie, Esq.
E-mail: mshebelskie@hunton.com
Pat Slayton

E-mail: pslayton@hunton.com
Belinda A. Wright
E-mail: bwright@hunton.com

Carter Ledyard & Milburn, LLP
Counsel for Lincoln County
1401 Eye Street, N.W. Suite 300
Washington, DC 20005

Barry S. Neuman, Esq.
E-mail: neuman@clm.com

Egan, Fitzpatrick & Malsch, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216

Charles J. Fitzpatrick, Esq
E-mail: cfitzpatrick@nuclearlawyer.com
Laurie Borski, Paralegal
E-mail: lborski@nuclearlawyer.com

Ross Dixon & Bell
Counsel for the State of Nevada
2001 K. Street N.W., Suite 400
Washington, DC 20006

Merril Hirsh, Esq.
E-mail: mhirsh@rdbl.com

Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036

Diane Curran, Esq.
E-mail: dcurran@harmoncurran.com

Churchill County, Eureka County, Lander County, Mineral County, and Esmeralda County

Robert F. List, Esq.
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
E-mail: rlist@armstrongteasdale.com

Clark County (NV) Nuclear Waste Division
500 S. Grand Central Parkway

Las Vegas, NV 98155

Engelbrecht von Tiesenhausen

E-mail: evt@co.clark.nv.us

Phil Klevorick

E-mail: klevorick@co.clark.nv.us

Clark County, Nevada

Elizabeth A. Vibert, Deputy District Attorney

500 South Grand Central Parkway

Las Vegas, NV 89106

E-mail: VibertE@co.clark.nv.us

Nevada Nuclear Waste Task Force

P.O. Box 26177

Las Vegas, NV 89126

Judy Treichel, Executive Director

E-mail: judynwtf@aol.com

Nuclear Energy Institute

1776 I Street, NW Suite 400

Washington, DC 20006-3708

Michael A. Bauser, Esq.

E-mail: mab@nei.org

Anne W. Cottingham, Esq.

E-mail: awc@nei.org

Ellen C. Ginsberg, Esq.

E-mail: ecg@nei.org

City of Las Vegas

400 Stewart Avenue

Las Vegas, NV 89101

Margaret Plaster, Management Analyst

E-mail: mplaster@LasVegasNevada.gov

Liane Lee, Legislative Affairs Officer

E-mail: lilee@LasVegasNevada.GOV

Inyo County (CA) Yucca Mountain Nuclear Waste
Repository Assessment Office

Inyo County 163 May
St. Bishop, CA 93514

Chris Howard, GIS/LAN Administrator
E-mail: choward@inywater.org

NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403

Loreen Pitchford, LSN Coordinator
For Churchill, County, Eureka County, and Lander County,
E-mail: lpitchford@comcast.net

Nuclear Information and Resource Service (NIRS)
6930 Carroll Ave., Suite 400
Takoma Park, MD 20912

Kevin Kamps
E-mail: kevin@beyondnuclear.org

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706

Robert Loux
E-mail: bloux@nuc.state.nv.us
Steve Frishman, Tech. Policy Coordinator
E-mail: Steve.frishman@gmail.com

Timbisha Shoshone Tribe
Frederick and Peebles, LLP
1001 Second St.
Sacramento, CA 95814

Darcie L. Houck, Esq.
E-mail: dhouch@ndlaw.com
John M. Peebles, Esq.
E-mail: jpeebles@ndlaw.com
Joe Kennedy, Esq.
E-mail: chairperson@timbisha.org

Nye County (NV) Regulatory/Licensing Adv.
18160 Cottonwood Rd. #265
Sunriver, OR 97707

Malachy Murphy, Esq.
E-mail: mrmurphy@chamberscable.com
Jeffrey D. VanNiel
E-mail: nbrjdv@gmail.com
Zoie Choate, Secretary
E-mail: zchoate@co.nye.nv.us
Sherry Dudley, Administrative Technical Coordinator
E-mail: sdudley@co.nye.nv.us

Talisman International, LLC
1000 Potomac St., NW
Suite 300 Washington, DC 20007

Patricia Larimore, Senior Paralegal
E-mail: plarimore@talisman-intl.com

White Pine County
City of Caliente
Lincoln County
P.O. Box 126
Caliente, NV 89008

Jason Pitts
E-mail: jayson@idtservices.com

Yucca Mountain Project Licensing Group
DOE/BSC
Regulatory Programs
1180 North Town Center Dr.
Las Vegas, NV 89144

Jeffrey Kriner
E-mail: jeffrey kriner@ymp.gov

s/Diane Curran
Diane Curran