

August 13, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of	)	Docket No. PAPO-00
)	
U.S. DEPARTMENT OF ENERGY	)	ASLBP No. 04-829-01-PAPO
)	
(High Level Waste Repository: Pre-Application Matters)	)	DEN-4
)	

**JOINTLY PROPOSED ORDER ON DEPARTMENT OF ENERGY'S MOTION
TO STRIKE JANUARY 16, 2008 CERTIFICATION OF CLARK COUNTY**

On January 28, 2008, the Department of Energy (DOE) filed with the Pre-License Application Presiding Officer (PAPO) Board a Motion to Strike the January 16, 2008 Certification of Clark County, Nevada (Clark County). To resolve that Motion, DOE and Clark County conferred and Clark County agreed to revise its Licensing Support Network (LSN) Procedures, assured DOE that it had and would continue to make available on the LSN all its Documentary Material, implemented document preservation procedures inclusive of e-mails, and agreed to revise its certification language. Accordingly, to resolve DOE's motion, DOE and Clark County jointly propose that the PAPO Board enter an order allowing Clark County to substitute a revised certification effective January 16, 2008 in the form attached hereto as Attachment A. A proposed form of order is attached hereto as Attachment B.

Respectfully submitted,

CLARK COUNTY, NEVADA

By Original Signed by Elizabeth A. Vibert

U.S. DEPARTMENT OF ENERGY

By Original Signed by Michael R. Shebelskie

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NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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**JOINTLY PROPOSED ORDER ON DEPARTMENT OF ENERGY'S MOTION
TO STRIKE JANUARY 16, 2008 CERTIFICATION OF CLARK COUNTY
CERTIFICATE OF SERVICE**

I certify that copies of the foregoing Jointly Proposed Order on the Department of Energy's Motion to Strike January 16, 2008 Certification of Clark County in the above-captioned proceeding has been served on the following persons on August 13, 2008 through the Electronic Information Exchange.

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ATTACHMENT A

Revised Certification

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of	)	Docket No. PAPO-00
)	
U.S. DEPARTMENT OF ENERGY	)	ASLBP No. 04-829-01-PAPO
)	
(High Level Waste Repository: Pre-Application Matters)	)	Effective January 16, 2008*
)	

**CLARK COUNTY CERTIFICATION OF AVAILABILITY OF DOCUMENTARY
MATERIAL**

As the official responsible for Clark County, Nevada's responsibility to provide electronic files of documentary material, I certify, pursuant to 10 C.F.R. § 2.1009(b), that Clark County has implemented the procedures specified in 10 C.F.R. § 2.1009(a)(2) and that, to the best of my knowledge, Clark County has identified and made electronically available the documentary material specified in 10 C.F.R. § 2.1003 in existence as of a reasonable processing date prior to the effective date of this certification.

Phil Klevorick
Clark County Nuclear Waste Oversight Program
Clark County LSN Responsible Official

* By August ____, 2008 Order of the PAPO Board allowing Clark County to substitute a revised certification effective January 16, 2008, this certification replaces its previously filed certification and is effective as of January 16, 2008.

ATTACHMENT B

Jointly Proposed Order

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

ATOMIC SAFETY AND LICENSING BOARD

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of	)	Docket No. PAPO-00
)	
U.S. DEPARTMENT OF ENERGY	)	ASLBP No. 04-829-01-PAPO
)	
(High Level Waste Repository: Pre-Application Matters)	)	DEN-3
	)	February __, 2008

ORDER

**(Ruling on January 28, 2008 Department of Energy Motion to Strike January 16, 2008
Certification of Clark County)**

On January 28, 2008, the Department of Energy (DOE) filed with the Pre-License Application Presiding Officer (PAPO) Board a Motion to Strike the January 16, 2008 Certification of Clark County, Nevada (Clark County). Thereafter on August 13, 2008, DOE and Clark County jointly proposed that the PAPO Board enter an Order allowing Clark County to substitute a revised certification effective January 16, 2008 in light of the understandings and agreements recited therein. Upon the representation of DOE and Clark County that it is their joint proposal, and deeming it just and proper to do so, the PAPO hereby ORDERS that Clark County's revised certification be substituted for and effective as its January 16, 2008 certification in resolution of DOE's Motion to Strike.

It is so ORDERED.

THE PRE-LICENSE APPLICATION
PRESIDING OFFICER BOARD

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Alex S. Karlin
ADMINISTRATIVE JUDGE

Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland

August __, 2008