UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 19, 2008

SECRETARY

MEMORANDUM TO: E. Roy Hawkens,
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

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

SUBJECT: REQUEST FOR HEARING WITH RESPECT TO THE U.S. DEPARTMENT OF ENERGY'S APPLICATION FOR AUTHORITY TO CONSTRUCT A GEOLOGIC REPOSITORY AT A GEOLOGIC REPOSITORY OPERATIONS AREA AT YUCCA MOUNTAIN IN NYE COUNTY, NEVADA

The Office of the Secretary has received via E-Filing a petition to intervene from the Nuclear Energy Institute dated December 19, 2008. This request was submitted in response to a notice issued by the NRC staff that provided an opportunity for a hearing on the U.S. Department of Energy's application for authority to construct a geologic repository at a geologic repository operations area at Yucca Mountain in Nye County, Nevada. The notice was published in the *Federal Register* at 73 Fed. Reg. 63029 (October 22, 2008). The request can be found in ADAMS under accession ML083540230 and on the Electronic Hearing Docket.

The request is being referred to you for appropriate action in accordance with 10 C.F.R. §2.346(i). This referral is being served on the E-Filing service list for the HLW License Application.

cc: Commission Legal Assistants
OGC
CAA
OPA
EDO
OCA
NMSS