

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

December 29, 2008



SECRETARY

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

FROM: Andrew L. Bates, Acting Secretary **/RA/**

SUBJECT: PETITIONS TO INTERVENE 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, requests from Native Community Action Council, Timbisha Shoshone Tribe, and the Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation, dated December 22, 2008. The requests were 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 petitions to intervene can be found in ADAMS under accession number ML083570732 (Native Community Action Council), and ML083570761 (Timbisha Shoshone Tribe), and ML083570789 (Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation) and on the Electronic Hearing Docket.

The requests are 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