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

SECRETARY

January 15, 2009

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

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

SUBJECT: REQUESTS TO PARTICIPATE AS INTERESTED GOVERNMENTAL PARTICIPANTS 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 two requests to participate as Interested Governmental Participants, one from Eureka County, Nevada, and one from Lincoln County, Nevada, both dated December 22, 2008. These 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 requests can be found in ADAMS under accession number ML083570371 (Eureka County - 2-document Package) and ML083570416 (Lincoln County), and on the Electronic Hearing Docket.

In response to a joint motion submitted by Eureka and Lincoln Counties, the Commission issued an Order this date, clarifying when entities shall identify those admitted contentions on which they will participate. The Order can be found in ADAMS under accession number ML090150261.

The requests to participate 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