

August 11, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARDS

ASLB BOARD 09-876-HLW-CAB01 William S. Froelich, Chair Thomas S. Moore Richard E. Wardwell	ASLB BOARD 09-877-HLW-CAB02 Michael M. Gibson, Chair Alan S. Rosenthal Nicholas G. Trikouros
ASLB BOARD 09-878-HLW-CAB03 Paul S. Ryerson, Chair Michael C. Farrar Mark O. Barnett	ASLB BOARD 09-892-HLW-CAB04 Thomas S. Moore, Chair Paul S. Ryerson Richard E. Wardwell

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In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-01
)	
(High-Level Waste Repository))	
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_____)	

**EUREKA COUNTY’S MOTION FOR LEAVE TO PARTICIPATE BY
VIDEOCONFERENCE IN SEPTEMBER 14-15 PREHEARING CONFERENCE
AND REQUEST FOR WEBCASTING OF PREHEARING CONFERENCE**

Eureka County hereby requests the Construction Authorization Boards (“CABs”) to permit it to participate in the tentatively-scheduled September 14-15 prehearing conference in Las Vegas by remote video connection from the U.S. Nuclear Regulatory Commission’s (“NRC’s”) Rockville, Maryland headquarters. In addition, the County requests that the CABs provide for webcasting of the prehearing conference to the general public.

Request for Participation by Videoconference

Eureka County seeks to conserve its limited resources by avoiding the expense of sending its counsel from Washington, D.C. to Las Vegas for the prehearing conference. Given that Eureka County, as an Interested Governmental Participant (“IGP”), will have a limited role in the

September 14-15 proceeding, and given the availability of the NRC's videoconferencing equipment to permit remote participation in NRC adjudicatory hearings and conferences when needed, Eureka County respectfully submits that it is reasonable to allow counsel to participate in the September 14-15 prehearing conference by video connection from the NRC's hearing room in Rockville, Maryland.

As stated in the attached Certificate of Counsel, other than Clark County (which it was unable to reach), counsel for Eureka County contacted all parties and Lincoln County (an IGP) regarding this motion. Except for the NRC Staff, which did not take a position on the motion, all parties that were contacted and Lincoln County stated that they did not object to the motion.

Request for Webcasting

The Eureka County Commissioners and County's staff members are responsible for monitoring and participating in the NRC's Yucca Mountain licensing proceeding, and County citizens have health and/or property interests in the outcome of the proceeding. They have a strong interest in observing the September 14-15 proceeding because of the significant issues that will be discussed, including the effect of recent budget cuts on the management of the litigation. In order to attend the September 14-15 prehearing conference in person, however, they must drive six hours to Las Vegas, find hotel accommodations, and then drive another six hours back to Eureka County. The time and expense of the trip to Las Vegas therefore makes it impracticable for most Eureka County Commissioners, staff members, and residents to attend the prehearing conference.

While the NRC Commission has not yet ruled on a February 23, 2009, motion by Eureka County and other Affected Units of Local Governments to institutionalize webcasting of the

Yucca Mountain licensing proceeding¹, CAB #s 1, 2, and 3 provided for the webcasting of the oral argument held in Las Vegas on March 31-April 2, 2009. Order (Terms, Logistics and Questions for Oral Argument) (March 18, 2009). The webcasting of the oral argument held by the CABS in Las Vegas on March 31-April 2, 2009, provided a very effective and useful means for the Eureka County Commissioners, their staff members, and the general public to monitor those proceedings without having to undertake the time and expense of traveling to Las Vegas.

Eureka County respectfully submits that in light of the controversy surrounding the Yucca Mountain project and the recent budget cuts imposed by the Obama Administration, this prehearing conference is also likely to be a significant proceeding in which Eureka County officials and citizens have a strong interest in observing. Therefore, Eureka County requests the CABs to take all necessary steps to ensure that the proceeding will be webcasted to the general public.

As stated in the attached Certificate of Counsel, counsel for Eureka County contacted counsel for all of the parties and Lincoln County (an IGP) other than Clark County, which it was unable to reach. Except for the NRC Staff, which did not take a position on the motion, all parties that were contacted and Lincoln County stated that they did not object to the motion. In addition, the State of California, Inyo County, Nye County, Lincoln County, the Joint Timbisha Shoshone Tribal Group, and the Native Community Action Council stated that they support this request for webcasting of the proceeding.

¹ Joint Motion by Eureka County et al. to Implement and Institutionalize Webcasting of Yucca Mountain-related Proceedings (submitted to the Commission in the HLW proceeding on February 23, 2009).

Respectfully submitted,

Electronically Signed by

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August 11, 2009

**CERTIFICATE OF COUNSEL
REQUIRED BY 10 C.F.R. § 2.323(a)**

I hereby certify that on August 6-10, 2009, I successfully contacted counsel for all parties and Lincoln County (an IGP), except for Clark County, regarding this motion. No party that I contacted opposed the motion. Counsel for the NRC Staff stated that the Staff would not take a position on the motion.

Electronically Signed by

Diane Curran

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)	
)	

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2009, I posted on the NRC's Electronic Information Exchange the foregoing Eureka County's Motion For Leave To Participate By Videoconference In September 14-15 Prehearing Conference And Request For Webcasting Of Prehearing Conference. It is my understanding that the following persons were served as a result:

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