

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of	)	
	)	Docket No. 63-001
U.S. DEPARTMENT OF ENERGY	)	
	)	
(High level Waste Repository)	)	December 22, 2008

**LINCOLN COUNTY, NEVADA’S CORRECTED REQUEST TO
PARTICIPATE AS INTERESTED GOVERNMENTAL PARTICIPANT**

Pursuant to 10 C.F.R §2.315(c) and the Commission's Notice of Hearing, 73 Fed. Reg. 63,029 (Oct. 22, 1008), Lincoln County, Nevada (the "County") hereby requests leave to participate in this proceeding as an Interested Governmental Participant. The County has previously been designated as an Affected Unit of Local Government pursuant to 42 U.S.C. § 10136(c).

Interests of Lincoln County

As part of the Yucca Mountain project (the “Project”), the Department of Energy proposes to ship the vast majority of spent nuclear fuel and high level radioactive waste destined for Yucca Mountain by rail from more than 70 locations around the country to a central handling facility to be constructed in the City of Caliente, which is located in the County. From there, the waste packages will sent to a staging yard, to be constructed in Lincoln County, where the waste packages will be held and inspected. The waste will then be transported from the staging yard to Yucca Mountain on a new rail line that DOE proposes to build through the heart of Lincoln County, bisecting the County and spanning more than 108 miles in the County from Caliente in the east to the Lincoln /Nye County line in the west.

Lincoln County is also located downwind from Yucca Mountain and the Nevada Test Site (“NTS”). Historically, residents of the County have been exposed to radiation transported by prevailing winds following nuclear weapon testing events at NTS. Credible events resulting in radiation exposure through atmospheric pathways are associated with the proposed geologic repository at Yucca Mountain.

Consequently, the County and its residents will be directly and substantially affected by the Project that is the subject of this licensing proceeding.

Designation of Single Representative

The County’s representative for purposes of the hearing is the Lincoln County Commission.

LSN Compliance

The County has substantially and timely complied with the provisions of Subpart J, including Sections 2.1003 and 2.1009, in that it has designated an official responsible for administration of its responsibility to provide electronic files of Documentary Material; established procedures to implement the requirements of Section 2.1003; provided training to its staff on the procedures for implementation of the responsibility to provide electronic files of Documentary Material; and has expended substantial time and good faith effort to ensure that it has made all its Documentary Material publicly available. The County has submitted an adequate and timely initial LSN certification (on or about February 28, 2007), and adequate and timely supplemental certifications since that date.

Identification of Contentions on Which the County Will Participate

The County will identify those contentions on which it wishes to participate within the time frame established by the Commission. In a separate motion filed today,

the County has requested the Commission to clarify the date by which IGPs must identify the contentions on which they wish to participate pursuant to 10 C.F.R. § 2.315(c), and requests that such deadline be set as 45 days after the ASLB issues its rulings on contention admissibility.

Respectfully submitted,

electronically signed

Barry S Neuman
Carter Ledyard & Milburn LLP
701 8th Street, N.W.
Suite 410
Washington, D.C. 20036
Tele: (202) 623-5705
Fax: (202) 898-1521
email: neuman@clm.com

Ethan I. Strell
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005
Tele: (212) 238-8632
Fax: (212) 732-3232
email: strell@clm.com

Counsel for Lincoln County

Dated: December 22, 2008

Certificate of Service

I hereby certify that copies of the foregoing “Lincoln County, Nevada’s Request to Participate as Interested Government Participant” in the above-captioned proceeding

have been served on all parties listed on the official service list for this proceeding as maintained by the Nuclear Regulatory Commission Electronic Information Exchange.

Signed electronically

Barry S. Neuman
Carter Ledyard & Milburn LLP
701 8th Street, N.W.
Suite 410
Washington, D.C. 20001
Tele: (202) 623-5705
Fax: (202) 898-1521
email: neuman@clm.com

Dated: December 22, 2008