

September 2, 2008

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER

_____)	
In the Matter of)	
U.S. DEPARTMENT OF ENERGY)	Docket No. PAPO-00
(High-Level Waste Repository:)	ASLB No. 04-829-01-PAPO
Pre-Application Matters))	
_____)	

**EUREKA COUNTY'S NOTICE AND CERTIFICATION REGARDING
SUBMISSION OF FIRST SUPPLEMENT TO PRIMARY PRIVILEGE LOG**

Pursuant to the Pre-Application Presiding Officer's ("PAPO's") Revised Second Case Management Order of July 6, 2007, Eureka County hereby submits the attached First Supplement to Eureka County's Primary Privilege Log. The Primary Privilege Log provides a list of documents that constitute documentary material under 10 C.F.R. § 2.1001 but for which Eureka County claims the attorney-client privilege and the attorney work-product privilege under 10 C.F.R. § 2.1006.

For all of the listed documents, the relationship between the author and the recipient(s) is the attorney-client relationship and the primary purpose of the document was to provide legal analysis and advice. All of these documents were created and subsequently handled and maintained under procedures or practices that preserve the confidentiality of the documents.

At this time, Eureka County does not possess documents that would be subject to a secondary privilege.

I certify that Eureka County has made a diligent good faith effort to include all after-created and after-discovered documents as promptly as possible in this supplement to Eureka

County's documentary material, logs and redactions relating to Eureka County's LSN document collection. While the document listed in the attached Privilege Log was created in July of 2008, its contents were not shared with the Eureka County Commissioners until August of 2008, and therefore this supplement to Eureka County's privilege log is timely.

Respectfully submitted,



Diane Curran

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NUCLEAR REGULATORY COMMISSION**

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)	Docket No. PAPO-00
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)	ASLB No. 04-829-01-PAPO
(High-Level Waste Repository:)	
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CERTIFICATE OF SERVICE

Pursuant to the Atomic Safety and Licensing Board's July 9, 2004, Initial Pre-License Application Phase Order, as modified by the Second Case Management Order of July 8, 2005, I certify that on September 2, 2008, the foregoing EUREKA COUNTY'S NOTICE OF SUBMISSION AND CERTIFICATION OF FIRST SUPPLEMENT TO PRIMARY PRIVILEGE LOG was served on the parties to this proceeding by submitting it electronically to the NRC adjudicatory Electronic Information Exchange. It is my understanding that the pleading was served on the same parties who are listed on the attached certificate of service, which accompanied CLI-08-22, a Memorandum and Order dated August 22, 2008.


Diane Curran

**FIRST SUPPLEMENT TO EUREKA COUNTY'S PRIMARY PRIVILEGE LOG:
ATTORNEY-CLIENT AND ATTORNEY-WORK PRODUCT COMBINED**

September 2, 2008

The following is a supplemental list of documents that constitute documentary material under 10 C.F.R. § 2.1001 but for which Eureka County claims the attorney-client privilege and the attorney work-product privilege under 10 C.F.R. § 2.1006. For all of the documents, the relationship between the author and the recipient(s) is the attorney-client relationship and the primary purpose of the document was to provide legal analysis and advice. All of these documents were created and subsequently handled and maintained under procedures or practices that preserve the confidentiality of the documents. This document supplements Eureka County's Primary Privilege Log, which was submitted on January 17, 2008.

Eureka LSN Header # and Eureka Participant #	Date created	Title of document	Subject matter	Author(s)	Recipient(s)	Type of document
LSN ACN # EUR000000056 Eureka Participant Accession # EUR00055	07/14/08	Memorandum from Diane Curran to Ron Damele, Eureka County Public Works Director Re: Proposal for Future Work on NRC Yucca Mountain Licensing Case	Status report, legal analysis, proposal for legal representation	Diane Curran ¹	Abigail Johnson ² ; Ron Damele; ³ Ted Beutel ⁴	Memorandum from attorney to clients

¹ Diane Curran is an attorney who has been retained by Eureka County and Lander County to represent them in the NRC's licensing proceeding for Yucca Mountain.

² Abigail Johnson is Nuclear Waste Advisor for Eureka County.

³ Ron Damele is Director of Public Works for Eureka County.

⁴ Ted Beutel is the District Attorney for Eureka County.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. DEPARTMENT OF ENERGY) Docket No. PAPO-001
)
(Advisory Pre-License Application:)
Presiding Officer Board))
(Advisory PAPO Board))

CERTIFICATE OF SERVICE

I hereby certify that, as an administrative convenience, copies of the foregoing COMMISSION MEMORANDUM AND ORDER, (CLI-08-20), issued August 22, 2008 in the matter of the U.S. Department of Energy High Level Waste Repository, have been served upon the following persons by Electronic Information Exchange, with the exception of Dr. Jacob Paz, upon whom a copy has been served by U.S. Mail, first class, at P.O. Box 80421, Las Vegas, NV 89180.

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DOCKET NO. PAPO-001
COMMISSION MEMORANDUM AND ORDER (CLI-08-20)

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[Original Signed by Evangeline Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of August 2008