

October 1, 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  
CONSOLIDATION AND CORRECTION OF PRIMARY PRIVILEGE LOG**

Pursuant to the Pre-Application Presiding Officer's ("PAPO's") Revised Second Case Management Order of July 6, 2007, and the Fifth Case Management Order of November 1, 2007, Eureka County hereby corrects its September 2, 2008, First Supplement to Eureka County's Primary Privilege Log and consolidates it with Eureka County's January 17, 2008, Primary Privilege Log. The corrected and consolidated 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.

Eureka County re-states that 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. Eureka County also re-states that 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 corrected and consolidated supplement to Eureka County's documentary material, logs and redactions relating to Eureka County's LSN document collection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diane Curran", is written over the printed name.

Diane Curran

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October 1, 2008

**EUREKA COUNTY OCTOBER 1, 2008 CORRECTION TO AND CONSOLIDATION OF  
EUREKA COUNTY SEPTEMBER 2, 2008 FIRST SUPPLEMENT TO PRIMARY PRIVILEGE LOG AND  
EUREKA COUNTY JANUARY 17, 2008 PRIMARY PRIVILEGE LOG:  
ATTORNEY-CLIENT AND ATTORNEY-WORK PRODUCT COMBINED**

The following is a corrected and consolidated 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.

<b>Eureka LSN Header # and Eureka Participant #</b>	<b>Date created</b>	<b>Title of document</b>	<b>Subject matter</b>	<b>Author(s)</b>	<b>Recipient(s)</b>	<b>Type of document</b>
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 <sup>1</sup>	Abigail Johnson <sup>2</sup> ; Ron Damele; <sup>3</sup> Ted Beutel <sup>4</sup>	Memorandum from attorney to clients
LSN ACN # EUR000000048  Eureka Participant # EUR00046	09/21/07	Memorandum from Diane Curran to Ron Damele (Eureka County) and Rex Massey (Lander County) Re: Status Report regarding Yucca Mountain Licensing Case	Status report and legal analysis	Diane Curran	Abigail Johnson; Ron Damele; Rex Massey	Memorandum from attorney to clients

<sup>1</sup> 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.

<sup>2</sup> Abigail Johnson is Nuclear Waste Advisor for Eureka County.

<sup>3</sup> Ron Damele is Director of Public Works for Eureka County.

<sup>4</sup> Ted Beutel is the District Attorney for Eureka County.

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LSN ACN # EUR000000054  Eureka Participant ACN # EUR00049	06/13/07	Memorandum from Diane Curran to Eureka County and Lander County Commissioners Re: Status Report regarding Yucca Mountain Licensing Case	Status report and legal analysis	Diane Curran	Eureka County Commissioners; Lander County Commissioners; Abigail Johnson; Ron Damele; Rex Massey	Memorandum from attorney to clients
LSN ACN # EUR000000052  Eureka Participant ACN # EUR00050	02/09/07	Memorandum from Diane Curran to Eureka County and Lander County Commissioners Re: Analysis of Pros and Cons of Intervention in Yucca Mountain Licensing Proceeding	Legal analysis of Yucca Mountain licensing proceeding	Diane Curran	Eureka County Comm.'s; Lander County Comm.'s; Abigail Johnson; Ron Damele; Rex Massey	Memorandum from attorney to clients
LSN ACN # EUR000000050  Eureka Participant ACN # EUR00051	10/19/06	Memorandum from Diane Curran to Eureka County and Lander County Commissioners Re: Status Report regarding Yucca Mountain Licensing Case	Status report and legal analysis	Diane Curran	Eureka County Comm.'s; Lander County Comm.'s; Abigail Johnson; Ron Damele; Rex Massey; Loreen Pitchford <sup>5</sup>	Memorandum from attorney to clients
LSN ACN # EUR000000051  Eureka Participant # EUR00052	09/18/06	Memorandum from Diane Curran to Eureka County and Lander County Commissioners Re: Status Report regarding Yucca Mountain Licensing Case	Status report and legal analysis proceeding	Diane Curran	Eureka County Comm.'s; Lander County Comm.'s; Abigail Johnson; Ron Damele; Rex Massey; Loreen Pitchford	Memorandum from attorney to clients

<sup>5</sup> Loreen Pitchford is Administrator of the LSN Document Collections for Eureka County and Lander County.

**ADDENDUM: DOCUMENTS ADDED BY EUREKA COUNTY IN SEPTEMBER 2, 2008  
FIRST SUPPLEMENT TO EUREKA COUNTY'S PRIMARY PRIVILEGE LOG  
AND CORRECTION TO JANUARY 17, 2008 PRIVILEGE LOG:  
ATTORNEY-CLIENT AND ATTORNEY-WORK PRODUCT COMBINED**

**(a) Supplements:**

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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 <sup>1</sup>	Abigail Johnson <sup>2</sup> ; Ron Damele; <sup>3</sup> Ted Beutel <sup>4</sup>	Memorandum from attorney to clients

**(c) Corrections:**

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LSN ACN # EUR000000054  Eureka Participant ACN # EUR00049	06/13/07	Memorandum from Diane Curran to Eureka County and Lander County Commissioners Re: Status Report regarding Yucca Mountain Licensing Case	Status report and legal analysis	Diane Curran	Eureka County Commissioners; Lander County Commissioners; Abigail Johnson; Ron Damele; Rex Massey	Memorandum from attorney to clients

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