

August 3, 2009

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

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

ASLB BOARD
09-876-HLW-CAB01
William S. Froelich, Chair
Thomas S. Moore
Richard E. Wardwell

ASLB BOARD
09-878-HLW-CAB03
Paul S. Ryerson, Chair
Michael C. Farrar
Mark O. Barnett

ASLB BOARD
09-877-HLW-CAB02
Michael M. Gibson, Chair
Lawrence G. McDade
Nicholas G. Trikouros

ASLB BOARD
09-892-HLW-CAB04
Thomas S. Moore, Chair
Paul S. Ryerson
Richard E. Wardwell

Enclosed are Eureka County's Notice Regarding Supplementation of LSN Document Collection for July 2009 and Notice and Certification Regarding Submission of Second Supplement to Primary Privilege Log. These documents were initially submitted electronically by counsel for Eureka County on August 1, 2009. Counsel received notice on August 3, 2009 from Ms. Rebecca Gitter of the Nuclear Regulatory Commission that the electronic submission was not successful and advised counsel to resubmit the documents. Accordingly, this submission constitutes Eureka County's second attempt to electronically file the enclosed documents. Please do hesitate to contact me if you have any questions.

Sincerely,

/s/
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August 1, 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 Lawrence G. McDade 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 NOTICE REGARDING
SUPPLEMENTATION OF LSN DOCUMENT COLLECTION**

Pursuant to the Pre-Application Presiding Officer's ("PAPO's") Revised Second Case Management Order of July 6, 2007, Eureka County hereby submits its February 2009 report regarding supplementation of its Licensing Support Network ("LSN") document collection. *See* the attached Eureka County Certification of Licensing Support Network Supplementation (July 31, 2009). This notice covers documentary material identified and made available via the LSN through July 31, 2009.

Respectfully submitted,

Signed (electronically) by

Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, L.L.P.

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202/328-3500

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Attorney for Eureka County

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 Lawrence G. McDade 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

In the Matter of)	
)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-01
)	
(High-Level Waste Repository))	
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**Certification by Eureka County Regarding
Supplementation of LSN Certification**

On July 6, 2007 the Pre-hearing Application Presiding Officer Board (PAPO) issued the Revised Second Case Management Order (Pre-License Application Phase Document Discovery and Dispute Resolution) modifying the monthly supplementation requirement to be reinstated when the DOE recertifies its LSN collection. As the official responsible for the administration of the Eureka County's duty to duly supplement the Eureka County collection of electronic files of documentary material, I hereby certify, pursuant to procedures established under 10 C.F.R. § 2.1009(a)(2) and the Pre-Application Presiding Officer Board's order dated July 6, 2007, that to the best of my knowledge, all documentary material specified in 10 C.F.R. § 2.1003 has been identified

and made available in accordance with the requirements of 10 C.F.R. § 2.1011(b)(2).

This certification covers documentary material identified and made available via the LSN through July 31, 2009.

Respectfully submitted,

Executed in accordance with 10 C.F.R. § 2.304(d) by
Loreen Pitchford,
Eureka County Yucca Mountain Information Office
3155 East Patrick Lane, Suite 1
Las Vegas NV 89120
nwop@comcast.net

Dated: July 31, 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 Lawrence G. McDade 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

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

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2009, I posted on the NRC's Electronic Information Exchange the foregoing Eureka County's Notice Regarding Supplementation of LSN Document Collection. It is my understanding that the following persons were served as a result:

U.S. Nuclear Regulatory Commission Atomic Safety and Licensing Board (ASLBP) Mail
Stop T-3F23
Washington, DC 20555-0001

CAB 01

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wjf1@nrc.gov

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Administrative Judge
tsm2@nrc.gov

Richard E. Wardwell
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hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
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OCAA Mail Center
ocaamail@nrc.gov

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Bechtel-SAI C

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(Electronically signed by) _____
Diane Curran

August 1, 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 Lawrence G. McDade 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

In the Matter of)
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U.S. DEPARTMENT OF ENERGY)

(High-Level Waste Repository))
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Docket No. 63-01

**EUREKA COUNTY'S NOTICE AND CERTIFICATION REGARDING
SUBMISSION OF SECOND 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 Second 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.

Respectfully submitted,



Diane Curran

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August 1, 2009

**EUREKA COUNTY'S AUGUST 1, 2009 SECOND SUPPLEMENT TO 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.

Eureka LSN Header # and Eureka Participant #	Date created	Title of document	Subject matter	Author(s)	Recipient(s)	Type of document
LSN # EUR000000061 Eureka Participant ACN # EUR00061	06/01/09	Memorandum from Diane Curran to Eureka County Commissioners re: Participation in Yucca Mountain Licensing Proceeding	Status report and legal analysis	Diane Curran	Eureka County Commissioners	Memorandum from attorney to client
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.

Eureka LSN Header # and Eureka Participant #	Date created	Title of document	Subject matter	Author(s)	Recipient(s)	Type of document
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
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 ⁵	Memorandum from attorney to clients

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

Eureka LSN Header # and Eureka Participant #	Date created	Title of document	Subject matter	Author(s)	Recipient(s)	Type of document
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

**ADDENDUM: DOCUMENTS ADDED BY EUREKA COUNTY IN AUGUST 1, 2009
SECOND SUPPLEMENT TO EUREKA COUNTY'S PRIMARY PRIVILEGE LOG:
ATTORNEY-CLIENT AND ATTORNEY-WORK PRODUCT COMBINED**

(a) Supplements:

Eureka LSN Header # and Eureka Participant #	Date created	Title of document	Subject matter	Author(s)	Recipient(s)	Type of document
LSN # EUR000000061 Eureka Participant ACN # EUR00061	06/01/09	Memorandum from Diane Curran to Eureka County Commissioners re: Participation in Yucca Mountain Licensing Proceeding	Status report and legal analysis	Diane Curran	Eureka County Commissioners	Memorandum from attorney to client

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)
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US DEPARTMENT OF ENERGY)
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HLW (High-Level Waste Repository))
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Docket No. 63-001-HLW

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2009, I posted on the NRC's Electronic Information Exchange the foregoing Eureka County's Notice and Certification Regarding Submission of Second Supplement to Primary Privilege Log. It is my understanding that the following persons were served as a result:

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board
(ASLBP) Mail Stop T-3F23
Washington, DC 20555-0001

CAB 01

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Chair Administrative Judge
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