

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDS

In the Matter of U.S. DEPARTMENT OF ENERGY (High-Level Waste Repository)))))))	Docket No. 63-001-HLW ASLBP Nos. 09-876-HLW-CAB01 09-877-HLW-CAB02 09-878-HLW-CAB03 09-892-HLW-CAB04
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August 28, 2009

COUNTY OF INYO DELBERATIVE PROCESS PRIVILEGE LOG

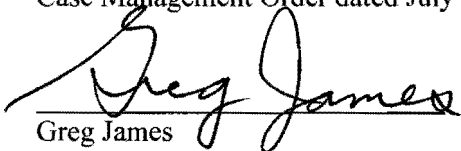
1	LSN header/accession number	iny378
2	The date the document was created	August 10, 2009
3	Title of the document	Untitled letter, dated August 10, 2009, from John Bredehoeft, PhD, principal of the Hydrodynamics Group to Greg James, Attorney for the County of Inyo
4	Description of the subject matter of the document	Preliminary review of the hydrological aspects of the U.S. Department of Energy's " <i>Analysis of Postclosure Groundwater Impacts for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada.</i> " ("Analysis of Postclosure Groundwater Impacts")
5	The name, job title or capacity, and the employers of the author(s) of the document	The author of the letter is John Bredehoeft, PhD, who is a principal in a firm known as The HydroDynamics Group. The HydroDynamics Group is employed by the County of Inyo to conduct hydrological studies in the Yucca Mountain area, to provide advice and analysis of the potential impacts of the proposed repository on groundwater, to assist the County in determining whether new or amended contentions concerning groundwater should be filed, to assist the County in the preparation of any such contentions, and to provide expert advice and testimony on the County's existing groundwater contentions.
6	The name, job title or capacity, and employer of all named recipients of the document and any other persons who	The recipient of the August 10, 2009 letter was Greg James, Attorney for the County of Inyo. The only other persons who received a copy of

	received or were sent (e.g, forwarded an email string) a copy of the document (excluding clerical support staff).	the letter were Michael Berger and Robert Hanna who are also attorneys for the County of Inyo. Greg James provided a copy of the letter to Michael Berger and Michael Berger provided a copy of the document to Robert Hanna.
7	The relationship between the persons listed in response to question 5 and the persons listed in response to question 6.	John Bredehoeft, and others at The HydroDynamics Group, in their capacity as advisors to the County of Inyo provide information for the County's consideration regarding new or amended contentions and in their capacity as an expert on the County's existing groundwater contentions, provide services to the County under the direction of Greg James, Attorney for the County of Inyo.
8	The name, job title or capacity, and organizational position of the senior official who made the determination that the document meets the requirements of the deliberative process privilege.	Greg James, Attorney for the County of Inyo.
9	The specific decision, potential decision, or decision-making process to which the document relates and, if a decision has been made, the date of the decision.	The document relates to the considerations of the County of Inyo whether or not to file new or amended contentions arising from DOE's Analysis of Postclosure Groundwater Impacts. The County of Inyo has not as yet decided whether or not to file such new or amended contentions.
10	A specific explanation why the document is deliberative.	The document provides information for consideration by the County of Inyo's attorneys regarding the adequacy and the inadequacy of the Analysis of Postclosure Groundwater Impacts which is essential to the County's consideration regarding file new or amended contentions based upon the information in Analysis of Postclosure Groundwater Impacts.
11	An affirmation that the document is not a "circulated draft", see 10 C.F.R. §§ 2.1001, 2.1006(c).	This document has been reviewed and determined not to be a "circulated draft" as that term is defined in 10 C.F.R. 2.1001. The document is not a nonfinal document circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred. The document is not a draft that will become a final document.
12	A specific explanation why any factual information in the document cannot be segregated.	The single page letter provides information to the County's attorney that pertains to the County's considerations regarding new or amended contentions based upon the Analysis of Postclosure Groundwater Impacts. This document cannot be redacted because any

		factual information contained therein is so interwoven with the privileged information that disclosure of the factual information necessarily would result in disclosure of the privileged information. The document is part of the County's decision making process. Disclosure of its contents would reveal potential positions that County has under consideration, and comparison of the document with the County's final positions would allow reconstruction of County's deliberations.
13	Type of document (e.g., internal memorandum, e-mail, handwritten notes).	The document was transmitted as an attachment to an email from John Bredehoeft, PhD to Greg James, attorney for the County of Inyo.
14	Identification of all other privileges or protections claimed for the document.	None

**CERTIFICATE OF COUNSEL
PURSUANT TO 10 C.F.R. § 2.705(g)**

I hereby certify that that, to the best of my knowledge, information, and belief, formed after reasonable inquiry, that the information on the privilege log and the claimed privilege for a document is, inter alia, correct and consistent with the requirements of the Revised Second Case Management Order dated July 6, 2007.



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Dated: August 28, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDS

In the Matter of)	Docket No.	63-001-HLW
)		
U.S. DEPARTMENT OF ENERGY)	ASLBP Nos.	09-876-HLW-CAB01
)		09-877-HLW-CAB02
(High-Level Waste Repository))		09-878-HLW-CAB03
)		09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the "COUNTY OF INYO DELBERATIVE PROCESS PRIVILEGE LOG" in the above-captioned proceeding have been served on the following persons this 10th day of September, 2009, by Electronic Information Exchange.

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