

Form Regarding Evidentiary Hearing Exhibit Submissions

(Respondents are requested to provide an answer relevant to their participation in the Yucca Mountain adjudication.)

Although 10 C.F.R. § 2.304(g) requires that each item of written testimony (either for an individual witness or a panel) and each document to be utilized as an evidentiary hearing exhibit be submitted as a separate .pdf file, the particulars of how testimony or other documentary exhibits are to be submitted in a given proceeding to avoid duplication among participants or across the various admitted contentions are matters for the presiding officer to determine, in consultation with the participants. Nonetheless, so that we can obtain planning information about the potential number of evidentiary hearing documentary exhibits in the Yucca Mountain adjudication, using the assumptions provided below, please provide a **rough** estimate of the total number of items of written testimony and documents that you anticipate you will need to submit as evidentiary hearing exhibits relative to the contentions currently admitted for litigation in the Yucca Mountain adjudication.

For purposes of this estimate, please assume that (1) each item of written testimony or document will only need to be submitted once (even if pre-filed submission of written testimony and documents to be utilized as exhibits is required by the presiding officer); (2) each item of written testimony will be marked as an exhibit (rather than being incorporated into the transcript per 10 C.F.R. § 2.711(b)); and (3) each document that is to be used in support of your case will be marked as a separate exhibit, regardless of whether any other participant seeks to have that item marked as an exhibit.

Please note also that the estimates provided will be used solely for planning purposes, and will not be a basis for limiting the number of evidentiary hearing exhibits any party may ultimately seek to introduce in the Yucca Mountain adjudication.

Estimated Total Number of Exhibits: _____ TBD _____

COMMENTS:

Morgan Lewis' general experience suggests that the typical number of exhibits for an evidentiary hearing on a contention is between about 30 and 100, depending on the complexity and the subject matter, and acknowledging that the same exhibits may be used for evidentiary hearings on multiple contentions. However, at this time, because, among other things, the Yucca Mountain licensing proceeding was suspended before the discovery process was completed, we cannot provide an estimate of the number of admitted contentions that will proceed to the evidentiary hearing stage. Accordingly, we cannot at this time provide a rough estimate of the total number of exhibits.

Please provide the following information regarding completion of this form:

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