

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: To be determined

COMMENTS:

Nevada cannot provide even a rough estimate, at this time, of the total number of exhibits which it may submit in the Yucca adjudicatory hearings if they should resume. There are many variables which are unknown which may impact the number of exhibits. The two primary unknowns impacting the number of exhibits relate to the number of admitted contentions to be litigated and the number of witnesses (whether by deposition, prefiled testimony, or present at the hearing).

With respect to contentions, there are nearly 300 currently admitted with a substantial number of additional contentions likely to be filed by the parties, should the proceeding resume. (We note, in this respect, that DOE has estimated a figure as high as 100 exhibits per each admitted contention.)

Regarding witness exhibits, an unknown number may be utilized with each witness. We note here that DOE dissolved OCRWM in 2011, with many potential Yucca adjudicatory proceeding witnesses either being reassigned or leaving its employ. It is unknown how many of these persons will be rehired or replaced. Finally, Nevada may identify additional witnesses in connection with existing or new contentions, and it may submit

exhibits in depositions or hearing testimony of the nearly 20 other parties (which number could itself change, should the proceeding resume).

Please provide the following information regarding completion of this form:

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Organization of Respondent: Nevada Agency for Nuclear Projects

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