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March 12, 2018

Chairman Kristine L. Svinicki  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Svinicki:

On behalf of the State of Nevada we want to express our concern regarding your private meeting on March 5, 2018 with representatives of Nye County, Nevada. As we are sure you know, Nye County is a party in the formal adjudicatory proceeding pending before the Commission on the Department of Energy's application for a construction authorization for the proposed high-level waste repository in Yucca Mountain, Nevada. The Commission's rules (10 C.F.R. § 2.347) specifically prohibit you from entertaining any ex-parte communications from Nye County relevant to the merits of any disputed issue, and those rules are applicable even though the adjudicatory proceeding is currently suspended.

We are aware that you notified the State of Nevada and the other parties in the adjudicatory proceeding of the occurrence the meeting -- after it took place -- in the Memorandum to the Parties prepared by Mr. Maxwell C. Smith, your Senior Legal Counsel. It was represented in that Memorandum that you "did not engage in discussion during the visit about any of the adjudicatory challenges to the license application pending before the agency." Nevertheless, reasonable persons would be justified in wondering why (1) the other parties in the adjudicatory proceeding could not have been notified in advance of the meeting and (2) why Nye County would want to meet with you for any reason other than to discuss the pending application (such a reason could have easily been identified in the memorandum).

Given the above, we would appreciate your responding to the following questions:

- (1) Why, and when, did you agree to meet in private with Nye County;
- (2) Why were the other parties not notified in advance of the meeting;
- (3) What was the purpose of the meeting;
- (4) Who attended the meeting;
- (5) What was discussed at the meeting;
- (6) Were any promises or commitments made at the meeting; and
- (7) Were any materials distributed at the meeting or any meeting summaries or notes prepared after the meeting?

We would appreciate a response as soon as possible.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert J. Halstead".

Robert J. Halstead  
Executive Director

RJH/sjh

cc: Mr. Maxwell C. Smith, U.S. Nuclear Regulatory Commission  
Governor Brian Sandoval, State of Nevada  
Attorney General Adam Paul Laxalt, State of Nevada  
Chairman Richard Bryan, Nevada Commission on Nuclear Projects  
Nevada Congressional Delegation  
Service Lists, Docket No. 63-001-HLW

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Atomic Safety and Licensing Board**

<b>In the Matter of</b>	)	
	)	
<b>U.S. DEPARTMENT OF ENERGY</b>	)	<b>Docket No. 63-001-HLW</b>
	)	
<b>(High Level Waste Repository)</b>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *The State of Nevada's Letter to NRC Chair Kristine Svinicki Regarding Her Meeting with Nye County Representatives*, has been served upon the following persons by email this 12th day of March, 2018:

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*(signed electronically)*

Shawnee J. Hughes, Executive Assistant

Dated at Carson City, Nevada  
this 12<sup>th</sup> day of March, 2018



## Docket, Hearing

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**From:** Shawnee J. Hughes <sjhughes@nuc.state.nv.us>  
**Sent:** Monday, March 12, 2018 1:17 PM  
**To:** Lepre, Janet  
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**Subject:** [External\_Sender] Letter from the State of Nevada  
**Attachments:** Halstead to Chairman Svinicki re Ex-parte.pdf

Dear Chairman Svinicki:

I have attached a letter from Executive Director, Robert J. Halstead. This letter is in response to the meeting with Nye County Representatives.

If any additional information is needed from our office, please feel free to contact us.

Best regards,

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