



**OFFICE OF THE GOVERNOR
AGENCY FOR NUCLEAR PROJECTS**

1761 E. College Parkway, Suite 118
Carson City, NV 89706-7954
Telephone (775) 687-3744 • Fax (775) 687-5277
E-mail: nwpo@nuc.state.nv.us

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,



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

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository)

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Docket No. 63-001-HLW

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:

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001
Construction Authorization Board 04
(CAB04)
Thomas S. Moore, Chair
Administrative Judge
thomas.moore@nrc.gov
Paul S. Ryerson
Administrative Judge
paul.ryerson@nrc.gov
Richard E. Wardwell
Administrative Judge
richard.wardwell@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-14A44
Washington, DC 20555-0001
Carrie Safford, Esq.
carrie.safford@nrc.gov
Jessica Bielecki, Esq.
jessica.bielecki@nrc.gov
Adam Gendelman, Esq.
adam.gendelman@nrc.gov
OGC Mail Center
OGCMailCenter@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate
Adjudication
Mail Stop O-7H4M
Washington, DC 20555-0001
OCA Mail Center
ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-4F00
Washington, DC 20555-0001
Hearing Docket
hearingdocket@nrc.gov

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue S.W.
Washington, DC 20585
Martha S. Crosland, Esq.
martha.crosland@hq.doe.gov
Nicholas P. DiNunzio, Esq.
nick.dinunzio@rw.doe.gov
James Bennett McRae
ben.mcrae@hq.doe.gov
Cyrus Nezhad, Esq.
cyrus.nezhad@hq.doe.gov
Christina C. Pak, Esq.
christina.pak@hq.doe.gov

Office of Counsel, Naval Sea Systems
Command
Nuclear Propulsion Program
1333 Isaac Hull Avenue, SE, Building 197
Washington, DC 20376
Frank A. Putzu, Esq.
frank.putzu@navy.mil

For U.S. Department of Energy
Talisman International, LLC
1000 Potomac St., NW, Suite 300
Washington, DC 20007
Patricia Larimore, Senior Paralegal
plarimore@talisman-intl.com

Counsel for U.S. Department of Energy
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Lewis M. Csedrik, Esq.
lcsedrik@morganlewis.com
Thomas D. Poindexter, Esq.
tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
tschmutz@morganlewis.com
Paul J. Zaffuts, Esq.
pzaffuts@morganlewis.com
Andrea Preate-Regni, Esq.
apreate-regni@morganlewis.com
Shannon Staton, Legal Secretary
sstaton@morganlewis.com
Elaine M. Hirsch, Legal Secretary
ehirsch@morganlewis.com

Counsel for State of Nevada
Egan Fitzpatrick Malsch & Lawrence, PLLC
1750 K Street, NW, Suite 350
Washington, DC 20006
Martin G. Malsch, Esq.
mmalsch@nuclearlawyer.com
Susan Montesi:
smontesi@nuclearlawyer.com
Counsel for State of Nevada

Egan Fitzpatrick Malsch & Lawrence, PLLC
7500 Rialto Boulevard
Building 1, Suite 250
Austin, TX 78735
Charles J. Fitzpatrick, Esq.
cfitzpatrick@nuclearlawyer.com
John W. Lawrence, Esq.
jlawrence@nuclearlawyer.com
Laurie Borski, Paralegal
lborski@nuclearlawyer.com

Bureau of Government Affairs
Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701
Belinda Suwe, Deputy Attorney General
bsuwe@ag.nv.gov
Marta Adams, Special Deputy Attorney
General
adamsnaturalresourcesllc@gmail.com

Nevada Agency for Nuclear Projects
Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Robert J. Halstead, Executive Director
bhalstead@nuc.state.nv.us
Steve Frishman, Tech. Policy Coordinator
steve.fr@hotmail.com
Susan Lynch, Administrator of Technical
Programs
szzee@nuc.state.nv.us

Nye County Regulatory/Licensing Advisor
18160 Cottonwood Rd. #265
Sunriver, OR 97707
Malachy Murphy, Esq.
mrmurphy@chamberscable.com

Nye Co. Nuclear Waste Repository Project
Office
2101 E. Calvada Boulevard, Suite 100
Pahrump, NV 89048
Celeste Sandoval, Quality Assurance Records
Spec.
csandoval@co.nye.nv.us

Counsel for Lincoln County, Nevada
Whipple Law Firm
1100 S. Tenth Street
Las Vegas, NV 89017
Annie Bailey, Legal Assistant
baileys@lcturbonet.com
Adam L. Gill, Esq.
adam.whipplelaw@yahoo.com
Eric Hinckley, Law Clerk
erichinckley@yahoo.com
Bret Whipple, Esq.
bretwhipple@nomademail.com

Lincoln County District Attorney
P. O. Box 60
Pioche, NV 89403
Gregory Barlow, Esq.
lcda@lcturbonet.com

Lincoln County Nuclear Oversight Program
P.O. Box 1068
Caliente, NV 89008
Connie Simkins, Coordinator
connie@lcnop.com

For Lincoln County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
mikebaughman@charter.net

Counsel for Nye, County, Nevada
601 Pennsylvania Avenue NW
North Building, Suite 1000
Washington, DC 20004
Robert Andersen, Esq.
randersen@clarkhill.com
Christopher Clare, Esq.
cclare@clarkhill.com

Clark County, Nevada
500 S. Grand Central Parkway
Las Vegas, NV 98155
Phil Klevorick, Sr. Mgmt Analyst
klevorick@clarkcountynv.gov
Elizabeth A. Vibert, Deputy District Attorney
Elizabeth.Vibert@ClarkCountyDA.com

Counsel for Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg,
LLP
1726 M Street N.W., Suite 600
Washington, DC 20036
Diane Curran, Esq.
dcurran@harmoncurran.com

Eureka County, Nevada
Office of the District Attorney
701 S. Main Street, Box 190
Eureka, NV 89316-0190
Theodore Beutel, District Attorney
tbeutel.ecda@eurekanv.org

Nuclear Waste Advisory for Eureka
County, Nevada
1983 Maison Way
Carson City, NV 89703
Abigail Johnson, Consultant
saged183@gmail.com

For White Pine County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
mikebaughman@charter.net

For Eureka County, Nevada
NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, Consultant
nwop@comcast.net

Eureka County Public Works
PO Box 714
Eureka, NV 89316
Ronald Damele, Director
rdamele@eurekanv.org

Counsel for Churchill, Esmeralda, Lander,
and Mineral Counties, Nevada
Armstrong Teasdale, LLP
3770 Howard Hughes Parkway
Suite 200
Las Vegas, NV 89169
Tara Baugh
tbaugh@armstrongteasdale.com

Kolesar & Leatham
400 S. Rampart Boulevard
Suite 400
Las Vegas, NV 89145
Robert F. List, Esq.
rlist@klnevada.com

Esmeralda County Repository Oversight
Program-
Yucca Mountain Project
PO Box 490
Goldfield, NV 89013
Edwin Mueller, Director
muellered@msn.com

Mineral County Nuclear Projects Office
P.O. Box 1600
Hawthorne, NV 89415
Linda Mathias, Director
yuccainfo@mineralcountynv.org

For Lincoln and White Pine County, Nevada
Jason Pitts, LSN Administrator
P.O. Box 126
Caliente, NV 89008
jayson@idtservices.com

For White Pine County, Nevada
Michael Wheable, District Attorney
801 Clark Street, Suite 3
Ely, NV 89301
mwheable@whitepinecountynv.gov

White Pine Co. Nuclear Waste Project Ofc
959 Campton Street
Ely, NV 89301
Mike Simon, Director
wpnucwst1@mwpower.net

Counsel for Inyo County, California
Gregory L. James, Attorney at Law
712 Owens Gorge Road
HC 79, Box
Mammoth Lakes, CA 93546
gljames@earthlink.net

Counsel for Inyo County, California
Law Office of Michael Berger
479 El Sueno Road
Santa Barbara, CA 93110
Michael Berger, Esq.
michael@lawofficeofmichaelberger.com
Robert Hanna, Esq.
robert@lawofficeofmichaelberger.com

Inyo Co Yucca Mountain Repository
Assessment Office
P. O. Box 367
Independence, CA 93526-0367
Cathreen Richards, Associate Planner
crichards@inyocounty.us

Counsel for State of Washington
Office of the Attorney General
P. O. Box 40117
Olympia, WA 98504-0117
Todd R. Bowers, Esq.
toddb@atg.wa.gov
Andrew A. Fitz, Esq.
andyf@atg.wa.gov
Michael L. Dunning, Esq.
michaeld@atg.wa.gov
H. Lee Overton, Esq.
leeol@atg.wa.gov
Danielle French, Esq.
daniellef@atg.wa.gov
Teresa Trippel, Esq.
teresat@atg.wa.gov

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
Kirk C. Oliver, Esq.
Senior Staff Counsel
kirk.oliver@energy.ca.gov

California Department of Justice
Office of the Attorney General
1515 Clay Street, 20th Fl, PO Box 70550
Oakland, CA 94612-0550
Timothy E. Sullivan, Deputy Attorney
General
timothy.Sullivan@doj.ca.gov

California Department of Justice
Office of the Attorney General
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013
Megan Hey, Esq.
megan.hey@doj.ca.gov

Counsel for State of South Carolina
Davidson & Lindemann, P.A.
1611 Devonshire Drive
P.O. Box 8568
Columbia, SC 29202
Kenneth P. Woodington, Esq.
kwoodington@dml-law.com

Counsel for Aiken County, SC
Haynsworth Sinkler Boyd, PA
1201 Main Street, Suite 2200
P. O. Box 11889
Columbia, SC 29211-1889
Thomas R. Gottshall, Esq.
tgottshall@hsblawfirm.com
Ross Shealy, Esq.
rshealy@hsblawfirm.com

Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL 32303
Samantha M. Cibula, Esq.
scibula@psc.state.fl.us

Counsel for Native Community Action
Council
Alexander, Berkey, Williams & Weathers
LLP
2030 Addison Street, Suite 410
Berkeley, CA 94704
Curtis G. Berkey, Esq.
cberkey@abwwlaw.com
Rovianne A. Leigh, Esq.
rleigh@berkeywilliams.com
Scott W. Williams, Esq.
swilliams@abwwlaw.com

Native Community Action Council
P.O. Box 140
Baker, NV 89311
Ian Zabarte, Member of Board of Directors
mrizabarte@gmail.com

Counsel for Prairie Island Indian
Community
Public Law Resource Center PLLC
505 N. Capitol Avenue
Lansing, MI 48933
Don L. Keskey, Esq.
donkeskey@publiclawresourcecenter.com

Prairie Island Indian Community Legal
Department
5636 Sturgeon Lake Road
Welch, MN 55089
Philip R. Mahowald, Esq.
pmahowald@piic.org

Nuclear Energy Institute
Office of the General Counsel
1776 I Street, NW Suite 400
Washington, DC 20006-3708
Jerry Bonanno, Esq.
jxb@nei.org
Anne W. Cottingham, Esq.
awc@nei.org
Ellen C. Ginsberg, Esq.
ecg@nei.org

Counsel for Nuclear Energy Institute
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW
Washington, DC 20036
Jay E. Silberg, Esq.
jay.silberg@pillsburylaw.com
Timothy J.V. Walsh, Esq.
timothy.walsh@pillsburylaw.com

Counsel for Nuclear Energy Institute
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817
William A. Horin, Esq.
whorin@winston.com
David A. Repka, Esq.
drepka@winston.com
Carlos L. Sisco, Senior Paralegal
csisco@winston.com

Counsel for National Association of
Regulatory Utility Commissioners
(NARUC)
1101 Vermont Avenue NW, Suite 200
Washington, DC 20005
James Ramsay, Esq.
jramsay@naruc.org
Robin Lunt, Esq.
rlunt@naruc.org

Fredericks, Peebles, & Morgan LLP
3610 North 163rd Plaza
Omaha, NE 68116
Shane Thin Elk, Esq.
sthinelk@ndnlaw.com

For Joint Timbisha Shoshone Tribal Group
Indian Village Road, P.O. Box 206
Death Valley, CA 92328-0206
Joe Kennedy, Executive Director
joekennedy08@live.com
Tameka Vazquez, Bookkeeper
purpose_driven12@yahoo.com

Counsel for Joint Timbisha Shoshone Tribal Group
Fredericks, Peebles, & Morgan LLP
1001 Second St.
Sacramento, CA 95814
Felicia M. Brooks, Data Administrator
fbrooks@ndnlaw.com
Ross D. Colburn, Law Clerk
rcolburn@ndnlaw.com
Sally Eredia, Legal Secretary
seredia@ndnlaw.com
Darcie L. Houck, Esq.
dhouck@ndnlaw.com
Brian Niegemann, Office Manager
bniegemann@ndnlaw.com
John M. Peebles, Esq.
jpeebles@ndnlaw.com
Robert Rhoan, Esq.
rrhoan@ndnlaw.com

(signed electronically)

Shawnee J. Hughes, Executive Assistant

Dated at Carson City, Nevada
this 12th day of March, 2018

Docket, Hearing

From: Shawnee J. Hughes <sjhughes@nuc.state.nv.us>
Sent: Monday, March 12, 2018 1:17 PM
To: Lepre, Janet
Cc: Smith, Maxwell; Ryerson, Paul; Wardwell, Richard; carrie.saffod@nrc.gov; Bielecki, Jessica; Gendelman, Adam; OGCMailCenter Resource; OCAAMAIL Resource; Docket, Hearing; martha.crosland@hq.doe.gov; nick.dinunzio@rw.doe.gov; ben.mcrae@hq.doe.gov; cyrus.nezhad@hq.doe.gov; christina.pak@hq.doe.gov; frank.putzu@navy.mil; plarimore@talismen-intl.com; lcsedrik@morganlewis.com; tpindexter@morganlewis.com; apolonsky@morganlewis.com; tschmutz@morganlewis.com; pzaffuts@morganlewis.com; apreare-regni@morganlewis.com; sstaton@morganlewis.com; ehirsch@morganlewis.com; mmalsch@nuclearlawyer.com; smontesi@nuclearlawyer.com; cfitzpatrick@nuclearlawyer.com; jlarence@nuclearlawyer.com; lborski@nuclearlawyer.com; bsuwe@ag.nv.gov; adamsnaturalresourcesllc@gmail.com; Bob J. Halstead; steve.fr@hotmail.com; Susan Lynch; mrmurphy@chamberscable.com; csandoval@co.nye.nv.us; baileys@lcturbonet.com; adam.whipplelaw@yahoo.com; erichinckley@yahoo.com; bretwhipple@nomademail.com; lcda@lcturbonet.com; connie@lcnop.com; mikebaughman@charter.net; randersens@clarkhill.com; cclare@clarkhill.com; klevorick@clarkcountynv.gov; Elizabeth.Vibert@ClarkCountyDA.com; dcurran@harmoncurran.com; tbeutel.ecda@eurekanv.org; saged183@gmail.com; mikebaughman@charter.net; nwop@comcast.net; rdamele@eurekanv.org; tbaugh@armstrongteasdale.com; rlist@knevada.com; muellered@msn.com; yuccainfo@mineralcountynv.org; jayson@idtsservices.com; mwheable@whitepinecountynv.gov; wpnucwst1@mwpower.net; gljames@earthlink.net; michael@lawofficeofmichaelberger.com; robert@lawofficeofmichaelberger.com; crichards@inyocounty.us; toddb@atg.wa.gov; andyf@atg.wa.gov; michael@atg.wa.gov; leo1@atg.wa.gov; daniellef@atg.wa.gov; teresat@atg.wa.gov; kirk.oliver@energy.ca.gov; timothy.Sullivan@doj.ca.gov; megan.hey@doj.ca.gov; kwoodington@dml-law.com; tgottshall@hsblawfirm.com; rshealy@hsblawfirm.com; scibula@psc.state.fl.us; cberkey@abwwlaw.com; rleigh@berkeywilliams.com; swilliams@abwwlaw.com; mrizabarte@gmail.com; donkeskey@publiclawresourcecenter.com; pmahowald@piic.org; jxb@nei.org; awc@nei.org; ecg@nei.org; jay.silberg@pillsburylaw.com; imothy.walsh@pillsburylaw.com; whorin@winston.com; drepka@winston.com; csisco@winston.com; jramsay@naruc.org; rlunt@naruc.org; sthinelk@ndnlaw.com; joekennedy08@live.com; purpose_driven12@yahoo.com; fbrooks@ndnlaw.com; rcolburn@ndnlaw.com; seredia@ndnlaw.com; dhouck@ndnlaw.com; bnriegemann@ndnlaw.com; jpeebles@ndnlaw.com; rrhoan@ndnlaw.com
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,

Shawnee J. Hughes, *Executive Assistant*
Nevada Agency for Nuclear Projects
Office of the Governor
1761 E. College Parkway, Ste. 118
Carson City, Nevada 89706
Phone: (775) 687-3744 Fax: (775) 687-5277