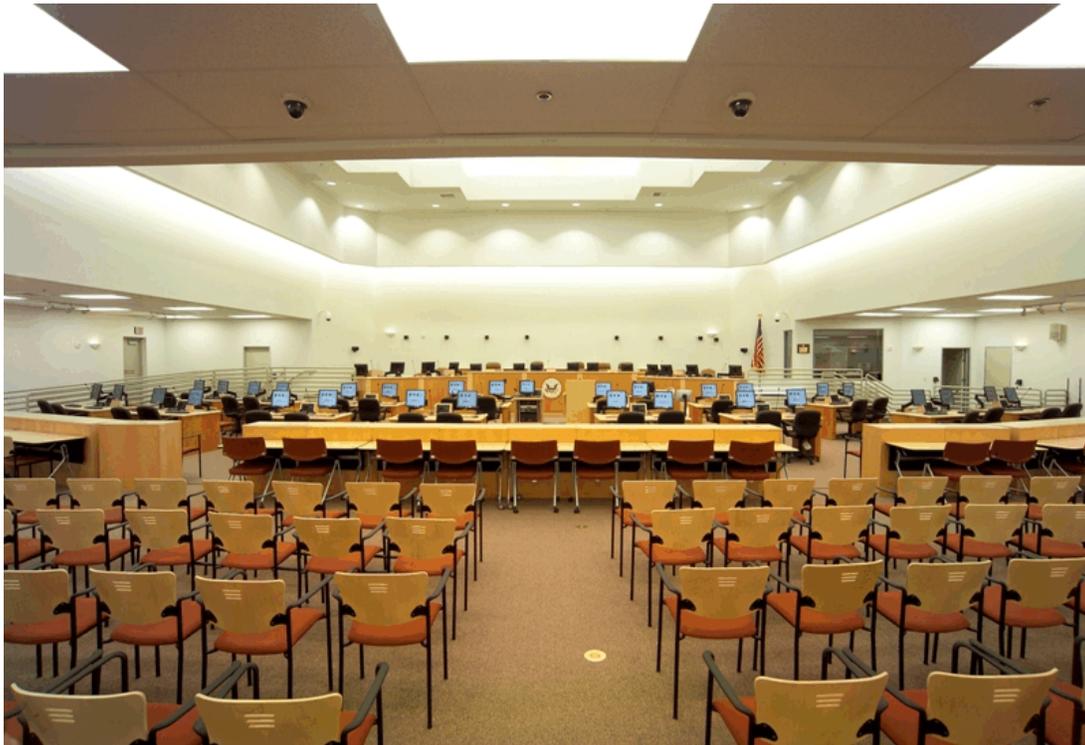


Policies and Procedures for Participants Attending Adjudicatory Proceedings Conducted at the NRC Las Vegas Hearing Facility



NRC Las Vegas Hearing Facility
Pacific Enterprise Plaza, Building 1
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Policies and Procedures for Participants Attending Adjudicatory Proceedings Conducted at the NRC Las Vegas Hearing Facility (LVHF)

This handbook provides guidance regarding accessing and using the LVHF for participants in the Yucca Mountain proceeding.

I. How to Get to the LVHF

A. Public Transportation

The Las Vegas Hearing Facility (LVHF) is located at 3250 Pepper Lane, Las Vegas, Nevada. The LVHF is near several public transportation routes including the 111 (Green Valley/Pecos) and 212 (Sunset) Regional Transportation Commission (RTC) of Southern Nevada bus routes, both of which have stops within two blocks of the facility. (See <http://www.rtcsonthernnevada.com/cat/routes/index.php>.) Buses on these RTC routes are scheduled to run at intervals of approximately 30 minutes on weekdays.

B. Private Transportation – Parking for Automobiles

For those participants wishing to drive to the facility, there is **limited** curbside parking in the vicinity of the facility that is available on a first-come, first-served basis. Appendix A to this handbook shows the currently available public parking within reasonable walking distance of the LVHF. In addition, a limited number of spaces located in a gated lot directly in front of the facility are available on an assigned basis for the use of participants in adjudicatory proceedings conducted at the facility. Requests for this reserved parking should be submitted as outlined in Section V.A below.

Handicapped parking is also available in this gated reserved lot for hearing participant vehicles displaying a handicapped license plate, hang-tag, or placard.

Although there is a large parking lot in the business complex to the south of the LVHF, this parking is restricted to those working or having business in the buildings surrounding that lot during weekday business hours. Other vehicles might be ticketed and/or towed.

II. Entering and Using the LVHF

A. Entering the Facility Through the Lobby Security Checkpoint

Under Federal Protective Service (FPS) and NRC security requirements, each time a person wishes to enter the LVHF to attend an adjudicatory session, the individual must come into the building through the building's front entrance located on Pepper Lane and go through a security screening process in the building lobby. These individuals must walk through a metal detector, and all handbags, brief cases, packages, boxes, etc., will be subject to screening. NRC employees will be required to undergo this same security screening process unless they display their agency-issued identification badges to the security guard on duty, in which case

they will be permitted to enter the facility following the same procedures used at NRC headquarters.

Items prohibited inside the facility include:

- Firearms of any type (including those for which the individual has a state-issued carry permit) and explosives of any type
- Knives or any implements that have a blade or other sharpened surface
- Hazardous or toxic substances (e.g., chemicals)
- Sticks, poles or similar devices
- Signs, banners, posters, or displays

Because there are no storage facilities available on or around the LVHF, an individual attempting to bring these items into the facility will not be permitted to enter.

Given the possibility that numerous individuals may wish to observe the proceedings, coupled with the fact that everyone is subject to security screening, participants should make every effort to arrive at the LVHF **WELL IN ADVANCE** of the time the hearing is scheduled to begin or resume.

B. Post-Security Screening Facility Access for Hearing Participants

1. Hearing Room-Area Access

Once the security screening process is completed, the hearing participant is free to move about in the large ante-room space outside the hearing room (which includes restroom facilities) and enter the hearing room. If a participant has been given access to conference room space for a particular adjudicatory session in accordance with Sections II.B.2 and IV.A below, the participant also may access the conference room.

Any individual observed in other portions of the LVHF without authorization from the presiding officer (including any portion of the LVHF's second floor or outdoor areas not open to hearing participants) may be escorted from the building and refused further entry, as appropriate.

2. Hearing Participant Conference Space Access

Hearing conference room space will be made available to a hearing participant and a limited number of individuals associated with that participant (e.g., participant counsel/representatives and those assisting them in the proceeding, including administrative personnel and witnesses). The conference room space is located off a limited-access corridor on the east/right-hand side of the LVHF.

After going through the initial security screening process, participants and those individuals associated with hearing participants who have been given access to a conference room must identify themselves to security personnel to obtain an access badge and the four-number PIN to be used for that hearing session. By entering the four-number PIN into a door-side keypad, a participant can then enter the conference room corridor through the doorway (1) on the east/right-hand side of the LVHF's main lobby area; or (2) on the east/right-hand side of the hearing room (near the information technology (IT) control booth). (Security personnel can provide instruction on use of the keypad, if necessary.) Once in the conference room area, an individual generally should move between the conference room area and the hearing room using the door on the east/right-hand side of the hearing room that goes directly into the hearing room from the conference space (rather than going back through the main lobby/security screening area).

To ensure their own security, hearing participants having access to the hearing conference room area must not allow individuals who have not been authorized to use the conference room area to gain entry to that space by "tailgating" or other means, i.e., hearing participants with access to this conference room area should ensure that anyone following them into this conference room space has an appropriate access badge. Anyone authorized to access the conference room area who allows an unauthorized person to enter the conference room space may have his/her conference room access revoked.

While in the conference room space, participants are prohibited from entering the IT control rooms adjacent to the northeast corner of the hearing room. Additionally, and except in an emergency (e.g., fire alarm), participants are prohibited from accessing (1) the restricted corridor area adjacent to the northwest corner of the hearing room, which is controlled by a door with a panic bar that will sound an alarm if opened; and (2) the fenced, outdoor courtyard area just to the east of the LVHF, which is controlled by the door located across the hall from the door leading into the front/lobby security screening area. Any individual observed within these restricted portions of the facility without authorization may have his/her conference room space access revoked. Corridors in the conference room area are monitored by security cameras on a continuous basis.

C. Use of Tobacco Products In and Around the LVHF

Use of tobacco products inside the LVHF is prohibited. Use of tobacco products on the grounds outside of the facility is permitted only in those areas designated for smoking in the front of the building.

D. Medical or other Emergencies While in the LVHF

If a hearing participant suffers a medical emergency while in the LVHF, the individual or anyone else available should immediately contact one of the facility security personnel.

In the event that an emergency requires building evacuation, all hearing participants must exit the building promptly through one of the marked emergency exits, following any instructions given by the LVHF Facility Manager, security personnel, or the Atomic Safety and Licensing Board (Licensing Board) Chair.

III. Conduct in the Hearing Room

A. General Guidance During Hearings

Hearing participants are expected to conduct themselves with the same honor, dignity, and decorum they would before a court of law. All hearing participants are expected to follow the directions of the Licensing Board Chair, the LVHF Facility Manager, or security personnel regarding the use of the LVHF and their conduct in the hearing room. The ante-room area in front of the hearing room as well as the hearing room itself are monitored by security cameras on a continuous basis. During proceedings in which the Digital Data Management System (DDMS) is used, a digital audio/video record of the proceeding is available to other DDMS users, and that same signal may be webstreamed or broadcast by press/media outlets.

B. Food and Beverages

Consumption of food or beverages of any kind is prohibited in the hearing room. Hearing participants seated within the well of the hearing room will be provided with drinking water.

Hearing participants are advised that the LVHF does not contain any vending or other machines that dispense beverages or food. Water fountains are available in the ante-room off the hearing room, near the restrooms.

C. Use of Cameras/Audio Recording Devices

Hearing participants are not permitted to use cameras of any kind or audio recording devices in the hearing room while a hearing is in session. Use of cameras or audio recording is not permitted in the well of the hearing room at any time.

D. Use of Cell Phones and Other Wireless Communication Devices

Cell phones and other wireless communication devices (e.g., Blackberries) must be turned off or placed in vibrate mode while a hearing is in session.

E. Use of Laptop Computers/Note Taking

Hearing participants and their litigation support staff may be permitted to use laptop computers at the tables in the well of the hearing room or the designated tables along the row of bookcases that separate the hearing room well from the audience area for the purpose of taking notes, accessing or displaying hearing-related documents stored on the computer's hard drive, or conducting other hearing-related activities.

Use of a laptop computer for non-hearing-related activities is prohibited. While a hearing is in session, use of a laptop computer by a participant or litigation support staff member that is disruptive (e.g., noisy) or for conducting personal or non-hearing-related office business, such as accessing personal/office e-mail accounts, web-browsing, playing games, etc., may result in the user being denied further use of the laptop computer in the hearing room.

As is the case with conference room use of laptop computers, see Section IV.A.2 below, participants will need to have their own wireless internet service for their computer.

F. Handicapped-Access to Hearing Room Functions

The LVHF and the hearing room have been designed to accommodate handicapped individuals. Those with hearing, visual, or other handicaps who are planning to attend a hearing as participants should contact the LVHF Facility Manager as far in advance of the hearing as possible to discuss arrangements for making reasonable accommodations.

IV. Assignment and Use of Conference Rooms

A. Procedures for Obtaining a Conference Room

1. Securing a Conference Room Assignment

Hearing conference room space is assigned on a hearing session basis, i.e., a conference room assignment is valid for the period of a specific hearing activity before a Licensing Board. Conference room assignments will be made as follows:

- a. Prior to each hearing session, the Licensing Board (or its designee) will notify the appropriate potential participants about the schedule for the session and request that each participant indicate whether it will need conference room space during the session.
- b. A hearing participant that wishes to obtain conference room space for a particular hearing session must respond timely to this request to be considered for a conference room assignment for the session.
- c. The Licensing Board (or its designee) will review conference room requests and provide notice to the participant and LVHF security personnel if a conference room is assigned to the participant for use during the hearing session. If demand exceeds supply, a single conference room may be assigned to several hearing participants having similar interests. Hearing participants should act cooperatively and respectfully toward those with whom they are assigned to share a conference room.

2. Guidelines for Using an Assigned Conference Room

A LVHF conference room is intended to provide a participant with a place to store garments and documentary material and to hold discussions with those who are essential members of its litigation team. Each room is equipped with a telephone for making local calls, a data phone jack that will provide a local dial-up connection for laptop fax or internet capability, a conference table with six chairs, and a DDMS terminal. Hearing participants should be aware of the following limitations relative to each conference room:

- a. Conference rooms ***should not*** be considered “secure” repositories for important/sensitive “tactical” documents or other materials a participant considers litigation-critical, or for personal items of value (e.g., purses/briefcases containing items such as wallets or small electronic devices). Conference room doors ***cannot be locked***. During evidentiary hearings, each conference room will be provided with a small safe with a user-programmable combination in which to store unclassified material under protective order (e.g., proprietary material) that is needed for use during a hearing session. Sensitive information or personal belongings should not be left in a conference room safe beyond the end of the prehearing/hearing session because the LVHF Facility Manager will inspect and empty all conference room safes after each session has concluded.
- b. Conference room walls ***are not sound-proof***, so hearing participants should be careful regarding the volume and content of their discussions while in a conference room.
- c. Conference room access will be afforded only on the days when a hearing session is actually being held and then only shortly before, during, and shortly after the time when the hearing is in session on that day.

Accordingly, the conference rooms should not be considered or treated as litigation “war rooms” for storing litigation materials or conducting confidential strategy discussions or witness interviews during early morning/evening/weekend periods when hearings are not in session.

- d. Participants are not permitted to install their own copiers, stand-alone fax machines, or phone lines in a conference room assigned for their use. Participants who wish to use a laptop computer in a conference room to access the internet via a high-speed service must provide their own wireless internet service.
- e. Although participants may bring food and beverages into conference rooms, those items should not be carried into or consumed in the hearing room. See Section III.B above. Participants are responsible for disposing of all food and beverage containers and their contents in an appropriate trash receptacle prior to leaving the LVHF for the day.

B. Conference Room Area Access

1. Participant Access Authorization

As is the case with conference room assignments, participant access to assigned conference rooms is authorized on a hearing session basis. Conference room area access will be authorized as follows:

- a. In conjunction with its request to participants to indicate whether they need a conference room for a particular hearing session, the Licensing Board (or its designee) will also direct each participant requesting a conference room to

provide a list of all individuals who will need access to the room during that session.

- b. A hearing participant must respond timely to this request to ensure that all those it believes need access to any assigned conference room are considered. The access list should include only those individuals who are integral members of the participant's litigation team, including counsel and representatives who have entered an appearance for the participant, paralegals and other litigation support personnel, and witnesses who will testify in the proceeding. Access lists containing more than 10 names must be accompanied by a written justification explaining why each of the individuals on the list needs conference room access.
- c. The Licensing Board (or its designee) will review the participant access requests and provide a list of approved individuals to the participant and security personnel at the LVHF for use during the hearing session.
- d. Requests for additions to a participant access list during the hearing session should be directed in writing to the Licensing Board (or its designee) and will be allowed at the discretion of the Board (or its designee). Such a request should be made well in advance of the time the individual will need to have access to the conference room space to ensure the request can be timely considered and processed.

2. Accessing a Conference Room during a Hearing Session

After entering the facility and completing security screening, those who have received conference space access authorization for the session in accord with Section IV.A.1 above should identify themselves to security personnel. Security personnel, after determining his/her name is on the approved access list, will issue the individual an access identification badge and four-number PIN. As described in Section II.B.2 above, both the ID badge and the PIN are needed to access the conference room space during that session.

If an individual with conference room space access wishes to leave the LVHF temporarily (e.g., for lunch), he/she should return the access badge to security personnel in the lobby when exiting the building. If the individual returns to the facility that same day, after completing the security screening process, the access badge will be returned to the individual upon request. Access badges also should be returned to security personnel when the individual leaves and does not intend to return to the facility that day (e.g., after the hearing is adjourned for the day).

For a multi-day hearing session, each individual with access authorization will need to obtain an access badge each day after completing the security screening process. The PIN issued at the beginning of the session will remain in effect during the entire period of the session.

3. Post-Hearing Session Conference Room Access

When the period of the hearing session is completed, the PIN number provided to each individual with conference room area access for that hearing session will be canceled. If that individual later wishes to attend another hearing session and is identified by a participant as requiring conference room access, if approved by the Licensing Board (or its designee), upon clearing the security screening process he/she will be able to obtain an access card and a new PIN, which will be valid during that session.

V. Assignment and Use of Reserved Parking

A. Reserving Parking

As was noted in Section I.B above, reserved parking is available for a limited number of participant automobiles in a lot directly in front of the LVHF. Reserved parking spaces in this lot will be assigned as follows:

1. In conjunction with its request to participants to indicate whether they need conference room space for a particular hearing session, the Licensing Board (or its designee) will also direct that each participant indicate whether it is requesting reserved parking for the session and, if so, how many spaces.
2. A hearing participant that wishes to be provided reserved parking space for a particular hearing session must respond timely to this request to be considered for parking space assignments for the session. Requests for more than two spaces per participant are generally disfavored absent a detailed justification as to why additional spaces are needed.
3. Since it is presumed that one or more of those individuals listed as needing conference room access will be driving or a passenger in a vehicle for which a reserved parking space is requested, if a participant requests a reserved parking space but does not request conference room space, the parking space request must be accompanied by a list identifying those individuals who would be driving or a passenger in the vehicle (or vehicles) that would be parked at the LVHF.
4. The Licensing Board (or its designee) will review participant requests for reserved parking and provide the participant and security personnel at the LVHF for use during the hearing session with a determination regarding (1) the number of reserved spaces assigned to the participant; and (2) if conference room space is not requested, those individuals who are approved as drivers/passengers for participant vehicles using the assigned reserved space.

B. Accessing Reserved Parking

In each instance in which a participant vehicle seeks to enter the LVHF reserved parking lot to use a space assigned to that participant, an individual driving or riding in the vehicle must

be on the list of (1) those who have been approved for conference room access; or (2) if no conference room was requested, those approved as drivers/passengers for a participant vehicle assigned a reserved space. The following process must be used for accessing a reserved parking space:

1. The vehicle to be parked should stop in front of the gate across the entrance to the LVHF reserved parking area so that the driver can access the gate intercom system.
2. Using the intercom system, the driver should (1) identify himself/herself to security personnel as an individual who is either (i) approved for conference room access during the hearing session on behalf of a particular participant with approved reserved parking, or (ii) approved as a driver/passenger for a participant vehicle that would be parked in an approved reserved space; and (2) provide security personnel with the license plate number of the car.
3. Security personnel will check the lists of those who have been approved for conference space access or to drive a reserved parking space vehicle for a particular participant and, if the driver is listed, provide the driver with a reserved space number that the vehicle is to occupy during that day of the hearing session.
4. Once the reserved parking area entrance gate is raised, the driver should proceed to the assigned space and park in that space. If the assigned space is taken, the driver should park the vehicle in another non-handicapped open space and notify security personnel immediately that the assigned space is occupied.

Participants should be aware that only the number of vehicles that have been approved by the Licensing Board (or its designee) for that participant will be permitted to park in the reserved lot. If additional vehicles occupied by those representing a participant attempt to access the lot, they will be denied entry regardless of who is driving the vehicle.

Participant vehicles with authorization to use the reserved parking lot should not permit other vehicles to "tailgate" through the gated lot entrance when they are entering or leaving the parking lot and should notify security personnel immediately if tailgating by another vehicle occurs.

Parking a participant vehicle in the LVHF reserved park lot without an assigned spot or parking in a space other than the space assigned by security personnel may result in the participant having its reserved parking access revoked.

Overnight parking in the facility reserved parking lot by hearing participants is prohibited and may result in the participant having its reserved parking access revoked.

The reserved parking area is monitored by security cameras on a continuous basis.

C. Post-Hearing Session Status of Reserved Parking

A reserved parking space assignment lasts only for the duration of a hearing session. If a participant requires a parking space for another hearing session and timely identifies that need, if approved by the Licensing Board (or its designee) a new parking space assignment will be made that will be valid during that session.

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