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September 4, 2001

The Honorable Spencer Abraham
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave. SW
Washington, D.C. 20585

VIA FACSIMILE - 202-586-4403

Dear Secretary Abraham:

Southwest Research and Information Center (SRIC) strongly objects to the lack of proper, reasonable notice and opportunity for hearing on the DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository.

On August 21, 2001, with less than 30 days for any interested person to read the DOE's more than 370-page technical report, "Yucca Mountain Preliminary Site Suitability Evaluation," your agency announced it was holding public hearings on the site recommendation of Yucca Mountain in three Nevada locations between September 5th and 13th. Not only are these "informal" hearings provided with totally inadequate notice, but, for persons such as SRIC's staff, board of directors, and supporters, who will be affected by the requisite transportation of high-level nuclear waste through their hometowns via rail and road, your agency has provided no public hearings to comment on the suitability of the recommendation.

The three, 3-hour meetings in Nevada is not an adequate opportunity for public hearing on a project of this magnitude and immense potential danger to present and future generations living near Yucca Mountain and on transportation routes throughout the county. Such a process also is wholly deficient when compared with the public hearing processes that have previously been held over the past 18 years under the Nuclear Waste Policy Act (NWPA), many of which SRIC has participated in. The entire process, including inadequate notice, clearly indicates that you have made up your mind to recommend the Yucca Mountain site, notwithstanding the technical inadequacy of the site and the strong public opposition to the project.

In addition, it is plain that the notice you provided was defective not only for being absurdly short notice, but for providing notice for a hearing at the Suncoast Hotel in Las Vegas, canceling that site, then providing another site with an incorrect address. Moreover, your agency provided in that final notice on August 31st, the wrong address of the meeting. Thus, you have provided no accurate notice of the Las Vegas hearing.

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Finally, it is plain from the notices your agency published in the Federal Register on August 21, 27 and 31, that the public is not clearly placed on notice that these are public hearings on your agency's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository. Persons reading the notice are given the impression that these are merely hearings on the preliminary site suitability evaluation. Even then, your provision of less than thirty days notice from the availability of the 370-page evaluation and the few hearings in Nevada make it impossible for ordinary citizens to have any meaningful participation in such meetings.

There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that persons such as ourselves--and affected Nevadans--must have at least reasonable notice and an opportunity to be heard on a decision such as this one, a decision with vast repercussions and grave potential dangers. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protections of citizens' rights to due process in this instance. We are certain you have violated our rights and those of the citizens of Nevada.

We call on you to reschedule these hearings with adequate notice and a meaningful opportunity to be heard by all persons who will be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository.

Sincerely,



Don Hancock

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