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September 4, 2001

The Hon. Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Dear Secretary Abraham,

I am writing as an attorney who serves on the Board of the Lawyers' Committee on Nuclear Policy, and as a concerned citizen who has been greatly influenced by the work of scientists like Dr. Arjun Makhijani, author of books critical of government policy such as High-Level Dollars, Low-Level Sense. I am now writing to register my strong objection to the lack of proper notice and reasonable opportunity for hearing on DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository.

Your agency provided inadequate notice of public hearings, and *no* opportunity for citizens living near projected routes for transportation of hazardous nuclear wastes to comment on the suitability of such routes. Your notice was also defective in other aspects such as providing an incorrect address for a hearing site after cancelling one site. Finally, the notices published by your agency in the CFR on August 21, 27 and 31 give the impression that the hearings are merely preliminary ones on evaluating of site suitability, rather than your agency's decision to formally recommend Yucca Mountain as the site for a national high level waste repository.

The Due Process clause of the Fifth Amendment to the U.S. Constitution supercedes whatever countervailing provisions there may be in the Nuclear Waste Policy Act. I therefore call on you to reschedule these hearings with adequate notice and a meaningful opportunity to be heard by all persons who would be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository. While I am unable to attend in person, I request that this letter be made part of the public hearings.

Sincerely,  
*Elizabeth J. Shafer*  
Elizabeth J. Shafer

cc. Lake Barrett; Carol Hanlon