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Joan Claybrook, President

March 17, 2000

Chairman Richard A. Meserve  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Meserve:

Last fall, the NRC held a meeting to solicit the opinions of both the nuclear industry and the public on the NRC's intention to shift from formal to informal hearings on reactor issues and on the licensing of Yucca Mountain as a high-level waste repository.

We see no reason to give away our rights to cross-examination and discovery in order to garner the minimal benefits of an informal hearing. We believe that this move to circumscribe the public's rights in NRC hearings is wrong and will further erode public confidence in the NRC, the nuclear industry and any potential resolution of the high-level nuclear waste problem.

While the NRC may have the ability to limit the public's hearing rights, to do so would be to renege on promises already made to and relied upon by the public. According to former NRC Commissioner Peter Bradford:

The current NRC adjudicatory hearing process was developed as part of a bargain from which the nuclear industry gained a great deal in the late 1950s. In return for accepting extensive federal hearings, the industry was exempted from any state and local regulation of radiological health and safety and received the limitations on liability that are set forth in the Price-Anderson Act. Thus, citizens in any community in which a nuclear facility was to be located – gave up both local regulation of the facility and the additional financial and safety assurances that normal insurance industry operations would have brought . . . . In return they got a commitment to the full panoply of trial-type procedures as part of the federal licensing process. Now that memories have faded, the industry is seeking to revoke its share of the concessions in that original bargain.

Ralph Nader, Founder

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The Commission acknowledges that:

the NRC declared in 1978 that the hearing it would hold on an application to construct and operate a nuclear waste repository for high level waste would be formal. In final rules published in 1981, now codified at 10 CFR Part 2, Subpart J, the Commission provided for a mandatory formal hearing at the construction authorization stage and for an opportunity for a formal hearing prior to authorizing receipt and possession of high level waste at a geologic repository.

Any attempt by the Nuclear Regulatory Commission to renege on promises previously made to the public can only further erode confidence in the agency's ability to adequately protect the public health and safety. The undersigned national environmental organizations and grassroots citizen's groups ask that the NRC halt any legislative and regulatory efforts to limit our rights to formal hearings in the decisions that effect our families, homes and communities.

Sincerely,

James Riccio	Public Citizen's Critical Mass Energy Project
Maureen Eldridge	Alliance for Nuclear Accountability
Courtney Cuff	Friends of the Earth
Arjun Makhijani	Institute for Energy & Environmental Research
Steve Kohn	National Whistleblower Center
David Adleman	Natural Resources Defense Council
Tom Clements	Nuclear Control Institute
Michael Mariotte	Nuclear Information & Resource Service
Danielle Brian	Project on Government Oversight
Anne Anderson	Psychologists for Social Responsibility
Scott Denman	Safe Energy Communication Council
Ann Mesnikoff	Sierra Club
David Lochbaum	Union of Concerned Scientists
Anna Aurillio	U.S. Public Interest Research Group

Grassroots/Consumer/Environmental:

ARIZONA

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Frank C. Subjeck, Director Air, Water, Earth, Org.

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Francis U. Macy, Director Center for Safe Energy

Bob Brister, Convenor Madera County Greens

Philip M. Klasky, Co-director Bay Area Nuclear Waste Coalition

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Mary Beth Brangan Nuclear Democracy Network

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Barbara Wiedner, Director Grandmothers for Peace International

Ernest Goitein & Claire Feder Californians for Radioactive Safeguards

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Tom Ferguson	Food Not Bombs

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