

July 10, 2000

The Honorable Jim Gibbons  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Gibbons:

I am responding to your letter of June 20, 2000, in which you express concern about the Nuclear Regulatory Commission (NRC) hearing process that might be used to consider an application for a license for a high-level nuclear waste repository at Yucca Mountain. You make it clear that you have great concern about any use of informal hearing procedures that might eliminate the opportunities for cross-examination, discovery, and the generation of written transcripts.

As you are aware, the Commission is currently considering the possibility of changes to its existing hearing procedures in 10 C.F.R. Part 2 that would allow greater use of informal hearing procedures and reduce the adversary nature of some proceedings. At this time, the Commission has not decided on the scope or form of changes, if any, that it might ultimately propose or on the type of proceedings to which informal procedures should apply. If the Commission decides to make major revisions to its hearing procedures, the Commission intends to make such changes only through the process of notice-and-comment rulemaking. Such rulemaking will provide the opportunity for members of the public and all stakeholders to express their views and provide comments and suggestions on the proposals.

I appreciate the depth of your concerns regarding the NRC's administrative hearings on repository licensing. I assure you that the Commission will consider your views as it continues with its deliberations on whether and how to improve its hearing procedures. In the event that the Commission decides to proceed with changes to its hearing procedures, we will provide your office with a copy of the notice of proposed rulemaking that is published in the *Federal Register*.

I can assure you that, in the event that an application is received, the NRC's licensing process for this one-of-a-kind facility will be rigorous. If you have any further comments or questions, please contact me.

Sincerely,

**/RA/**

Richard A. Meserve