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Congress of the United States
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December 9, 2003

The Honorable Nils J. Diaz, Chairman
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Chairman Diaz:

I am writing in opposition to the Nuclear Regulatory Commission (NRC) and Department of Energy's (DOE) recent, clandestine meetings on critical Yucca Mountain Project issues.

Last month, the NRC and DOE conducted several secret meetings closed to the public and the State of Nevada regarding a technical review of information on the Yucca Mountain Project gathered by the DOE. It has now come to my attention that the NRC and DOE are again holding covert meetings on Yucca Mountain concerning subjects of interest to the public and the State. These meetings, scheduled for the week of December 8, 2003, are further evidence that the NRC and DOE are actively circumventing any additional scrutiny of this ill-conceived project. Just last year, closed-door meetings between the two agencies led to an internal investigation regarding the exclusion of Nevada officials from meetings concerning the Yucca Mountain Project.

Although federal rules allow the two agencies to "confer informally" when deemed necessary, it is also required that interested groups and the State of Nevada be given advance notice of all meetings and access to transcripts and correspondence between the agencies related to the Yucca Mountain project. The State and the public have a right to participate in every stage of the Project. This is the only way of ensuring the licensing process for Yucca Mountain is credible and free from bias.

The NRC has emphasized its interest in the public's views on safe regulation of the proposed Yucca Mountain repository. According to the NRC website,

Public involvement in NRC activities creates effective regulations. The NRC is interested in the public's views on the safe regulation of a repository, and the NRC provides opportunities for citizens to communicate their opinions. The NRC seeks public involvement throughout the regulatory process so that the safety concerns of all affected people can be promptly addressed.

With this in mind, it is clear that the closed-door meetings between the DOE and NRC exclude involvement by outside parties from the regulatory process for the proposed repository. These meetings also raise questions about the impartiality of the NRC as an independent Commission.

Because of the magnitude of the Yucca Mountain Project's expense and potential to affect the health of nearby residents and the environment, it is critical all agencies remain committed to the safety and well-being of the public. I hope the Commission will insist that all future meetings between the DOE and NRC remain open to the public and the State. By doing so, NRC can begin to restore public confidence in the Commission and its role as an independent regulatory agency and DOE can reaffirm its past commitments to ensuring the health and safety of all Nevadans.

Thank you for your consideration on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Shelley Berkley". The signature is written in a cursive, flowing style.

SHELLEY BERKLEY
Member of Congress

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