

NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED

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USNRC

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

October 10, 2007 (10:14am)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attention: Rulemaking and Adjudications staff

Re: Docket No. PRM-2-14

Members of the public and organizations that represent their concerns about the safety and environmental impacts of nuclear facilities seldom have the resources to meet the NRC's extremely stringent and burdensome requirements for admission as a full party to NRC licensing hearings. As a result, the NRC's licensing hearings fail to include many important safety and environmental issues simply because no one other than the applicant and NRC Staff had the resources to raise them in the NRC-preferred manner. While the State of Nevada and possibly a few others may have the resources to raise many important issues in a future Yucca Mountain licensing hearing, or other repository hearing, others with concerns about safety or the environment will be unable to participate as full parties. A way must be found for these disenfranchised citizens to raise their concerns at the hearing in an easy and informal way.

The State of Nevada has proposed a way to meet this need. And, the Nevada Nuclear Waste Task Force supports the State of Nevada's (petitioner) request that 10 CFR 2.101 (e) (8) be amended to allow issues, important to the public, to be heard in a mandatory formal hearing if NRC docketed a Department of Energy (DOE) application for a construction authorization for the proposed Yucca Mountain repository.

To provide for such an opportunity, the mandatory hearing must allow at least the following issues:

- Compliance with the Nuclear Waste Policy Act of 1987, as amended; and if the requirements of 10 CFR 60 and 63 have been met
- Consideration of whether the application and record of proceeding contain sufficient information
- Consideration of whether the NRC staff's review of the application has been adequate
- Consideration of whether the NEPA requirements of the Nuclear Waste Policy Act of 1982 have been complied with

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- Determination of whether the authorization should be issued, denied or further conditioned to protect the environment
- Consideration of both contested and uncontested issues.

We appreciate that the Commission has recognized the importance of a mandatory hearing as a part of the consideration of the issuance of a construction authorization for a Yucca Mountain repository. We urge you to allow these issues because citizens' concerns, perhaps expressed in limited appearances, can be taken up by the Licensing Boards who will be charged with making findings on all of the important issues, not just those placed in contention by the parties. Moreover, mandatory hearings with the amendment proposed by Nevada will provide for an independent check on the NEPA and safety decisions of the NRC Staff, whose conclusions on uncontested issues would otherwise escape any meaningful and public review.

Submitted by,



Judy Treichel
Executive Director