

# GREENPEACE

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(facsimile transmission: 2 pages)

The Honorable Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, D.C. 20585

September 4, 2001

Dear Secretary Abraham:

With this letter, Greenpeace wishes to formally object to your Agency's failure to properly and reasonably provide notice for and opportunity to attend hearings on the DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository. We hereby request that these hearings be rescheduled and that correct procedure is followed in the scheduling, siting and notification for the new hearings.

Specifically, on August 21, 2001, your Agency announced it was holding public hearings on the site recommendation of Yucca Mountain in Nevada between September 5th and 13th. Not only does this announcement NOT provide adequate time for notification of the public for these hearing BUT given the timing of the notice and the hearings, you have provided less than 30 days for any interested person to read the DOE's more than 370 page long technical report, "Yucca Mountain Preliminary Site Suitability Evaluation". This action not only appears to preclude public involvement it certainly precludes the opportunity for the public to access and read the technical information which will provide a basis for these hearings.

In addition, the Agency has not only failed to correctly notice the public in Nevada but the Agency has thoroughly failed to notify and provide hearings for those persons who will be affected by the requisite transportation of high-level nuclear waste through their hometowns via rail and road, your agency has provided no opportunity to comment on the suitability of the recommendation.

A few meetings in Nevada does not come close to providing an opportunity for public hearing on a project of this magnitude and immense potential danger to those on transportation routes throughout the county.

In addition, it is plain that the Agency's announcement is defective not only for the absurdly short notice, but also because of the Agency's failure to correctly notice the venue(s) to be used. It is shocking that the Agency at first announced one place, then canceled that site, and then provided another venue but did so while providing an incorrect address for the new site. Moreover, your Agency provided final notice of the meeting at the wrong address on August 31st, the beginning of the long Labor Day weekend, less than five days to the meeting including the intervening weekend and holiday.

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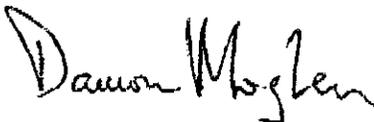
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Finally, it is plain from the notices your Agency published in the Federal Register on August 21, 27 and 31, that the public has not been provided with clear and adequate notification for public hearings on your Agency's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository. Persons reading the notice are given the impression that these are merely hearings on the preliminary site suitability evaluation. Even then, your provision of less than thirty days notice from the availability of the 370 page evaluation and the few hearings in Nevada make it impossible for ordinary citizens to have any meaningful participation in such meetings. The notice was absurdly short even to arrange one's schedule to attend, too far away from most persons who are interested due to being on the high-level nuclear waste transportation routes, too little time to acquire and assimilate the substance of the 370-plus page evaluation of the site, and completely defective due to the errors mentioned above.

There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that the public, including our members in Nevada and along the possible transport routes, must have at least reasonable notice and an opportunity to be heard on a decision such as this one—a decision with vast repercussions and grave potential dangers. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protections of citizens' rights to due process in this instance. We are certain you have violated our rights and those of the citizens of Nevada.

We call on you to reschedule these hearings with adequate notice and a meaningful opportunity to be heard by all persons who will be affected by your Agency's recommendation of Yucca Mountain as the national high-level waste repository.

Sincerely,



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cc: Lake Barrett, Acting Director  
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