

April 25, 2001

Mr. Brien B. Walters
PERSONAL STREET HOME ADDRESS [DELETED FOR PRIVACY]
CITY AND STATE ADDRESS [DELETED FOR PRIVACY]

Dear Mr. Walters:

Thank you for your note expressing your view that formal hearing processes should be used for the proposed high-level waste (HLW) repository at Yucca Mountain.

The Commission has long taken the position that it would provide a formal hearing for repository licensing. Recently, as part of its efforts to revise its hearing procedures (found in Part 2 of title 10 of the Code of Federal Regulations), the Commission published a proposed rule in the *Federal Register* on April 16, 2001 (66 FR 19610). As part of its discussion of the proposed rule, the Commission reiterated its position that the formal hearing procedures of 10 CFR Part 2, Subpart G, should be used in proceedings for the initial authorization to construct a HLW repository, and proceedings for initial authorization to receive and possess HLW at a HLW repository. The Commission, however, did consider the use of informal hearing procedures for subsequent amendments to either the construction authorization or the authorization to receive and possess HLW at the repository.

Public comment has been requested on all aspects of the proposed rule. I urge you to view the proposed rule at the Nuclear Regulatory Commission's interactive rulemaking website (<http://ruleforum.llnl.gov>) and to provide comments. You may submit comments on the proposed rule in writing (addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. ATTN: Rulemakings and Adjudications Staff), or through the NRC's interactive rulemaking website.

Again, I thank you for your interest in the Commission's hearing process as it applies to the licensing of a HLW repository.

Sincerely,

/RA/

Richard A. Meserve