Here are Nevada’s concerns regarding NEI’s letter to NRC Chairman Jaczko sent Friday, November 13th, 2009:

- The NEI proposal would be an appalling denial of due process of law for the State of Nevada and other parties to the proceeding who would be denied the opportunity to participate and offer evidence in opposition to the DOE's license application for Yucca Mountain (an opportunity promised to the citizens of Nevada for the past 20 years).

- NEI’s formulation would permit DOE and NRC Staff to proceed, behind closed doors, up to and through the issuance by the NRC Staff of a Safety Evaluation Report (SER), which would contain its recommendation for granting DOE's license application for Yucca Mountain, all without the input of any adverse parties.

- The NEI plan would be in direct contradiction of (1) prior statements by DOE counsel filed with the Licensing Board that DOE would continue its full participation in the licensing proceeding through at least September 30, 2010, (2) numerous public statements by DOE Secretary Chu to the effect that DOE would continue in the licensing proceeding in order to publicly address technical issues associated with a high-level waste repository, and (3) the just-issued Congressional appropriation of $198 million to DOE earmarked for continued participation in the Yucca Mountain licensing proceeding through September 30, 2010.

- If accepted, the NEI proposal would have the effect of shutting down the adjudicatory proceeding and enabling DOE to evade the next scheduled activity by the Licensing Board, which is its consideration and decision of a number of legal issue contentions that if decided adversely to DOE could effectively defeat the license application.

- If DOE is unable to proceed with the licensing process, it should withdraw its license application or the NRC should deny the application with prejudice.