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To: YMP_SR@ymp.gov
cc: "Sam J Ervin, IV" <ERVIN@ncuc.net>

Subject: Comments of the North Carolina Utilities Commission Re: Possible Site Recommendation for Yucca Mountain

Part of Records Package / Supplement / Correction

October 19, 2001

VIA ELECTRONIC MAIL AND U.S. MAIL

Ms. Carol Hanlon
U.S. Department of Energy
Yucca Mountain Site Characterization
Office (M/S #025)
Post Office Box 30307
North Las Vegas, Nevada 89036-0307

Re: Possible Site Recommendation for Yucca Mountain

Dear Ms. Hanlon:

Pursuant to the Department of Energy's August 21, 2001, Federal Register Notice and the letter to Chair Jo Anne Sanford from Lake Barrett, Acting Director, Office of Civilian Radioactive Waste Management, the North Carolina Utilities Commission respectfully submits these comments regarding the possible site recommendation for Yucca Mountain as the permanent repository for spent nuclear fuel and high-level radioactive waste. The Commission appreciates the opportunity to comment on the Yucca Mountain studies and has addressed in its comments the suggested topics for public comment identified in Mr. Barrett's letter.

On May 7, 2001, and August 21, 2001, respectively, the Department issued its Yucca Mountain Science and Engineering Report (YMS&ER) and Preliminary Site Suitability Evaluation (PSSE). In addition, the Department sought public comment on the Secretary's consideration of the Yucca Mountain site for recommendation as a spent nuclear fuel and high-level waste repository. Specifically, Mr. Barrett requested that we provide our views concerning whether the PSSE and other scientific documents produced by the Department "provide an adequate basis for finding that the Yucca Mountain site is suitable for development of a repository." The comment period has been extended by the Secretary to and including October 19, 2001.

The Nuclear Waste Policy Act of 1982 (NWPA) establishes federal responsibility for the final disposition of spent nuclear fuel and high-level radioactive waste in the United States, including spent fuel from the nation's civilian reactors. The NWPA authorizes the Department to enter into contracts with the generators of high-level radioactive waste pursuant to which these parties will pay statutorily imposed fees. In return for the payment of these fees, the Department will construct repositories and, "beginning not later than January 31, 1998, will dispose of the high-level radioactive waste." 42 USCA § 10222(a)(5)(B). In 1987, the NWPA was amended to direct the Department's sole focus on Yucca Mountain as a potential site.

North Carolina's electric utilities, which generate more than one-third of the State's energy using nuclear power, have been paying fees

into the Department's Nuclear Waste Fund. As of March 31, 2001, more than \$1.4 billion had been contributed to the Fund by North Carolina retail electric ratepayers. As is now well-known, the Department defaulted on its unconditional reciprocal obligation to begin taking high-level radioactive waste no later than January 31, 1998. The Commission has consistently urged the Department to accept its statutory responsibility and begin central storage of the spent nuclear fuel presently located on-site at facilities spread across the nation. For these reasons, establishment of a proper nuclear waste repository is of vital importance to North Carolina retail electric ratepayers.

The Commission commends the Secretary for moving forward with a recommendation to the President concerning Yucca Mountain's status as a suitable site for a permanent repository. The Commission believes the PSSE and other scientific documents produced by the Department provide an adequate basis for finding that the Yucca Mountain site is suitable for development of a repository. As indicated in the PSSE, after extensive study, the Department has found that 1) the dose to the public and repository workers during the preclosure period would fall below Environmental Protection Agency (EPA) radiation protection standards and proposed Nuclear Regulatory Commission (NRC) requirements, and 2) the preliminary postclosure dose estimates considering the combined nominal and disruptive scenario are below the final EPA and proposed NRC standards for individual protection. The Commission, therefore, believes the Secretary should determine that the scientific analysis indicates that the Yucca Mountain site is likely to meet the applicable radiation protection standards established by the EPA and NRC and should proceed to recommend the site to the President as soon as possible after the close of this public comment period. In addition, the Commission finds nothing which would prevent the President from then concluding that the Yucca Mountain site is qualified for the preparation and submission of a construction license application to the NRC.

I want to thank you for your thoughtful consideration of these comments. Please do not hesitate to contact me if we can be of further assistance in this matter.

Very truly yours,

Sam J. Ervin, IV

SJE/sw

cc: Governor Michael F. Easley
North Carolina Utilities Commission



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