MINNESOTA
DEPARTMENT OF
COMMERCE

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September 20, 2001

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

RE: Possible Site Recommendations for Yucca Mountain

Dear Ms. Hanlon:

The Minnesota Department of Commerce (DOC) is providing these Comments in response to the August 21, 2001 Federal Register Notice regarding the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE). DOC is pleased that the U.S. Department of Energy (DOE) has reached the milestone of releasing the PSSE and that DOE is inviting public comment. However, DOC notes that DOE had an obligation to begin accepting spent nuclear fuel by January 31, 1998. Therefore, DOE is considerably late in achieving the PSSE milestone.

In general, the Department concludes that DOE, after 20 years of study, should have obtained enough scientific information to make a sound judgment on the Yucca Mountain project. While DOC lacks the scientific expertise to evaluate the PSSE, DOC concludes that, if the Secretary determines that the scientific analysis indicates that the Yucca Mountain site is likely to meet the applicable radiation protection standards established by the Environmental Protection Agency and Nuclear Regulatory Commission, the Secretary should recommend to the President that the Yucca Mountain project proceed. The reason such a recommendation is important is that DOE has a legal obligation to begin accepting the waste and any unnecessary delay would merely increase the cost of nuclear storage. To date, Minnesota ratepayers have paid more than $333.6 million to DOE to fund DOE's mandate. It is expected that taxpayers will bear a greater cost of DOE's delays due to the July 31, 2001 ruling by the United States Court of Federal Claims that granted Northern States Power Company's motion for summary judgment on liability against DOE.

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In addition to our concerns regarding minimizing the cost to taxpayers for DOE's liability discussed above, DOC also recommends that DOE explore the issue of reprocessing spent nuclear fuel. Regardless of the Secretary's decision on Yucca Mountain, DOE may find it useful to explore the feasibility of reprocessing nuclear fuel. Since Yucca Mountain, under its currently planned capacity, may lack sufficient storage capacity to accept all of the nation's high-level waste, minimizing the volume of waste to be stored is critical. One known method for reducing the volume of high-level waste would be to reprocess some of the waste into nuclear fuel. While President Carter suspended commercial reprocessing of spent fuel in April of 1977, reprocessing may be a tool for minimizing the volume of waste which must be stored.

It is vital to address the issue of nuclear waste in a timely manner, especially if a new dialogue on power production results in a greater role for nuclear energy.

While the issues involved with disposal of nuclear waste are complex for a number of reasons, it is critical to develop viable, long-term solutions to the treatment and disposal of nuclear waste.

Sincerely,

JAMES C. BERNSTEIN
Commissioner
Minnesota Department of Commerce

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