RECEIVED

OCT 1 9 2001

~~330088~~
553627

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY

COMMENTS OF THE GEORGIA PUBLIC SERVICE COMMISSION

I. Introduction

A notice in the Federal Register on August 30, 2001 (Volume 66, Number 169, pages 45845-45846) referred to a letter sent to stakeholders who may be interested in the Yucca Mountain project. Specifically, comments on the Preliminary Site Suitability Evaluation (PSSE) are anticipated by DOE. The Georgia Public Service Commission (GPSC) appreciates this opportunity to provide comments concerning this matter.

II. Responses to Suggested Topics for Public Comment

A. Please provide your views concerning whether the Yucca Mountain Preliminary Site Suitability Evaluation (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. If you believe that certain aspects of the PSSE are inadequate, please detail the basis for this belief and indicate how the documentation might be made adequate with respect to these aspects.

The PSSE and the other documents associated with it provide a more than adequate basis for the suitability decision. The Science and Engineering Report (S&ER), the PSSE and the supporting references provide a comprehensive compilation and assessment of nearly twenty years of site characterization work that has been conducted at Yucca Mountain. The work was conducted pursuant to direction provided by legal mandates of the Nuclear Waste Policy Act of 1982 and Amendments of 1987, various proposed regulations, Department of Energy (DOE) program plans, scientific principles, suggestions from several oversight bodies and inputs from both scientific specialists and various stakeholders.

B. 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, do you believe that the Secretary should proceed to recommend the site to the President at this time? If not, please explain.

~~330088~~
553627

The GPSC believes that the Secretary should immediately proceed to recommend the site to the President if and when it is determined that the scientific analysis indicates that the Yucca Mountain site is suitable. There have already been inexplicable delays in issuing the radiation standards, which were first attempted to be promulgated by EPA in 1985, but was met by challenge, litigation and other delays. Congress directed in the Energy Policy Act of 1992 that the National Academy of Sciences provide the technical bases for the standards, which was done in 1995. If DOE was to have begun accepting spent fuel by January of 1998 as mandated by the NWPA, the site recommendation should have been made well before 1998

C. Are there any reasons that you believe should prevent the President from concluding that the Yucca Mountain site is qualified for the preparation and submission of a construction license application to the Nuclear Regulatory Commission?

There are no indications that the Yucca Mountain site is unsuitable for the preparation and submission of a construction license application. The GPSC believes that the decision should be made on the basis of sound science and there is no reason to conclude that the Yucca Mountain site is not qualified for the next stage of preparation of the NRC license.

D. If you believe that the Secretary should not proceed with a recommendation to develop a repository at Yucca Mountain, what mechanism should be utilized to meet the Department's legal obligation to begin accepting spent nuclear fuel and high level radioactive waste?

It is the position of the GPSC that there is no mechanism that can relieve DOE of the obligation to accept spent fuel other than repeal of the Nuclear Waste Policy Act.

E. If you believe that the Secretary should not proceed with a recommendation to develop a repository at Yucca Mountain, what measures should the Nation consider for assuring safe disposal of spent nuclear fuel and high level radioactive waste?

The GPSC believes that the Secretary should proceed with a recommendation to develop a repository at Yucca Mountain. The site is suitable and there is no other measure to consider for assuring disposal, which is what the Nuclear Waste Policy Act selected as the most suitable means of isolating high-level radioactive waste from the biosphere for thousands of years.

F. Please provide any other comments concerning any relevant aspect of the Yucca Mountain site for use as a repository, or that are otherwise relevant to the consideration of a possible recommendation by the Secretary.

~~330088~~
553627

As DOE is aware, highly radioactive spent nuclear fuel (nuclear waste) currently sits in storage at 77 locations across the nation, two of which are at Plants Hatch and Vogtle in the state of Georgia. As of March 31, 2001, the citizens of Georgia have contributed a total of *$575.3 million* (including payments and income on investments) to the Nuclear Waste Fund (NWF). The Nuclear Waste Policy Act of 1982 (42 USC 10101 et seq.) established that (1) the federal government (DOE) would be responsible for safe, permanent disposal of high-level military and civilian radioactive waste; and, (2) the consumers of commercial nuclear energy would pay for the civilian share of the disposal program through their electric bills. Nuclear utilities contracted with DOE to begin accepting spent nuclear waste by January 31, 1998. As of this date, nuclear waste from approximately 77 sites across the country has not been shipped and remains on site due to DOE's failure to provide a permanent repository.

While the NWF continues to grow, the delay in the schedule for the federal government to take the waste exacerbates the cost and funding problems. In addition to the costs of the original on-site nuclear power plant waste storage facilities and the payments made into the NWF, Georgia Power Company is booking significant costs associated with (1) adding more dry cask storage capacity at Plant Hatch; (2) the need for long-term monitoring and provision of security related to storage sites; and, (3) increased complexity in decommissioning plants. Georgia Power Company may request recovery of these costs through base rates at a later date.

III. Conclusion

In summary, the GPSC would like to convey that:

1. We need to keep the Department of Energy on schedule to meet its milestones for development and licensing of a permanent repository. The spent nuclear fuel cannot remain where it is indefinitely. It must be moved to a permanent repository without further delay;
2. As a result of the September 11, 2001 terrorist attacks in the United States, there have been some congressional as well as media speculation on the vulnerability of reactor-site spent fuel storage. The NRC has provided some reasonable reassurances, but the sooner we can get the waste into a permanent, safe underground repository the better protected we will be against exposure to natural or man-made disaster;
3. On a national level, ratepayers of nuclear utilities have already paid more than $18 billion into the NWF for the removal of waste from plant sites;
4. The DOE has safely transported high-level nuclear waste to its facilities over the past 30 years; and,
5. Sound science and NOT politics should dictate the outcome of these waste storage projects.

~~330088~~
553627

COMMISSIONERS:

LAUREN "BUBBA" McDONALD, JR., CHAIRMAN
ROBERT B. BAKER, JR.
DAVID L. BURGESS
BOB DURDEN
STAN WISE

Georgia Public Service Commission

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

HELEN O'LEARY
EXECUTIVE SECRETARY

(404) 656-4501
1 (800) 282-5813

244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
www.psc.state.ga.us

FACSIMILE TRANSMITTAL SHEET

TO: Carol Hanlon, S&ER Products Manager, Yucca Mountain Site Characterization Office	FROM: Pandora Epps, Utilities Advisor
COMPANY: U.S. Department of Energy	DATE: 10/19/2001
FAX NUMBER: 1-800-967-0739	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Public Comments on PSSE	YOUR REFERENCE NUMBER

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Included are the comments of the Georgia Public Service Commission regarding the PSSE and the Yucca Mountain Project generally. Thank you for this opportunity to provide feedback to the DOE on this very important matter. If you have any questions concerning these comments, please contact Pandora Epps at 404-656-0947.

[CLICK HERE AND TYPE RETURN ADDRESS]

4