

STATE OF NEW HAMPSHIRE

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**NUCLEAR DECOMMISSIONING FINANCING COMMITTEE**

**c/o Public Utilities Commission**

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COMMENTS OF THE  
NEW HAMPSHIRE NUCLEAR DECOMMISSIONING FINANCING COMMITTEE  
ON POSSIBLE SITE RECOMMENDATION FOR YUCCA MOUNTAIN

The New Hampshire Nuclear Decommissioning Financing Committee respectfully submits these comments in response to the Department of Energy's announcement in the Federal Register on August 21, 2001 (66 FR 43850) that the Secretary was seeking comments on whether or not to recommend to the President that Yucca Mountain be developed to serve as our repository for spent nuclear fuel and high level radioactive waste. Although the original date for the submission of public comments was September 20, 2001, it is our understanding that the date has been extended to October 5, 2001.

The New Hampshire Nuclear Decommissioning Financing Committee (NDFC) was created by the New Hampshire Legislature in 1981 while the Seabrook nuclear facility was under construction. Recognizing that a costly and comprehensive decommissioning procedure is necessary at the end of the useful life of a nuclear electric generating facility, the Legislature established the NDFC and a procedure that would provide the assurance of adequate funding for the decommissioning of nuclear generating facilities and ultimately ensure the safety and well-being of the public and future generations.

The NDFC meets at least annually and has over the years since its creation been engaged in establishing a trust fund into which monies have been placed for the ultimate purpose of decommissioning the Seabrook nuclear facility and also in establishing the amount that must be contributed to the fund to meet certain assumptions about what that will be needed to decommission the plant and when it is assumed that this will need to be done, as well as periodically updating the assumptions and if necessary, modifying the amounts that need to be contributed to the fund. The New Hampshire Legislature has recently amended the decommissioning law in anticipation of the sale of the Seabrook facility as part of the restructuring of the electric industry in New Hampshire.

As the Secretary well knows, much time and ratepayer money has been spent studying the issue of how and when spent nuclear fuel from commercial power plants would be permanently disposed. The Nuclear Waste Policy Act in 1982 established the national policy that the Federal Government would be responsible for the safe, permanent disposal of spent

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nuclear fuel and other high level radioactive waste. As a result of Congressional action in 1987, the only site that has been studied is the Yucca Mountain site near the federally owned Nevada Test Site in southern Nevada.

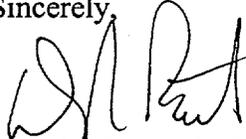
It is the opinion of the NDFC that more than sufficient evidence exists to support the Secretary recommending to the President that the Yucca Mountain site be developed to serve as the repository for spent nuclear fuel and high level radioactive waste. The NDFC sees no reason to delay this process any further. We believe that it is imperative that the Department of Energy assume the responsibility given to it by Congress years ago of accepting spent fuel and high level radioactive waste and we believe that action should be taken as soon as possible that will pave the way for the Yucca mountain facility to be the repository for spent fuel and waste.

The NDFC believes that it is critical to the Seabrook facility, and the people who live in and around Seabrook and New Hampshire generally, that the Yucca Mountain repository be opened to begin accepting spent fuel and high level waste as soon as possible. While storage of spent fuel at reactor sites is safe today, in a large number of locations the on-site capacity limit is being reached and since the earliest date that the Yucca Mountain site could begin accepting spent fuel and waste is 2010, when you add to that the time that it will take beyond 2010 for different facilities depending on where they stand on the list for the acceptance of the spent fuel, any further delay in the choice of a repository would very likely lead to on-site capacity being exhausted at many sites. Furthermore, the abandoning of the Yucca Mountain site would create a near crisis situation since it has already taken so long to investigate this site, the time it would take to look for, evaluate and then ultimately choose and construct another site would create interminable and unacceptable delays. This could lead ultimately to a crisis in the provision of electricity to residents, businesses, industries and government throughout our country since approximately 20% of the power generated in our country is generated by nuclear power. In addition, with the utilization of on-site storage today, ratepayers are having to pay two times for the storage of spent fuel, once through the per kilowatt hour charge authorized by Congress that continues to be collected and that has been used to fund the expenses related to the investigation into Yucca Mountain and once for the expense to the owners of the nuclear facility of storing the spent fuel on site which are passed on to ratepayers separately. This would not have been necessary if the federal government had begun accepting waste in 1998 as required by federal law.

While we understand that the State of Nevada opposes developing the repository, we believe that many of their concerns, in particular the concerns about the transportation of the spent fuel and waste, can be addressed through careful planning. We further understand that in over 35 years there has never been a rail or highway accident involving radioactive release and there have been no deaths or injuries. Moreover, we have difficulty conceiving of a site more suited to this purpose than the Yucca Mountain site. The location of the site in relation to metropolitan areas, the minimal rainfall that occurs there, the geological composition of the mountain, the fact that this area was previously used for nuclear testing, and the careful and prolonged analysis that has been conducted at the site, all in our estimation support the speedy development of this site.

We thank you for the opportunity to comment and would be happy to provide any further information that you should desire.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Patch', written over the printed name.

Douglas L. Patch, Chairman

N. H. Nuclear Decommissioning Financing Committee

cc: Honorable Jeanne Shaheen, Governor of New Hampshire  
Honorable Judd Gregg, United States Senator for New Hampshire  
Honorable Robert Smith, United States Senator for New Hampshire  
Honorable Charles Bass, Member of Congress from New Hampshire  
Honorable John Sununu, Member of Congress from New Hampshire  
Members of the NDFC  
Service List in Docket No. NDFC 2001-1