U. S. D E P A R T M E N T O F E N E R G Y

NOTICE OF INQUIRY ON WASTE ACCEPTANCE ISSUES

REPOSE SUMMAY

MARCH 1995

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OFFICE OF
CIVILIAN RADIOACTIVE
WASTE MANAGEMENT

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For further information, please call:
(800) 225-NWPA
(202) 488-5513 (in the Washington, DC area)

or write:

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U. S. D E P A R T M E N T O F E N E R G Y

NOTICE OF INQUIRY ON WASTE ACCEPTANCE ISSUES

REPONSE SUMMARY

MARCH 1995

MASTER

OFFICE OF
CIVILIAN RADIOACTIVE
WASTE MANAGEMENT
WASHINGTON, DC 20585

A MESSAGE FROM THE DIRECTOR

On May 25, 1994, the Department of Energy published a Notice of Inquiry on Waste Acceptance Issues in the Federal Register. The Notice of Inquiry implemented the Secretary's initiative to invite the views of interested parties and to advance the consensus-building process on resolving these important issues. We had hoped that the Notice of Inquiry would bring into the discussions the views of those who had not previously participated. We were pleased to have received over 1,100 comment letters in response to the Notice of Inquiry. I want to thank those of you who responded for the time and effort expended in providing the Department with your views on many issues relating to the storage and disposal of spent nuclear fuel and high-level radioactive waste.

This report presents a summary of the comments received in response to the Notice of Inquiry. The Department is currently reviewing the comments for the purpose of preparing our response. Moreover, in the months ahead, the Nation's approach to the storage and disposal of spent nuclear fuel will be the subject of considerable debate in Congress and elsewhere. Therefore, the Department also will consider these comments as we address these evolving issues.

Daniel A. Dreyfus
Washington, DC

Notice of Inquiry on Waste Acceptance Issues Response Summary Report

EXECUTIVE SUMMARY

On May 25, 1994, the Department of Energy published a Notice of Inquiry on Waste Acceptance Issues in the Federal Register. Through this Notice of Inquiry, the Department sought to implement the Secretary's initiative to explore with affected parties various options and methods for sharing the costs related to the financial burden associated with continued on-site storage by eliciting the views of affected parties on:

- (1) The Department's preliminary view that it does not have a statutory obligation to begin accepting spent nuclear fuel in 1998 in the absence of an operational repository or other suitable storage facility constructed under the Nuclear Waste Policy Act of 1982, as amended;
- (2) The need for an interim, away-from-reactor storage facility prior to repository operations; and
- (3) Options for offsetting, through the Nuclear Waste Fund, a portion of the financial burden that may be incurred by utilities in continuing to store spent nuclear fuel at reactor sites beyond 1998.

The Department received a total of 1,111 responses representing 1,476 signatories to this Notice of Inquiry. The responses included submittals from utilities (38 responses); public utility/service commissions and utility regulators (26 responses); Federal, state, and local governments, agencies, and representatives (23 responses); industry and companies (30 responses); public interest groups and other organizations (19 responses); and members of the general public (975 responses).

Table ES-1 presents a summary of all of the comments received on the specific principal questions raised in the Department's Notice of Inquiry on Waste Acceptance Issues. Of the three issue areas identified in the Notice of Inquiry, the majority of comments focused on the 1998 waste acceptance obligation issue (approximately 90-percent of the responses addressed this topic) and the need for interim storage (nearly 65-percent of the responses addressed this topic), while relatively few comments were made on cost sharing (fewer than 15-percent of the responses addressed this topic). Nearly 90-percent of the 1,111 responses stated that the Department has an obligation or responsibility to accept spent nuclear fuel in 1998, while fewer than 1-percent supported the Department's preliminary view that it does not have such an obligation absent an operational facility constructed under the Nuclear Waste Policy Act.

**Table ES-1. Summary of Comments Related to Specific Questions in
the Notice of Inquiry on Waste Acceptance Issues**

<u>Issue/Comment</u>	<u>Yes</u>	<u>No</u>
<i>Waste Acceptance Issue:</i>		
Does the Department have a legal obligation to accept fuel in 1998 absent an operational facility?	990	10
Should the Department seek a release of liability in exchange for cost sharing?	1	21
<i>Interim Storage Issues:</i>		
Does there continue to be a need for central interim storage prior to repository operations?	696	25*
Should the development of an interim storage facility at an existing Federal site be pursued?	69	11
Should the Department support private initiatives for central interim storage?	48	7
Should utilities have the option to continue storage on-site/elsewhere if the Department establishes central interim storage capacity?	16	2
Should the Department pursue with Congress the elimination of existing restrictions on the MRS?	44	1
<i>Cost Sharing Issues:</i>		
Should the Department consider cost sharing if it is unable to begin acceptance in 1998?	82	82*
Should the Department consider cost sharing if it results in increased fees?	0	14

*Some of these responses stated a concern(s) regarding this issue rather than direct opposition.

With respect to interim storage, over 60-percent of the responses stated that there continues to be a need for central interim storage with fewer than 3-percent stating opposition to or some level of concern regarding central interim storage. Approximately 6-percent of the responses supported the development of interim storage at existing Federal sites, while fewer than 1-percent opposed such action. Approximately 4-percent of the responses stated that the Department should support or not interfere with private interim storage efforts, while 1-percent stated that the Department should oppose such efforts. Finally, approximately 4-percent of the responses supported the Department pursuing with Congress the elimination of existing restrictions on the MRS or other legislative authority it may need, while only 1 response stated specific opposition to such actions.

Comparatively few responses even addressed the issue of potential cost sharing through the Nuclear Waste Fund, and of those that did, there was divided opinion. Approximately 7-percent stated opposition to or some level of concern regarding cost sharing with the same number of responses indicating support for this concept. Only 2-percent of the total responses stated direct support for the Department's efforts associated with the development and deployment of MPCs, while just under 1-percent stated opposition to or some level of concern regarding MPCs.

All utilities with nuclear plants, with the exception of one, responded to the Notice of Inquiry. Responses from utilities and utility regulators generally focused on the same major themes:

- The Department has and should meet its legal obligation to begin accepting spent nuclear fuel in 1998 as established in the Nuclear Waste Policy Act and the Standard Contract.
- Centralized interim storage is far preferable to continued at-reactor storage, and the Department should take immediate steps to establish such capability by 1998, including pursuing the use of existing Federal sites.
- Compensation of utilities for the Department's failure to meet the 1998 date is important but does not address the need to move spent nuclear fuel off-site and should be addressed at a later date.
- The Department should seek any necessary legislative authority or changes to ensure it can meet its responsibility to begin accepting spent nuclear fuel in 1998.
- The uncertainty associated with when the Department will begin accepting spent nuclear fuel has created political and regulatory obstacles to at-reactor storage that any form of cost sharing may not be able to overcome.
- Further delays by the Department in meeting its obligation to accept spent nuclear fuel only add to the costs passed on to the ratepayers.

The responses from Federal, state, and local governments, agencies, and representative (other than utility regulators) fall into two categories: individual representatives or officials; and groups of

representatives. In general, the composite groups of state representatives have reiterated the same points and themes expressed in the utility and utility regulatory agency responses discussed above. The individual state and local representatives and officials, on the other hand, have generally addressed regional concerns with the majority of these stating an opposition to the siting or use of facilities, either Federal or private, in their region or state.

With only a few exceptions, the primary focus of the comments received from companies and industry groups has been similar to the fundamental themes expressed in the utility responses. The majority of these responses emphasized the fact that the continued delays and lack of action by the Department on this program have ramifications throughout the nuclear industry. Several of the responses from individual companies presented suggestions on how they could help the Department meet its obligations.

The opinions stated by the public interest groups and other organizations regarding the Department's waste acceptance obligation were nearly evenly split between those supporting and those opposing the Department's preliminary view. Approximately three-quarters of the responses from public interest groups and other organizations were from groups which generally stated an opposition to the continued use of nuclear power with many of these responses also opposing the Department's attempts to establish storage and disposal facilities for spent nuclear fuel. The remainder were from organizations which stated some level of support for the continued use of nuclear power and reiterated some of the main themes from the utility and utility regulatory agency responses.

Over 90-percent of the responses from members of the general public expressed some level of support for nuclear power and reiterated many of the general themes expressed in the utility and utility regulatory agency responses. The majority of comments in these responses focused on requesting that the Department:

- Meet its responsibility under the Nuclear Waste Policy Act and begin accepting spent nuclear fuel immediately.
- Do what it has been paid for so ratepayers won't have to pay twice for spent nuclear fuel storage.
- Act now to ensure that nuclear power remains a valuable national asset and that this problem is not left to future generations.

The remaining letters from the general public expressed views which ranged from demanding the shutdown of the nuclear industry to requesting priority removal of spent nuclear fuel from shutdown reactors to stating a distrust of the Department and opposition to the Department's attempts to develop storage and disposal facilities.

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1. INTRODUCTION AND SUMMARY

The purpose of this report is to present a summary of the comments received in the responses to the Notice of Inquiry on Waste Acceptance Issues which the Department of Energy published in the Federal Register on May 25, 1994. Through this Notice of Inquiry, the Department sought to implement the Secretary's initiative to explore with affected parties various options and methods for sharing the costs related to the financial burden associated with continued on-site storage by eliciting the views of affected parties on:

- (1) The Department's preliminary view that it does not have a statutory obligation to begin accepting spent nuclear fuel in 1998 in the absence of an operational repository or other suitable storage facility constructed under the Nuclear Waste Policy Act of 1982, as amended;
- (2) The need for an interim, away-from-reactor storage facility prior to repository operations; and
- (3) Options for offsetting, through the Nuclear Waste Fund, a portion of the financial burden that may be incurred by utilities in continuing to store spent nuclear fuel at reactor sites beyond 1998.

The Notice of Inquiry requested written comments on or before September 22, 1994. In response to a request from six organizations¹, the Department published a Notice in the Federal Register on October 18, 1994 announcing the reopening of this comment period for an additional 60 days, until December 19, 1994. The text of the original Notice of Inquiry on Waste Acceptance Issues, as published in the Federal Register on May 25, 1994, is presented in Appendix A. Appendix B presents the text of the Notice reopening the comment period, as published on October 18, 1994.

The Notice of Inquiry addressed the following specific questions with regard to the 1998 waste acceptance obligation, interim storage, and cost sharing issues:

Waste Acceptance Issue

- Does the Department have a legal obligation under the Act or the Standard Contract to accept waste in 1998 in the absence of a repository or other facility under the Act?

¹The organizations requesting this extension were: Nuclear Information and Resource Service, Public Citizen Critical Mass Energy Project, Prairie Island Coalition Against Nuclear Storage, Safe Energy Communication Council, U.S. Public Interest Research Group, and Water Information Network.

- If so, should the Department seek a release, in whole or in part, of any liability arising out of such obligation as a condition of cost sharing?

Interim Storage Issues

- Does there continue to be a need for a Federal or centralized interim storage facility prior to repository operations?
- Should the development of an interim spent nuclear fuel storage facility at an existing Federal site be pursued?
- What role, if any, should the Department play in the development of private interim storage facilities?
- If the Department is successful in making available central interim storage for spent nuclear fuel, should each utility have the option to pursue continued storage on-site or elsewhere?
- Should the Department pursue with Congress the elimination of the existing restrictions on MRS siting, construction, and operations?
- What additional comments do you have on the NARUC dialogue?

Cost Sharing Issues

- Recognizing the full-cost recovery provision and the limitations imposed on the use of the Nuclear Waste Fund by Section 302 of the Act, should the Department consider offering some form of cost sharing to utilities if it is unable to begin accepting spent nuclear fuel by 1998?
- What basis should the Department use for establishing the order and timing by which such cost sharing is offered?
- If it is found that such cost sharing may result in increased fees, should the Department continue pursuing implementation of a cost-sharing program?
- If cost sharing involves the Department providing MPCs and the utilities paying the costs associated with storage modules and other on-site storage related needs (e.g., costs of loading and handling operations), would the extent of utility expenditures required by this approach affect whether utilities would use it?
- If the primary emphasis of a cost-sharing program were to be the provision of MPCs by the Department, what should be done for utilities unable (e.g., those sites that are physically constrained from utilizing MPCs) or unwilling to make use of MPCs?

- What other forms of cost sharing should the Department consider?

While the Notice of Inquiry on Waste Acceptance Issues sought input from affected parties by raising these questions on three specific areas for comment as discussed above, it also indicated that this delineation of issues was not intended to limit the content of submissions. The comments received in response to the Notice of Inquiry fall into the following broad categories:

- 1998 Waste Acceptance Obligation
- Interim Storage
- Cost Sharing/Multi-Purpose Canisters
- Nuclear Waste Policy Act/Standard Contract
- Nuclear Waste Fund/Fee
- Repository
- Nuclear Power/Other Energy Sources
- Additional Comments

A total of 1,111 responses representing 1,476 signatories were received on the Notice of Inquiry. Figure 1 presents a geographic distribution of the responses received to the Notice of Inquiry by state. As illustrated in this figure, the heaviest concentration of responses generally originated from states with more than one commercial nuclear generating site (i.e., California, Pennsylvania, Illinois, Georgia, Wisconsin, Virginia, New York, Alabama, etc.), or which host existing Department of Energy sites (i.e., South Carolina, Washington, New Mexico, Idaho).

These responses included submittals from utilities; public utility/service commissions and utility regulators; Federal, state, and local governments, agencies, and representatives; industry and companies; public interest groups and other organizations; and members of the general public. Table 1 presents the total number of responses received by these various respondent categories.

Table 1. NOI Responses by Respondent Category

<u>Respondent Category</u>	<u>Responses</u>	<u>Signatories/ Endorsements</u>
Utilities	38	85
Public Utility Regulators	26	51
Governments/Agencies	23	33
Industry/Companies	30	48
Public Interest/Other Organizations	19	27
<u>General Public</u>	<u>975</u>	<u>1232</u>
Total	1111	1476

Of the three issue areas identified in the Notice of Inquiry (i.e., the first three comment categories), the majority of comments focused on the 1998 waste acceptance obligation issue and the need for interim storage, while relatively few comments were made on either cost sharing or multi-purpose canisters.

Table 2 presents a summary of the comments received on the specific principal questions raised in the Department's Notice of Inquiry on Waste Acceptance Issues. Approximately 90-percent of the 1,111 responses to the Notice (990 responses) stated that the Department has an obligation or responsibility to accept spent nuclear fuel in 1998, while less than 1-percent (10 responses) supported the Department's preliminary view that it does not have such an obligation absent an operational facility constructed under the Nuclear Waste Policy Act. With respect to interim storage, over 60-percent of the responses (696 responses) stated that there continues to be a need for central interim storage with fewer than 3-percent (25 responses) stating opposition to or some level of concern regarding central interim storage. Comparatively few responses even addressed the issue of potential cost sharing through the Nuclear Waste Fund. Approximately 7-percent of the responses (82 responses) stated opposition to or some level of concern regarding cost sharing with the same number of responses indicating support for this concept.

Section 2 of this report presents a more detailed breakdown of comments by the major comment categories, including: the 1998 waste acceptance issue; interim storage; cost sharing and multi-purpose canisters; the Nuclear Waste Policy Act and the Standard Contract; the Nuclear Waste Fund and fee; geologic repository and disposal; nuclear power and other energy sources; and additional comments.

Section 3 provides a discussion of the comments received in terms of the various respondent categories. The responses from these respondent categories are summarized below.

Utilities

The major focus of the utility comments to the Notice of Inquiry on Waste Acceptance Issues was that:

- The Department has a clear legal obligation and responsibility to begin accepting spent nuclear fuel in 1998 as established in the Nuclear Waste Policy Act and the Standard Contract.
- Centralized interim storage is far preferable to continued at-reactor storage, and the Federal government should take immediate steps to establish such capability by 1998, including initiating efforts to establish such capacity at existing Federal sites.
- While compensation of utilities for the Department's failure to meet the 1998 date is important, it does not address the need to move spent fuel off utility sites and would be more productively addressed when the waste storage/disposal strategy, timetable, associated costs, and effect on the millage fee are better understood.

Figure 1. Geographic Distribution of NOI Respondents.

**Table 2. Summary of Comments Related to Specific Questions in
the Notice of Inquiry on Waste Acceptance Issues**

<u>Issue/Comment</u>	<u>Yes</u>	<u>No</u>
<i>Waste Acceptance Issue:</i>		
Does the Department have a legal obligation to accept fuel in 1998 absent an operational facility?	989	10
Should the Department seek a release of liability in exchange for cost sharing?	1	21
<i>Interim Storage Issues:</i>		
Does there continue to be a need for central interim storage prior to repository operations?	695	25*
Should the development of an interim storage facility at an existing Federal site be pursued?	69	11
Should the Department support private initiatives for central interim storage?	48	7
Should utilities have the option to continue storage on-site/elsewhere if the Department establishes central interim storage capacity?	16	2
Should the Department pursue with Congress the elimination of existing restrictions on the MRS?	44	1
<i>Cost Sharing Issues:</i>		
Should the Department consider cost sharing if it is unable to begin acceptance in 1998?	82	82*
Should the Department consider cost sharing if it results in increased fees?	0	14

*Some of these responses stated a concern(s) regarding this issue rather than direct opposition.

- The Department should seek any necessary legislative authority to ensure it can meet its responsibility to begin accepting spent nuclear fuel beginning in 1998.

Public Utility Commissions and Regulators

The primary focus of comments from the public utility/service commissions and regulators on the Notice of Inquiry on Waste Acceptance Issues has been very similar to that of the utilities. In addition, the regulators and regulatory agencies have stressed that:

- The uncertainty associated with when the Department will begin accepting spent nuclear fuel has created political and regulatory obstacles to at-reactor storage that any form of cost sharing may not be able to overcome.
- The public utility/service commissions and utility regulators have a financial responsibility to provide oversight of ratepayers monies, and further delays by the Department in meeting its obligation to accept spent nuclear fuel only add to the costs passed on to these ratepayers.

Federal, State, and Local Government Agencies and Representatives

Responses from Federal, state, and local governments, agencies, and representative fall into two categories: individual representatives or officials; and groups of representatives. In general, the composite groups of state representatives have reiterated the same points and themes expressed in the utility and utility regulatory agency responses discussed above. The individual state and local representatives and officials, on the other hand, have generally addressed regional concerns with the majority of these stating an opposition to the siting or use of facilities, either Federal or private, in their region or state.

Companies and Industry

With only a few exceptions, the primary focus of the comments received from companies and industry groups has been similar to the fundamental themes expressed in the utility responses, namely:

- The Department has a clear legal obligation and responsibility to begin accepting spent nuclear fuel in 1998 as established in the Nuclear Waste Policy Act and the Standard Contract.
- Centralized interim storage is far preferable to continued at-reactor storage, and the Federal government should take immediate steps to establish such capability by 1998, including initiating efforts to establish such capacity at existing Federal sites.

Very few of the industry responses addressed the issues associated with cost sharing or MPCs. Instead, the majority of these responses emphasized the fact that the continued

delays and lack of action by the Department on this program have ramifications throughout the nuclear industry. Several of the responses from individual companies presented suggestions on how they could help the Department meet its obligations.

Public Interest Groups and Other Organizations

Approximately three-quarters of the responses from public interest groups and other organizations were from groups which generally stated an opposition to the continued use of nuclear power and the Department's attempts to establish storage and disposal facilities for spent nuclear fuel. The remaining responses were from organizations which stated some level of support for the continued use of nuclear power and reiterated some of the main themes from the utility and regulatory agency responses.

General Public

The remaining responses were from members of the general public. Over 90-percent of these responses expressed some level of support for nuclear power and reiterated the general themes expressed in the utility and regulatory utility agency responses. The majority of comments in these responses focused on the following points:

- The Department must meet its responsibility under the Nuclear Waste Policy Act to begin taking spent nuclear fuel from nuclear plants immediately as a first step toward permanent disposal.
- The Department must do what it has been paid for and consumers should not be double billed because the Department has failed to act. Consumers have already paid nearly \$10 billion for the Department to manage spent nuclear fuel. If the Department does not move this waste to a central interim storage site, consumers will pay twice for storage which is not fair.
- America must not loose a valuable national asset because the Department has failed to act. Nuclear power provides one fifth of our electricity, and emissions of carbon dioxide (the leading greenhouse gas) from power generation would be 30-percent higher without this clean technology. The Department must store spent nuclear fuel for tomorrow's Americans to receive these benefits.
- The Department must act now. Today's Americans count on nuclear power, and it is up to the Department of Energy to take responsibility for spent nuclear fuel and not dump this problem on future generations.

The remaining letters expressed views which ranged from demanding the shutdown of the nuclear industry to requesting the priority removal of spent nuclear fuel from shutdown reactors to stating a distrust of the Department and opposing the Department's attempts to develop storage and disposal facilities.

2. NOI COMMENTS BY MAJOR COMMENT CATEGORY

This section summarizes the comments received by the specific comment categories. For the first three categories which reflect the three specific issue areas identified for comment in the Notice of Inquiry, comments are addressed in the context of the specific questions raised in the Notice of Inquiry (these questions are shown in *italics* in the text below). For the remaining categories, the comments are summarized in a more general manner.

2.1 1998 WASTE ACCEPTANCE OBLIGATION

Of the 1,111 responses received on the Notice of Inquiry, 90-percent addressed the legal issue regarding the Department's obligation to accept spent nuclear fuel. In terms of the specific questions raised in the Notice of Inquiry:

Does the Department have a legal obligation under the Act or the Standard Contract to accept waste in 1998 in the absence of a repository or other facility under the Act?

- The Department has an obligation and/or a responsibility to begin accepting spent nuclear fuel in 1998-- (990 responses).
- The Department does not have an obligation to begin accepting spent nuclear fuel in 1998 absent an operational facility-- (10 responses).

Of those responses supporting the fact that the Department has an obligation to accept spent nuclear fuel in 1998, additional comments regarding this point included:

- The failure of the Department to meet its waste acceptance obligation may force some reactors to shutdown prematurely and/or cripple the nuclear industry-- (166 responses).
- The Department's attempts to back out of its obligation and responsibilities only serves to reinforce the public image and perception of the Department not being able to be trusted or able to accomplish any task, or that it is contrary to the Secretary's recent initiatives towards openness and improving the Department's image-- (95 responses).
- The Department should stop using the lack of an operating facility or its ability to establish such a facility as an excuse for relieving itself from its obligation to accept spent nuclear fuel beginning in 1998-- (13 responses).

- The Department should not feel or act as if it is above the law when it comes to contractual obligations-- *(13 responses)*.
- The Nuclear Waste Policy Act and the Standard Contract established an obligation on behalf of the Department to begin accepting spent nuclear fuel from *our* reactor site beginning in 1998-- *(2 responses)*.
- I hope that the "preliminary" characterization in the Notice is true and that the Department actually intends to consider the views expressed in developing its final position-- *(1 response)*.
- Department studies have indicated that the inability of the Department to accept spent nuclear fuel in 1998 will result in an added \$4 billion in maintaining shutdown reactors prior to decommissioning and in on-site storage costs-- *(1 response)*.

If so, should the Department seek a release, in whole or in part, of any liability arising out of such obligation as a condition of cost sharing?

- It is not appropriate for the Department to seek such a release from any liability arising out of such an obligation-- *(21 responses)*.
- The appropriateness of any modifications to existing obligations is dependent on the form of cost sharing being offered-- *(1 response)*.

Additional comments made relative to the 1998 waste acceptance obligation issue which did not address the specific questions in the Notice of Inquiry include:

- The issue of whether the Department has a legal or moral obligation to accept spent nuclear fuel is not relevant to the need to resolve this problem for the sake of the nation's economic and energy future-- *(2 responses)*.
- The Department should have developed contingency plans for meeting its 1998 obligation-- *(2 responses)*.
- The date in the Nuclear Waste Policy Act should reflect a more realistic date for acceptance of spent nuclear fuel and the start of facility operations-- *(1 response)*.
- If the Department fails to meet its 1998 obligation, states should be free to develop a system of surcharges in lieu of financial assistance which would increase over time for default interim storage at reactor sites-- *(1 response)*.
- The Department could meet its 1998 obligation by shipping spent nuclear fuel overseas for reprocessing. If a facility for storage or disposal becomes available

in the U.S. prior to the contracted reprocessing date, the spent nuclear fuel could be returned to the U.S intact subject to a termination fee-- (1 response).

2.2 INTERIM STORAGE

Of the 1,111 responses received on the Notice of Inquiry, nearly 65-percent addressed in some form the interim storage issues. In terms of the specific questions raised in the Notice of Inquiry:

Does there continue to be a need for a Federal or centralized interim storage facility prior to repository operations?

- There continues to be a need for a central interim storage facility, and such a facility offers numerous economic, operational, and regulatory benefits-- (696 responses).
- I/We are opposed to or concerned regarding the development of central interim storage-- (25 responses).

Of those responses supporting the need for a central interim storage facility, additional comments regarding this point included:

- If the Department does not provide for central interim storage, utilities will be forced to add on-site storage with the associated costs being passed on to the ratepayers who are already paying into the Nuclear Waste Fund via their electric bills. These responses indicated that ratepayers should not be forced to pay twice for the same service-- (563 responses).
- It is imperative that the Department provide for spent nuclear fuel storage prior to repository operations-- (305 responses).
- Central interim storage would preclude the development of separate storage installations at each reactor site and/or a single spent nuclear fuel storage location made more sense than 70 or more individual storage locations-- (38 responses).
- It is inappropriate for the Department to insist that it is unable to accept commercial spent nuclear fuel for storage while at the same time accepting spent nuclear fuel from foreign reactors for storage in the U.S.-- (38 responses).
- Leaving spent nuclear fuel at utility sites is not an acceptable solution-- (16 responses).

- An interim storage facility could be developed quickly utilizing existing storage technologies, such as dry cask storage, which utilities have demonstrated can be deployed within 4 years-- (9 responses).
- The need for spent nuclear fuel storage facilities will not go away and further delay will only serve to increase the cost of such facilities-- (9 responses).
- Federal interim storage will demonstrate to the states and the public that on-site storage of spent nuclear fuel is not permanent-- (6 responses).
- The storage of spent nuclear fuel in the U.S. by other than the government may have adverse effects on the responsible nuclear actions that we desire from other nations, or may increase the proliferation and terrorists' risks by having this material at a number of sites rather than at a single site-- (4 responses).
- Utilities and their personnel are responsible for providing inexpensive and safe electricity, not for providing long-term storage of spent nuclear fuel-- (4 responses).
- The development of central interim storage by the Department would allow shutdown reactors to be decommissioned on a timely schedule-- (4 responses).
- The public perception is that reactor sites and facilities were not intended for the long-term storage of large quantities of spent nuclear fuel-- (2 responses).
- The Department must provide for interim storage of spent nuclear fuel due to the potential problems with the existing storage pools at reactor sites-- (1 response).

Of those responses opposed to or concerned regarding central interim storage, additional comments regarding this point included:

- The development of a central interim storage facility by the Department runs the risk of slowing or refocusing the efforts associated with developing a geologic repository-- (15 responses).
- There is no need for central interim storage, the need for central interim storage has not been substantiated, or there is no safe location or technology to support such capability-- (10 responses).

- Spent nuclear fuel should remain in storage at reactor sites until a disposal facility is available-- (7 responses).
- The development of a central interim storage facility will only result in increased exposures and risks over simply shipping the spent nuclear fuel directly to a permanent disposal site-- (7 responses).
- All MRS activities should be halted and all funding should be stopped-- (3 responses).
- The political expense of trying to develop several sites (i.e., an interim storage facility and a repository) will be too large-- (1 response).
- Central interim storage is not preferable to on-site storage at reactors due to terrorist and national security concerns associated with concentrating large amounts of spent nuclear fuel at a single site-- (1 response).

Should the development of an interim spent nuclear fuel storage facility at an existing Federal site be pursued?

- The Department should take immediate action and consider all options for establishing central interim storage including attempting to locate such capacity at one or more existing Federal sites-- (69 responses).
- The Department should not attempt to site interim storage facilities at existing Federal sites-- (11 responses).

Of those responses supporting the development of interim storage at existing Federal sites:

- 9 responses pointed out the potential benefits of using existing Federal sites including: existing infrastructure, greater chance of public acceptance, substantial amount of data for environmental assessments would already be available, and remote locations.

Of those responses opposing the development of interim storage at existing Federal sites:

- 7 responses stated specific opposition to the use of existing Federal sites in or near their state, county, etc.

What role, if any, should the Department play in the development of private interim storage facilities?

- The Department should support, or at a minimum take no action to interfere with, private initiatives for developing central interim storage-- (48 responses).

- The Department should oppose private efforts for developing central interim storage facilities-- (7 responses).

Of those responses supporting the Department supporting or not interfering with private interim storage initiatives, additional comments relative to this point included:

- Private initiatives for interim storage in no way relieve the Department of its obligation to begin accepting spent nuclear fuel in 1998-- (12 responses).
- The only reason utilities are looking into such initiatives is due to the lack of progress with the Department's efforts and the Department's attempts at backing out of its obligation-- (6 responses).
- The Department should take an active role in supporting such efforts in order to ensure compatibility with the Federal program, and to facilitate the removal of barriers to the licensing of such facilities-- (5 responses).
- Active Federal involvement in such efforts may only serve to introduce delays-- (2 responses).
- The Department should provide performance or surety bonds for private interim storage facilities payable to the host entity on a formula based on spent nuclear fuel left beyond an agreed to date-- (1 response).

Of those responses which indicated that the Department should oppose private interim storage initiatives:

- 3 responses stated specific opposition to the efforts undertaken by the Mescalero Apache tribe to establish an interim storage facility on their land in New Mexico.

If the Department is successful in making available central interim storage for spent nuclear fuel, should each utility have the option to pursue continued storage on-site or elsewhere?

- Utilities must retain the option to pursue storage on-site or elsewhere even if the Department is able to establish central interim storage-- (16 responses).
- Utilities should not have the option of pursuing continued storage on-site or elsewhere if the Department is able to provide central interim storage-- (2 responses).

Should the Department pursue with Congress the elimination of the existing restrictions on MRS siting, construction, and operations?

- The Department should pursue with Congress any legislative changes or authority it may need to meet its 1998 obligation or to establish central interim storage-- (44 responses).
- The Department should not pursue the elimination of the existing restrictions on an MRS with Congress-- (1 response).

Of those responses supporting the Department seeking legislative changes or authority from Congress, additional comments regarding this point included:

- The Department should pursue the elimination of the existing restrictions on MRS siting, construction, and operation with Congress-- (35 responses).
- The Department should seek any and all legislative authority it may need with Congress-- (21 responses).

What additional comments do you have on the NARUC dialogue?

- I/We support the findings and recommendations contained in the NARUC Dialogue Report or the response submitted by NARUC to this Notice of Inquiry-- (32 responses).
- The emphasis of the NARUC Dialogue Report is on the majority findings as expressed by the utility industry. The Department should give more or equal consideration to the minority findings and reports as they pertain to the issues addressed in the Notice of Inquiry-- (3 responses).

Additional comments made relative to the interim storage issues which did not address the specific questions in the Notice of Inquiry include:

- Many utilities may have difficulty or may not be able to get the approvals or permits necessary for additional on-site storage due to the uncertainties pertaining to when the Department will accept spent nuclear fuel-- (24 responses).
- The Department should consider the possible siting of a central interim storage facility at the Yucca Mountain site-- (7 responses).
- Siting an interim storage facility at Yucca Mountain would only add to the belief that the siting of a repository there is a done deal-- (1 response).

- In addition to developing an interim storage facility, the Department should take immediate action to ensure that the necessary infrastructure is in place to support such a facility-- (6 responses).
- While spent nuclear fuel storage is a complex issue, it is being done successfully in a number of other countries-- (6 responses).
- Spent nuclear fuel should not be stored at locations which could be dangerous to the environment, such as at reactor sites which tend to be close to large bodies of water-- (3 responses).
- The value of central interim storage is highly dependent on its capacity, timing, acceptance rate, and compatibility with existing storage technologies- (3 responses).
- Even if there was a central interim storage site, the Department does not have the transportation system available to move spent nuclear fuel there-- (2 responses).
- The fuel reprocessing canyons at Hanford and Savannah River should be filled with water and used for storage of spent nuclear fuel-- (1 response).
- The Department should expand the scope of their spent nuclear fuel Environmental Impact Statement to include both commercial and foreign spent nuclear fuel-- (1 response).
- Each state should be responsible for determining how best to provide for spent nuclear fuel storage and disposal-- (1 response).
- Any storage solution must be retrievable to support future reprocessing of the spent nuclear fuel-- (1 response).
- The Department should only pursue storage sites that have a reasonable chance of success-- (1 response).
- A Federal interim storage facility could also be made available for storage of a limited amount of foreign spent nuclear fuel-- (1 response).
- If the Department sites an interim storage facility in the west, another should be sited in the east, if possible- (1 response).

2.3 COST SHARING/MULTI-PURPOSE CANISTERS

Of the 1,111 responses received on the Notice of Inquiry, fewer than 15-percent addressed in some form the cost sharing issues. In terms of the specific questions raised in the Notice of Inquiry:

Recognizing the full-cost recovery provision and the limitations imposed on the use of the Nuclear Waste Fund by Section 302 of the Act, should the Department consider offering some form of cost sharing to utilities if it is unable to begin accepting spent nuclear fuel by 1998?

- Cost sharing is or may be appropriate-- (82 responses).
- I/We are opposed to or concerned regarding the implementation of cost sharing for continued on-site storage-- (82 responses).

Of those responses supporting cost sharing, additional comments regarding this point included:

- Compensation of utilities because of the Department's failure to meet the 1998 date is important but should be pursued only at the appropriate time (i.e., following the development of a storage and disposal strategy, fee implication assessment, etc.); and that it is much more important that the Department perform as expected first-- (22 responses).
- The Department should not consider any form of cost sharing as relieving them from their obligation to accept spent nuclear fuel in 1998-- (21 responses).
- The Department should accept full financial responsibility for failure to perform on its contracts with utilities by paying all costs incurred by utilities resulting from not meeting its 1998 obligation-- (14 responses).
- The Department should move quickly in implementing cost sharing, since it is apparent that it will not be accepting spent nuclear fuel in 1998-- (1 response).
- Compensation by way of Nuclear Waste Fund credits is already provided for in the Standard Contract in Article IX.B which addresses delays-- (1 response).
- We request compensation or reimbursement of costs incurred for on-site spent nuclear fuel storage (detailed justification included)-- (1 response).

- Since our reactor was part of a demonstration program, some of the spent nuclear fuel storage costs are for government generated material, thus the Department should provide cost sharing now-- *(1 response)*.

Of those responses stating opposition to or concern regarding cost sharing, additional comments regarding this point included:

- Cost sharing is not the answer or is not appropriate-- *(46 responses)*.
- Cost sharing does not address the need to move spent nuclear fuel off utility sites and it will not be sufficient without such movement of waste from these sites-- *(15 responses)*.
- The Nuclear Waste Fund should only be used in accordance with its original purpose--use for such things as cost sharing may result in insufficient funds for repository development-- *(13 responses)*.
- The term "cost sharing", as defined, is a misnomer since utilities and their ratepayers are already and will continue to pay the full cost of all program expenditures-- *(7 responses)*.
- Cost sharing will have a detrimental impact on the high-level waste program and should not be implemented at this time except through the provision of MPCs-- *(4 responses)*.
- Compensation for interim storage will only provide a band-aid effect-- *(4 responses)*.
- Cost sharing is inappropriate considering the magnitude and misallocation of fees already paid into the Nuclear Waste Fund-- *(3 responses)*.
- The Department is not authorized to or should not provide funds from the Nuclear Waste Fund for cost sharing or on-site storage of spent nuclear fuel at reactor sites-- *(2 responses)*.
- At this point in time, even a full refund from the Nuclear Waste Fund would not be sufficient for utilities to find a solution to their spent nuclear fuel storage problems-- *(1 response)*.

What basis should the Department use for establishing the order and timing by which such cost sharing is offered?

- Cost sharing (including MPCs) should be offered based on oldest-fuel-first, similar to the manner that acceptance allocations are established-- *(5 responses)*.

- Cost sharing (including MPCs) should be offered based on need and not based on the existing allocations in the Department's Annual Capacity Report-- (2 responses).
- The Department should not attempt to resolve the cost sharing issues unilaterally based on comments received by a few utilities in response to the Notice of Inquiry-- (4 responses).
- Cost sharing will only result in endless equity disputes based on past difficulties in reaching any consensus on equity related issues-- (3 responses).
- The basis for cost sharing should be equitable to all utilities-- (1 response).
- The basis for cost sharing is a complex issue that should first be addressed by the contract holders-- (1 response).
- The Department should provide MPCs beginning in 1998 at a rate that exceeds the spent nuclear fuel generation rate-- (1 response).
- The Department should allow trading and negotiations among utilities for slots in any cost sharing schedule-- (1 response).

If it is found that such cost sharing may result in increased fees, should the Department continue pursuing implementation of a cost-sharing program?

- Cost sharing which results in increased fees is not appropriate-- (15 responses).
- Additional comments made in some of these responses relative to this point include:
- Cost sharing should only be considered if it would result in actual progress on the program-- (9 responses).
 - Since utilities and their ratepayers have and continue to pay into the Nuclear Waste Fund, any form of cost sharing which would result in increased fees should not be considered-- (5 responses).
 - Any form of cost sharing as defined by the Department could compromise the Nuclear Waste Fund and result in increased fees-- (2 responses).
 - Cost sharing should have no impact on total system costs, since it merely transfers Nuclear Waste Fund resources to meet the Department's obligations as they are incurred by utilities-- (1 response).

If cost sharing involves the Department providing MPCs and the utilities paying the costs associated with storage modules and other on-site storage related needs (e.g., costs of loading and handling operations), would the extent of utility expenditures required by this approach affect whether utilities would use it?

Only 4 responses addressed this question specifically:

- Cost is only one factor that will be used in deciding whether or not to use MPCs for on-site storage, with the other factors including whether the Department can provide MPCs on a reliable schedule, the number and timing of MPCs, etc.-- (4 responses).

Additional comments regarding MPCs included:

- The Department should continue with its efforts associated with the development and deployment of MPCs-- (25 responses).
- I/We are opposed to or concerned about the Department's plans regarding the MPC concept-- (10 responses).

Of those responses stating support for the deployment of MPCs, additional comments made relative to this point include:

- The Department should ensure that all existing storage technologies are compatible with the MPC-based system-- (4 responses).
- The Department should also provide the storage modules for the MPCs-- (3 responses).
- One factor governing the use of MPCs will be whether or not they need to be reopened prior to transferring them to the Department-- (1 response).
- In developing MPCs, the Department should utilize cooperative agreements similar to those in the past with utilities-- (1 response).
- MPCs should be part of an integral spent nuclear fuel management system that includes interim storage-- (1 response).
- In developing MPCs, the Department should ensure that the MPCs along with their shipping and storage casks are designed in compliance with NRC seismic standards for plants west of the Mississippi-- (1 response).

Of those responses stating opposition to or concern regarding MPC deployment, additional comments made relative to this point included:

- The deployment of MPCs may only divert the Department's focus from the need to remove spent nuclear fuel from utility sites-- (4 responses).
- The Department should postpone the provision of MPCs due to the Nuclear Waste Technical Review Board findings relative to the MPCs, the rush to develop MPCs may lead to premature design specifications that could preclude more desirable options and the need for further systems analyses to assess trade-offs and economic impacts-- (2 responses).
- MPCs may not be suitable for disposal requiring the repackaging of all spent nuclear fuel loaded into MPCs prior to permanent disposal-- (2 responses).
- The current MPC designs may not be able to accommodate all spent nuclear fuel-- (2 responses).
- The MPC schedule is overly optimistic and aggressive or leaves little time for the fabrication of storage modules-- (2 responses).
- MPCs may actually result in increased waste management costs-- (1 response).
- Utilities should pay for MPCs, not the Department-- (1 response).
- MPCs may not prove so readily licensable as the Department expects-- (1 responses).

If the primary emphasis of a cost-sharing program were to be the provision of MPCs by the Department, what should be done for utilities unable (e.g., those sites that are physically constrained from utilizing MPCs) or unwilling to make use of MPCs?

- Only 10 responses addressed this question specifically.
 - The Department should provide technology that mitigates any site constraints (i.e., transfer casks, etc.) for those sites unable to handle MPCs-- (3 responses).
 - Sites that choose not to use MPCs should be compensated fairly-- (2 responses).
 - The Department should not attempt to mandate the use of MPCs-- (2 responses).

- Sites that cannot handle MPCs should transship to sites that can-- (2 response).
- The Department should provide incentives to encourage the use of MPCs for those sites the are able but unwilling to use MPCs-- (1 response).
- The Department should open a dialogue with those utilities unable or unwilling to utilize MPCs-- (1 response).
- For sites unable to handle MPCs, the Department must provide off-site storage consistent with its 1998 obligation-- (1 response).

What other forms of cost sharing should the Department consider?

- Utilities should get a full refund of all monies paid into the Nuclear Waste Fund if the Department is unable to meet its 1998 obligation-- (25 responses).
- The Department should pay for the costs of spent nuclear fuel storage resulting from its inability to accept waste beginning in 1998-- (15 responses).
- The added costs incurred by utilities as a result of the Department's inability to accept waste beginning in 1998 should be funded by Congressional appropriation separate from the Nuclear Waste Fund-- (7 responses).
- Utilities that are affected by the Department's inability to accept waste beginning in 1998 should pay a reduced fee or be relieved of their fee payments-- (6 responses).
- The Department should pursue true cost sharing with other program participants including Defense Programs and the Office of Environmental Restoration and Waste Management-- (4 responses).
- The Department should offer existing dual purpose storage casks as compensation either through leasing to utilities, reimbursing utilities that purchase such casks, or through third party financing-- (1 response).
- Utilities should be reimbursed at a pre-negotiated rate for on-site storage of spent nuclear fuel resulting from the Department not meeting its obligations-- (1 response).
- The Department should reimburse utilities for all expenses incurred in developing and operating private interim storage facilities-- (1 response).

- Private spent nuclear fuel storage facilities should not be funded from the Nuclear Waste Fund unless they are fully integrated into the system and meet the Department's 1998 obligation-- *(1 response)*.
- Cost sharing may require site by site criteria-- *(1 response)*.
- The Department should support legislation proposed by Senator Bryan of Nevada which would enable utilities to receive credits until the Department accepts spent nuclear fuel-- *(1 response)*.

2.4 NUCLEAR WASTE POLICY ACT/STANDARD CONTRACT

A number of the responses to the Notice of Inquiry included comments associated with the Nuclear Waste Policy Act and Standard Contract aside from the 1998 waste acceptance obligation issue discussed above. These comments include:

- The Department should grant priority acceptance of spent nuclear fuel from shutdown reactors to enable them to proceed with timely decommissioning-- *(46 responses)*.

Of these responses:

- 38 postcards stated specific support for the priority removal of the spent nuclear fuel from the Yankee-Rowe reactor.
- Shutdown reactor sites such as Yankee-Rowe will never be returned to green field, and the Department must have an adequate waste management policy before spent nuclear fuel is removed from this or any other reactor site-- *(1 response)*.
- The Department should increase the planned acceptance rate for spent nuclear fuel once a facility is operational-- *(8 responses)*.
- The Department has failed to act responsibly with regard to the Nuclear Waste Policy Act-- *(5 responses)*.
- The negotiated siting process should be continued-- *(3 responses)*.
- The negotiated siting process is flawed and should be abandoned-- *(1 response)*.
- The schedule provisions of the Standard Contract should remain the basis for when, where, and how spent nuclear fuel is delivered to the Department-- *(3 responses)*.

- The Department should be prepared to accept spent nuclear fuel from reactors with urgent needs, such as reactors facing fuel storage related shutdown-- (3 responses).
- The Federal government should not be responsible or liable for commercial radioactive wastes. This should be left to the states or utilities that generate this waste-- (3 responses).
- The Department should support the Spent Nuclear Fuel Disposal Assurance Act of 1994 (HB 4887)-- (2 responses).
- The Department must perform a realistic Fee Adequacy Analysis annually, as specified in the Nuclear Waste Policy Act, to ensure that all participants (utilities and the Federal government) are assessed their fair share of costs-- (1 response).
- The allocation of acceptance capacity in the Department's Annual Capacity Report is flawed, since it will result in multiple shipping campaigns from individual reactor sites rather than consolidating the number of waste shipments from individual sites-- (1 response).
- Since our reactor was a demonstration reactor under the Cooperative Power Reactor Demonstration Program, the priority for its acceptance should be reviewed-- (1 response).
- The Department should absorb all costs which would tend to reduce the overall program costs, including the costs for providing upgrades or improvements at reactor sites such as upgrading crane capacities-- (1 response).
- The disposal contracts should be modified to create an independent advisory panel of experts for oversight and resolution of environmental issues-- (1 response).
- The disposal contracts should be modified to create a three person Nuclear Waste Fund Financial Oversight Board- (1 response).
- I/We oppose all facilities mandated under the Nuclear Waste Policy Act along with the transportation and disposal of spent nuclear fuel-- (1 response).
- The Department should begin accepting Greater-Than-Class-C wastes beginning in 1998 in addition to spent nuclear fuel-- (1 response).
- I/We are concerned that the Notice of Inquiry is a precursor to the reopening of the Nuclear Waste Policy Act-- (1 response).

2.5 NUCLEAR WASTE FUND/FEE

A number of the responses to the Notice of Inquiry included comments associated with the Nuclear Waste Fund and the fee. These comments include:

- The Department had already collected over \$10-billion from ratepayers, many of these also cited the amounts paid by their individual states. These responses went on to state that little or no progress has been made with these funds, the Department should not attempt to back out of its obligation after collecting so much money, or that they simply want what they have already paid for-- (593 responses).
- The Nuclear Waste Fund should not be used by Congress or the Administration to show a reduced deficit, and/or Congress should provide the Department with proper access to the Nuclear Waste Fund in order to meet the necessary program goals-- (45 responses).
- I/We are concerned over the existing fee being collected to support program expenditures-- (9 responses).

Additional comments made in some of these responses relative to this point include:

- No increased fees are warranted in light of the money collected to date or the money still available in the Nuclear Waste Fund-- (5 responses).
- There should be a decrease in the fee given the Nuclear Waste Fund receipts and balance-- (2 responses).
- Fee increases should only be considered if the Nuclear Waste Fund is completely exhausted and only then if it is applied equitably to all utilities-- (1 response).
- There should be no increased fees for reactors which have permanently shutdown-- (1 response).
- The fee should be indexed to inflation-- (1 response).
- If the Department is unable to meet its obligation to accept spent nuclear fuel beginning in 1998, an external, interest-bearing escrow fund should be established to receive all fees payable to the Nuclear Waste Fund with the intent that this fund be put under the administration of an independent panel of industry and government representatives-- (7 responses).

- The Department has already spent too much money on useless or unneeded studies-- (6 responses).
- The Department should review the prudence of all program expenditures and eliminate all excessive or wasteful spending in order to attain cost effective performance with the money being spent-- (6 responses).
- If the Department does not believe it has an obligation until a specific contingency is met (i.e., facility operations), then the collection of fees should also be based on meeting that contingency-- (2 responses).
- The Nuclear Waste Fund fee should be suspended until the Department develops a strategy or capability to accept spent nuclear fuel from reactor sites-- (2 responses).
- All program expenditures should come from the Nuclear Waste Fund and not taxpayer dollars-- (1 response).
- The program is on the verge of bankruptcy and should be abandoned-- (1 response).

2.6 REPOSITORY/DISPOSAL

A number of the responses to the Notice of Inquiry included comments associated with the repository and spent nuclear fuel disposal. These comments include:

- The Department should continue or accelerate its efforts associated with establishing a repository for the permanent disposal of spent nuclear fuel and high-level waste-- (39 responses).

Of these responses:

- 19 supported the continuation or acceleration of activities at the Yucca Mountain site.
- The Department should not be looking to permanently dispose of spent nuclear fuel, but should instead reprocess it-- (36 responses).
- I/We are concerned over the schedule for developing a repository-- (9 responses).

Additional comments made in some of these responses relative to this point include:

- Over the past 11 years since the contracts with utilities were signed, the repository schedule has slipped over 12 years-- (3 responses).
- The Federal government has solved more complex problems in much less time-- (3 responses).
- The Department should stop using delays in repository development as a justification for delays in waste acceptance-- (2 responses).
- The Department should abandon the Yucca Mountain site as a potential repository location-- (3 responses).
- The State of Nevada has made appropriate use of its state rights to block the efforts at Yucca Mountain, yet the Federal government has not utilized its eminent domain for the public good-- (2 responses).
- The Department should consider alternate locations for a repository-- (2 responses).

Suggestions made in these responses included:

- The granites in southern Arizona, central Texas, and northeastern Georgia, as well as the basalts of Oregon and Washington, and the Keweenaw Peninsula.
- An international effort to site a repository at a remote location such as Antarctica.
- The acceptance of spent nuclear fuel is an important first step in demonstrating that the Department is serious about final site selection and repository development-- (1 response).
- Geologic disposal is the best way to isolate high-level radioactive wastes-- (1 response).
- Spent nuclear fuel should not be disposed of in a geologic repository--it should be stored above ground where it can be continuously monitored-- (1 response).

2.7 NUCLEAR POWER/OTHER ENERGY SOURCES

A number of the responses to the Notice of Inquiry included comments associated with nuclear power and other sources of energy. These comments include:

- I/We support the continued use of nuclear power in this country- (697 responses).
- I/We are opposed to the continued use of nuclear power-- (21 responses).

Of those responses supporting nuclear power, additional comments made relative to this point include:

- The country can not afford to loose a valuable national asset such as nuclear power due to the Department's inaction on this program-- (403 responses).
- Nuclear power is safer and cleaner than other forms of energy and does not result in emissions of greenhouse gases-- (355 responses).
- Nuclear power provides over one-fifth of this nations supply of electricity which we cannot afford to loose-- (277 responses).
- The Department should be promoting the use of nuclear power, not creating obstacles to its continued use-- (115 responses).
- The Department must solve the high-level waste problem to ensure that future generations can continue to receive the benefits of nuclear power-- (63 responses).
- While the Federal government remains indecisive concerning the use nuclear power, other countries are moving far ahead of the U.S. in the development, application, and use of this technology for power production- (48 responses).
- Opposition to nuclear power is due in large part to misinformation generated by environmental groups, or by misinformed politicians or members of the public-- (33 responses).
- The Department's inability to solve the high-level waste problem plays right into the hands of the anti-nuclear groups that want to shut the industry down-- (30 responses).

- It appears that the Department's and the current administration's approach to addressing the high-level waste problem is deliberately intended to be destructive to the continued safe and effective use of nuclear power in this country-- (19 responses).
- Nuclear power should or will be the energy source of the future-- (12 responses).
- There have been numerous studies which demonstrate that nuclear power represents a low risk to human health and safety or to the environment-- (6 responses).
- Conservation and alternative or renewable energy sources should not be the focus of our future energy sources-- (4 responses).

Of those responses opposing nuclear power, additional comments made relative to this point include:

- It is time to put an end to the use of nuclear power and the production of radioactive wastes altogether-- (11 responses).
- The Department should encourage the development of renewable energy sources-- (8 responses).
- We should be looking for ways to reduce the demand and need for electricity-- (2 responses).
- In one sense, nuclear power is clean, but overall it represents the worst long-term pollution problem-- (1 response).
- States that profit from nuclear power should be responsible for the resultant waste management-- (1 response).
- Nuclear power is only economical because of large government subsidies-- (1 response).

Additional comments associated with nuclear power and other energy sources included:

- The Federal government has buried the nuclear industry under regulations and/or failed promises-- (13 responses).
- I/We are concerned regarding the effect of the Department's inability to solve the high-level waste problem on jobs in the nuclear industry-- (5 responses).

Additional comments made in some of these responses relative to this point include:

- The uncertainty resulting from the lack of a disposal solution has cost me my job or prevented me from finding a new job-- (3 responses).
- Does the Department intended to offer retraining to personnel from the nuclear industry who loose their jobs as a result of the Department's inability to solve the high-level waste problem?-- (2 responses).
- The Department's delays in complying with the Nuclear Waste Policy Act are a result of a poorly developed national energy policy-- (5 responses).
- The excess plutonium and uranium from weapons dismantlement should be burned in commercial nuclear plants-- (4 responses).
- The Department's delays are the primary cause of so much uncertainty with long-range decommissioning planning which translates into increased costs-- (4 responses).
- The Integral Fast Reactor in Idaho should be approved and expedited-- (3 responses).
- NRC licensing capability must not be compromised through Departmental actions or procedures-- (2 responses).
- Federal regulations governing the shipment of radioactive materials are flawed-- (1 response).
- NRC's generic rulemaking process is flawed-- (1 response).
- The Department's inability to solve the spent fuel disposal problem demonstrates that there was no basis for NRC's Waste Confidence Rulemaking-- (1 response).
- NRC's failure to facilitate plant license renewals presents a threat to the nuclear industry-- (1 response).
- More must be done to speed the licensing of nuclear plants-- (1 response).
- The large postulated radiation releases from nuclear plants that were the basis for NRC's creation are not possible, thus there is no longer any need for this Agency-- (1 response).

- The Federal government's policy towards non-proliferation is flawed--it must be differentiated from national nuclear power goals-- (1 response).
- The Department should impose a fee similar to that for spent nuclear fuel on fossil fueled plants-- (1 response).

2.8 ADDITIONAL COMMENTS

In addition to the major categories discussed above, responses to the Notice of Inquiry also included the following comments:

- The Department must act now to solve the high-level waste problem, we cannot leave this problem for future generations-- (186 responses).
- The Department, Secretary, or Administration should take this opportunity to demonstrate its leadership in solving this complex problem-- (50 responses).
- The majority of problems facing this program are political and not technical-- (43 responses).
- The Department should increase the involvement and dialogue or contract with utilities, industry, and the private sector in the development of the overall system-- (13 responses).
- The Department has made little or no progress and the program should be turned over to the private sector-- (9 responses).
- I/We are disappointed that the Department felt the need to divert its focus from meeting its obligation and responsibilities by seeking comments on questions that already are answered by law and through Departmental studies-- (5 responses).
- I/We are disappointed that the Department reopened the comment period for the Notice of Inquiry because this only plays into the hands of anti-nuclear groups that want to shut the industry down or because this only shows the Department's willingness to avoid taking any action on this program-- (5 responses).
- The Department should utilize the resources of the national laboratories-- they have the necessary technical personnel and some (INEL and NTS cited) have ideal locations for spent nuclear fuel storage and disposal-- (4 responses).
- The President should establish a Blue Ribbon Nuclear Waste Commission to oversee and study the problems with this program-- (3 responses).

- This program may end up like the supercollider program where the Federal government cancelled the project after spending billions of dollars-- (3 responses).
- The program should be turned over to a government-owned company-- (1 response).
- The Federal government should also clean up and dispose of the nuclear wastes from existing Department facilities and defense activities-- (1 response).
- If some of the money for defense activities were used for spent nuclear fuel facilities, it would give contractors time to come up with more efficient ways of solving the defense waste cleanup problem-- (1 response).
- The Department should take title to the spent nuclear fuel and sell it to the highest bidder who would then be responsible for finding a cost effective solution for its disposal-- (1 response).
- The Department's small disadvantaged business set-aside program is flawed-- (1 response).
- The Department should not be accepting foreign spent nuclear fuel for storage in the U.S.-- (1 response).
- The Department should fund the completion of the spent nuclear fuel consolidation program-- (1 response).
- Cf-252 should be produced for use in cancer therapy-- (1 response).
- The Department should expand the scope of their spent nuclear fuel Environmental Impact Statement to include both commercial and foreign spent nuclear fuel -- (1 response).

3. NOI COMMENTS BY RESPONDENT CATEGORY

A wide range of affected and interested parties submitted responses on the Notice of Inquiry. In general, respondents to the Notice of Inquiry fall into the following broad categories:

- Utilities
- Public Utility/Service Commissions and Utility Regulators
- Federal, state, and local governments or agencies
- Industry/Companies
- Public Interest Groups and Other Organizations
- General Public

The comments made in these responses are discussed for each of these respondent categories in the sections below.

3.1 UTILITIES

A total of 38 responses representing 85 signatories were received on the Notice of Inquiry from utilities and utility groups. Forty-seven utility members included their endorsements as part of a joint response prepared by the Nuclear Energy Institute (NEI). NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and individuals involved in the nuclear energy industry. Appendix C presents a list of those utilities which included their endorsement on this joint response to the Notice of Inquiry.

This response generally set the tone and established the major themes of the individual utility responses to the Notice of Inquiry. In particular, this response made the following key points:

- The Federal government has a clear responsibility to begin accepting spent nuclear fuel on January 31, 1998 under the Nuclear Waste Policy Act and the Standard Contract.
- The Federal government must accept its responsibility, because there is an urgent need to solve this problem--electric utilities and ratepayers will be harmed if nuclear energy plants that would otherwise continue to operate are forced out-of-service, prevented from returning to service, or are forced to construct additional on-site spent nuclear fuel storage capacity, because the Federal government is unable to begin accepting spent nuclear fuel by January 31, 1998.

- Since the repository will not be available until at least 2010, centralized interim storage of spent nuclear fuel is the means by which the Federal government can begin to take spent nuclear fuel. Removing spent nuclear fuel from reactor sites on or before scheduled acceptance dates is the only acceptable solution.
- A process and necessary legislative authority must be established expeditiously by the Federal government to create interim, off-site spent nuclear fuel storage capability.
- The value of a centralized, interim spent nuclear fuel storage facility is highly dependent on the facility capacity, timing, acceptance rate, and compatibility with existing storage technologies. The Department must seek statutory changes to remove the capacity and timing limitations. The Department must increase the acceptance rate for the spent nuclear fuel management system and assure that all existing storage technologies are compatible with the Federal multi-purpose canister-based system.
- The Department should expeditiously pursue public or private development of an integrated spent nuclear fuel management system (multi-purpose canister, transportation, interim off-site storage, intermediate, monitored disposal, final disposal). Such a system may reduce overall spent nuclear fuel management costs, demonstrate progress, reduce the probability of premature reactor shutdown, and provide greater flexibility in the Federal spent nuclear fuel program to deal with contingencies.
- The Department should increase the involvement of electric utilities and the private sector in the design, licensing, construction, and operation of the multi-purpose container, transportation and interim, centralized storage portions of the Federal spent nuclear fuel management system. This is likely to contribute to more timely and cost-effective implementation of these efforts and help assure compatibility with existing utility facilities and systems. Such private sector involvement in any part of the Federal spent nuclear fuel management system in no way relieves the Federal government, in whole or in part, of its responsibility for centralized, interim storage of spent nuclear fuel beginning on January 31, 1998.
- Compensation to utilities for the Department's failure to meet the 1998 date is important, but more productively addressed when the waste storage/disposal strategy, timetable, associated costs, and effect on the millage fee are better understood, but in no case, later than January 31, 1998. For example, compensation that results in simply increasing the Nuclear Waste Fee is not acceptable. It is much more important that the Department perform as expected by electric utilities and ratepayers under the law and Standard Contract.

- The Department must adopt and adhere to sound, structured, and expeditious schedules and procedures throughout all elements of the Civilian Radioactive Waste Management Program, including all stages of interim storage activities, site characterization, repository development, and licensing to assure that timely progress can be made in a cost-effective manner. Regardless of procedures adopted, Nuclear Regulatory Commission licensing capability must not be compromised.
- The Department should not take actions that would discourage or inhibit the development of private interim spent nuclear fuel storage facilities. Any activity utilities pursue to develop private spent nuclear fuel storage, either centralized or on nuclear energy plant sites, does not relieve the Department of its responsibilities to begin to accept and move spent nuclear fuel from utility facilities by January 31, 1998.

In addition to this joint response, a total of 37 separate responses from 33 utilities or utility groups (4 utilities submitted a second response containing additional or supplemental comments) were received on the Notice of Inquiry. Of these 33 utilities, 29 were sponsor utilities for the of the joint response discussed above, but also responded with separate letters which in general reiterated some or all of the main points from this joint response in addition to expressing individual utility concerns. The remaining separate responses were from 4 utilities and utility groups that had not endorsed the joint utility response. Appendix D presents a list of the utilities and utility groups that submitted separate responses to the Notice of Inquiry.

Every utility with a nuclear plant, with the exception of one (Public Service of Colorado), responded to the Notice of Inquiry either through endorsement of the joint utility response, submittal of a separate response, or both. Of those utilities that responded, 9 have shutdown reactors, and 6 others have operational dry storage facilities. Including those utilities with existing operational dry storage facilities, 16 utilities are expected to have at least one reactor exceed their pool storage capacity by the year 1998, with an additional 26 utilities having at least one reactor do so by 2010. Only 13 of these 42 utilities experiencing storage problems by 2010 will receive their first acceptance allocation before they exceed their pool storage capacity. Eight of these 13 utilities already have at least one approved DCS.

Of the 33 utilities that submitted separate responses, 24 reiterated or stated their support for the comments and principles in the joint utility response. Aside from the comments in this joint response, the major emphasis of the comments in these separate responses from the utilities and utility groups is summarized below for each of the issue areas identified in the Notice of Inquiry.

1998 Waste Acceptance Issue

There was no support among the utility responses for the Department's preliminary view regarding its waste acceptance obligation. In fact, there was unanimous agreement among all 38 of the utility responses that it was the clear intent of the Nuclear Waste Policy Act, and subsequent contracts between the Department and the utilities, that the Department would begin

accepting spent nuclear fuel from commercial nuclear power plants by January 31, 1998. Of the individual utility responses, the following additional major comments were made relative to the 1998 waste acceptance issue in the Notice of Inquiry:

- It is not appropriate and the Department does not have the authority to seek a release, either in whole or in part, of potential contractual liability from its obligation to accept spent nuclear fuel beginning in 1998-- (12 responses).
- The Department should seek from Congress any necessary legislative authority it may need to meet its obligation to begin accepting spent nuclear fuel in 1998-- (11 responses).
- The failure of the Department to meet its waste acceptance obligation may force some reactors to shutdown prematurely-- (6 responses).
- The Department's attempts at backing out of its obligation and/or lack of progress on this program raises or increases doubts about its credibility and its ability to solve problems or manage technical programs of this nature-- (4 responses).
- The lack of an operating facility does not relieve the Department from its obligation to begin accepting spent nuclear fuel in 1998-- (3 responses).
- The Nuclear Waste Policy Act and the Standard Contract established an obligation on behalf of the Department to begin accepting spent nuclear fuel from *our* sites starting in 1998-- (2 responses).
- The issue of whether the Department has a legal or moral obligation to accept spent nuclear fuel is not relevant to the need to resolve this problem for the sake of the nation's economic and energy future-- (2 responses).
- I hope that the "preliminary" characterization in the Notice is true and that the Department actually intends to consider the views expressed in developing its final position-- (1 response).
- The appropriateness of any modifications to existing obligations is dependent on the form of cost sharing being offered-- (1 response).
- The Department should have developed contingency plans for meeting its 1998 obligation-- (1 response).
- Department studies have indicated that the inability of the Department to accept spent nuclear fuel in 1998 will result in an added \$4 billion in maintaining shutdown reactors prior to decommissioning and in on-site storage costs-- (1 response).

Interim Storage

There was unanimous agreement among the 38 utility responses that there continues to be a need for a centralized interim storage facility to enable the Department to meet its 1998 obligation and that an interim away-from-reactor storage facility makes sense from an operational, regulatory, and economic standpoint. Of the individual utility responses, the following additional major comments were made relative to the interim storage issues in the Notice of Inquiry:

- The Department must pursue all available options for central interim storage, including attempting to establish such capacity at one or more existing Federal sites-- (22 responses).
- The Department should seek the necessary statutory changes to remove the timing and capacity restrictions from a monitored retrievable storage or interim storage facility-- (20 responses).
- The Department should support, or at least not take any actions that would interfere or inhibit, efforts associated with the development of private interim storage facilities-- (18 responses).
- It is imperative that the Department provide for spent nuclear fuel storage prior to repository operations-- (12 responses).
- Even if the Department is successful in making available central interim storage, utilities must still have the option of pursuing continued storage on-site or elsewhere-- (10 responses).
- Central interim storage would preclude the development of separate storage installations at each reactor site and/or a single spent nuclear fuel storage location made more sense than 70 or more individual storage locations-- (10 responses).
- Private initiatives for spent nuclear fuel storage in no way relieve the Department of its obligation to accept spent nuclear fuel beginning in 1998-- (9 responses).
- The Department, through the acceptance of foreign spent nuclear fuel, has already demonstrated its ability to provide interim storage-- (9 responses).
- It is unfair of the Department to force utilities and their ratepayers to pay twice for spent nuclear fuel storage by not meeting its obligation to begin accepting spent nuclear fuel in 1998-- (8 responses).
- In addition to developing an interim storage facility, the Department should take immediate action to ensure that the necessary infrastructure is in place to support such a facility-- (5 responses).

- Many reactor sites may not be able to get the necessary approval for additional on-site storage as a result of the Department's inactions-- (4 responses).
- The Department should consider siting an interim storage facility at Yucca Mountain or in the same state as the repository-- (3 responses).
- Through the establishment of central interim storage, the Department would be demonstrating to the public, the public utility commissions, and others that on-site storage at reactors is not permanent-- (3 responses).
- The only reason utilities are looking into such initiatives is due to the lack of progress with the Department's efforts and the Department's attempts at backing out of its obligation-- (3 responses).
- The development of central interim storage by the Department would allow shutdown reactors to be decommissioned on a timely schedule-- (3 responses).
- Leaving spent nuclear fuel at utility sites is not an acceptable solution-- (3 responses).
- The Department should take an active role in supporting such efforts in order to ensure compatibility with the Federal program, and to facilitate the removal of barriers to the licensing of such facilities-- (3 responses).
- Active Federal involvement in such efforts may only serve to introduce delays-- (2 responses).
- The Department should utilize dry cask storage or other existing NRC licensed technologies at an interim site, since utilities have been successful with this technology and have demonstrated it can be done within four years-- (2 responses).
- The need for spent nuclear fuel storage facilities will not go away and further delay will only serve to increase the cost of such facilities-- (1 response).
- The value of central interim storage is highly dependent on its capacity, timing, acceptance rate, and compatibility with existing storage technologies-- (1 response).
- While spent nuclear fuel storage is a complex issue, it is being done successfully in a number of other countries-- (1 response).
- The public perception is that reactor sites and facilities were not intended for the long-term storage of large quantities of spent nuclear fuel-- (1 response).

- The Department should expand the scope of their spent nuclear fuel Environmental Impact Statement to include both commercial and foreign spent nuclear fuel-- *(1 response)*.
- The Department should only pursue storage sites that have a reasonable chance of success-- *(1 response)*.
- A Federal interim storage facility could also be made available for storage of a limited amount of foreign spent nuclear fuel-- *(1 response)*.

Cost Sharing/Multi-Purpose Canisters

There was diversity of utility opinion among those responses which addressed cost sharing and multi-purpose canisters (MPC). Of those utility responses addressing cost sharing, 24 stated support while 16 responses stated some level of concern or opposition to cost sharing. (A number of the utility responses that indicated some support for cost sharing also expressed concerns regarding this concept.) Of the individual utility responses, the following major comments were made relative to the cost sharing and MPC issues in the Notice of Inquiry:

Cost Sharing:

- Cost sharing or compensation, regardless of the form (i.e., MPCs, monetary, etc.), does not relieve the Department of its obligation to begin accepting spent nuclear fuel in 1992-- *(13 responses)*.
- Compensation of utilities because of the Department's failure to meet the 1998 date is important but should be pursued only at the appropriate time (i.e., following the development of a storage and disposal strategy, fee implication assessment, etc.); and that it is much more important that the Department perform as expected first-- *(12 responses)*.
- Cost sharing does not address the need to move spent nuclear fuel off utility sites and it will not be sufficient without such movement of waste from these sites-- *(10 responses)*.
- The Department should pay all added costs (whether for on-site storage, private storage, or other) incurred by utilities as a result of failing to meet their obligation to accept spent nuclear fuel beginning in 1998-- *(8 responses)*.
- Cost sharing should only be implemented if it results in actual progress on the program and does not result in increased fees-- *(7 responses)*.
- The Department should pay for the costs of spent nuclear fuel storage resulting from its inability to accept waste beginning in 1998-- *(6 responses)*.

- The added costs incurred by utilities as a result of the Department's inability to accept waste beginning in 1998 should be funded by Congressional appropriation separate from the Nuclear Waste Fund-- (5 responses).
- Since utilities and their ratepayers have and continue to pay into the Nuclear Waste Fund, any form of cost sharing which would result in increased fees should not be considered-- (4 responses).
- The Department should adjust or suspend the fees being paid by utilities if it fails to begin acceptance of spent nuclear fuel in 1998-- (3 responses).
- The term "cost sharing", as defined, is a misnomer since utilities and their ratepayers are already and will continue to pay the full cost of all program expenditures-- (3 responses).
- The Department should pursue true cost sharing with other program participants including Defense Programs and the Office of Environmental Restoration and Waste Management-- (2 responses).
- The Department should not seek to unilaterally resolve the cost sharing and equity issues based solely on the comments it receives in response to the Notice of Inquiry-- (2 responses).
- Cost sharing or cost sharing alone is not appropriate or is not the answer-- (2 responses).
- The Nuclear Waste Fund should only be used in accordance with its original purpose--use for such things as cost sharing may result in insufficient funds for repository development-- (2 responses).
- Cost sharing will have a detrimental impact on the high-level waste program and should not be implemented at this time except through the provision of MPCs-- (2 responses).
- Compensation for interim storage will only provide a band-aid effect-- (2 responses).
- Cost sharing may only serve to compromise the Nuclear Waste Fund, and result in increased fees-- (2 responses).
- Cost sharing will only result in endless disputes over equity among the utilities-- (2 responses).

- The Department should offer cost sharing on the same basis it uses for establishing acceptance allocations, namely oldest-fuel-first-- (2 responses).
- Cost sharing, including the provision of MPCs, should be offered based on need in order to reduce or minimize the impacts of added on-site storage at reactors-- (2 responses).
- The basis for cost sharing should be equitable to all utilities-- (1 response).
- The basis for cost sharing is a complex issue that should first be addressed by the contract holders-- (1 response).
- The Department should provide MPCs beginning in 1998 at a rate that exceeds the spent nuclear fuel generation rate-- (1 response).
- The Department is not authorized by the Nuclear Waste Policy Act to offer compensation or cost sharing from the Nuclear Waste Fund for on-site storage-- (1 response).
- Cost sharing is inappropriate considering the magnitude and misallocation of fees already paid into the Nuclear Waste Fund-- (1 response).
- Cost sharing should have no impact on total system costs, since it merely transfers Nuclear Waste Fund resources to meet the Department's obligations as they are incurred by utilities-- (1 response).
- Compensation by way of Nuclear Waste Fund credits is already provided for in the Standard Contract in Article IX.B which addresses delays-- (1 response).
- Utilities should get a full refund of all monies paid into the Nuclear Waste Fund if the Department is unable to meet its 1998 obligation-- (1 response).
- Utilities should be reimbursed at a pre-negotiated rate for on-site storage of spent nuclear fuel resulting from the Department not meeting its obligations-- (1 response).
- The Department should reimburse utilities for all expenses incurred in developing and operating private interim storage facilities-- (1 response).
- Private spent nuclear fuel storage facilities should not be funded from the Nuclear Waste Fund unless they are fully integrated into the system and meet the Department's 1998 obligation-- (1 response).

- We request compensation or reimbursement of costs incurred for on-site spent nuclear fuel storage (detailed justification included)-- *(1 response)*.
- Since our reactor was part of a demonstration program, some of the spent nuclear fuel storage costs are for government generated material, thus the Department should provide cost sharing now-- *(1 response)*.

Multi-Purpose Canisters:

- I/We support the Department's efforts associated with the development and deployment of MPCs-- *(10 responses)*.
- The Department's plans for the development and implementation of MPCs for use on-site at reactors for spent nuclear fuel storage may reduce the focus of the Department's efforts to establish central interim storage capacity and the removal of spent nuclear fuel from utility sites-- *(4 responses)*.
- Cost is only one factor that will be used in deciding whether or not to use MPCs for on-site storage, with the other factors including whether the Department can provide MPCs on a reliable schedule, the number and timing of MPCs, etc.-- *(2 responses)*.
- The Department should also provide the storage modules for on-site storage in addition to the MPCs-- *(2 responses)*.
- The Department should ensure that existing storage technologies are compatible with an MPC-based system-- *(2 responses)*.
- The Department should postpone the provision of MPCs because of the Nuclear Waste Technical Review Board (NWTRB) findings and because a rush to develop MPCs could lead to premature design specifications that could preclude more desirable options that may arise in the future-- *(2 responses)*.
- MPCs should be part of an integral spent nuclear fuel management system that includes interim storage-- *(1 response)*.
- Sites that choose not to use MPCs should be compensated fairly-- *(2 responses)*.
- The Department should not attempt to mandate the use of MPCs-- *(1 response)*.
- One factor governing the use of MPCs will be whether or not they need to be reopened prior to transferring them to the Department-- *(1 response)*.

- In developing MPCs, the Department should ensure that the MPCs along with their shipping and storage casks are designed in compliance with NRC seismic standards for plants west of the Mississippi-- *(1 response)*.
- In developing MPCs, the Department should utilize cooperative agreements similar to those in the past with utilities-- *(1 response)*.
- The Department should provide technology that mitigates any site constraints (i.e., transfer casks, etc.) for those sites unable to handle MPCs-- *(1 response)*.
- The Department should provide incentives to encourage the use of MPCs for those sites the are able but unwilling to use MPCs-- *(1 response)*.
- The current MPC design approach may not be able to accommodate all spent nuclear fuel and may limit its usefulness in meeting utility requirements-- *(1 response)*.
- MPCs may not be suitable for disposal requiring the repackaging of all spent nuclear fuel loaded into MPCs prior to permanent disposal-- *(1 response)*.
- The present MPC designs may actually result in increased waste management costs-- *(1 response)*.
- The Department should open a dialogue with those utilities unable or unwilling to utilize MPCs-- *(1 response)*.
- For sites unable to handle MPCs, the Department must provide off-site storage consistent with its 1998 obligation-- *(1 response)*.

Additional Comments of Note

In addition to the major themes discussed above, utilities made the following comments in their responses to the Notice of Inquiry:

Nuclear Waste Policy Act/Standard Contract:

- The Department must seek to increase the acceptance rate of the spent nuclear fuel management system once a facility is in operation in order to minimize additional impacts on utilities-- *(6 responses)*.
- The Department should grant priority acceptance of spent nuclear fuel from shutdown reactors beginning in 1998-- *(4 responses)*.
- The negotiated siting process should be continued-- *(2 responses)*.
- The negotiated siting process is flawed and should be abandoned-- *(1 response)*.

- The schedule provisions of the Standard Contract should remain the basis for when, where, and how spent nuclear fuel is delivered to the Department-- *(1 response)*.
- The Department should absorb all costs which would tend to reduce the overall program costs, including the costs for providing upgrades or improvements at reactor sites such as upgrading crane capacities-- *(1 response)*.
- The Department should accept spent nuclear fuel from reactor sites facing storage related shutdown even before central interim storage is available-- *(1 response)*.
- The Department should support the Spent Nuclear Fuel Assurance Act of 1994 (HB 4887)-- *(1 response)*.
- The Department should begin accepting Greater-Than-Class-C wastes in addition to spent nuclear fuel beginning in 1998-- *(1 response)*.
- The method for allocating acceptance capacity in the Annual Capacity Report is flawed, as it results in multiple shipping campaigns from individual sites over a number of years-- *(1 response)*.
- The Department must perform a realistic Fee Adequacy Analysis annually, as specified in the Nuclear Waste Policy Act, to ensure that all participants (utilities and the Federal government) are assessed their fair share of costs-- *(1 response)*.
- The disposal contracts should be modified to create an independent advisory panel of experts for oversight and resolution of environmental issues-- *(1 response)*.
- The disposal contracts should be modified to create a three person Nuclear Waste Fund Financial Oversight Board-- *(1 response)*.
- Since our reactor was a demonstration reactor under the Cooperative Power Reactor Demonstration Program, the priority for its spent nuclear fuel acceptance should be reviewed-- *(1 response)*.

Nuclear Waste Fund/Fee:

- The Department had already collected over \$10-billion from ratepayers, many of these also cited the amounts paid by their individual states. These responses went on to state that little or no progress has been made with these funds, the Department should not attempt to back out of its obligation after collecting so much money, or that they simply want what they have already paid for-- *(10 responses)*.

- The Department should have proper access to the Nuclear Waste Fund with a number of these responses also stating that it was improper for Congress to utilize the Nuclear Waste Fund as a mechanism to show a reduced deficit-- (6 responses).
- The Department should review the prudence of all program expenditures and eliminate all excessive or wasteful spending in order to attain cost effective performance with the money being spent-- (2 responses).
- No increased fees are warranted in light of the money collected to date or the money still available in the Nuclear Waste Fund-- (2 responses).
- Fee increases should only be considered if the Nuclear Waste Fund is completely exhausted and only then if it is applied equitably to all utilities-- (1 response).
- There should be no increased fees for reactors which have permanently shutdown-- (1 response).
- There should be a decrease in the fee given the Nuclear Waste Fund receipts and balance-- (1 response).
- If the Department is unable to meet its obligation to accept spent nuclear fuel beginning in 1998, an external, interest-bearing escrow fund should be established to receive all fees payable to the Nuclear Waste Fund with the intent that this fund be put under the administration of an independent panel of industry and government representatives-- (1 response).
- If the Department does not believe it has an obligation until a specific contingency is met (i.e., facility operations), then the collection of fees should also be based on meeting that contingency-- (1 response).

Repository:

- The Department should accelerate the efforts associated with characterizing the repository at Yucca Mountain-- (1 response).
- Over the past 11 years since the contracts with utilities were signed, the repository schedule has slipped over 12 years-- (1 response).
- The Department should stop using delays in repository development as a justification for delays in waste acceptance-- (1 response).

Nuclear Power:

- The Department's lack of progress on this program is threatening the continued viability of nuclear power in this country-- (3 responses).

- The Department's inaction has contributed to the substantial uncertainty associated with decommissioning plans which translates into increased costs projected for these activities-- (2 responses).
- The Department's inability to solve the high-level waste problem plays right into the hands of the anti-nuclear groups that want to shut the industry down-- (1 response).
- Nuclear power provides over one-fifth of this nations supply of electricity which we cannot afford to loose-- (1 response).
- NRC licensing capability must not be compromised through Departmental actions or procedures-- (1 response).

Program Management:

- The Department should increase the involvement of the utilities and the private sector in the management and development of the MPC, transportation, and storage elements of the program-- (7 responses).
- I/We are disappointed that the Department reopened the comment period for the Notice of Inquiry because this only plays into the hands of anti-nuclear groups that want to shut the industry down or because this only shows the Department's willingness to avoid taking any action on this program-- (3 responses).
- The Department, Secretary, or Administration should take this opportunity to demonstrate its leadership in solving this complex problem-- (2 responses).
- The Department should expand the scope of their spent nuclear fuel Environmental Impact Statement to include both commercial and foreign spent nuclear fuel-- (1 response).
- The program would be better managed by an independent, government-owned corporation-- (1 response).
- The Department should utilize the resources of the national laboratories-- they have the necessary technical personnel and some (INEL and NTS cited) have ideal locations for spent nuclear fuel storage and disposal-- (1 response).
- The Department should fund the completion of the spent nuclear fuel consolidation program-- (1 response).

3.2 PUBLIC UTILITY/SERVICE COMMISSIONS

A total of 26 responses to the Notice of Inquiry representing 51 signatories were received from public utility/service commissions and regulators. This included a response from the National Association of Regulatory Utility Commissioners (NARUC). The NARUC response generally set the tone and established the major themes of the individual responses from the utility regulators. The main points of this response were the same as those of the joint utility response discussed in Section 3.1, with the addition of the following point:

- The Department should support legislation that would extend the authorization for the Office of the Nuclear Waste Negotiator and give that office the authority to effectively negotiate off-site selection.

In addition to this response, 25 separate responses were received from 24 state regulatory agencies (1 commissioner submitted a second response with additional comments). Appendix E presents a list of the public utility/service commissions or regulatory agencies that submitted separate responses to the Notice of Inquiry. Of the 24 utility regulatory agencies submitting separate responses, 18 reiterated their support of the NARUC response. Aside from the comments in the NARUC response, the major emphasis of the comments in these separate responses from the utility regulatory agencies is summarized below for each of the issue areas identified in the Notice of Inquiry.

1998 Waste Acceptance Issue

Similar to the utility responses, there was no support among the utility regulatory agencies for the Department's preliminary view regarding its waste acceptance obligation. There was unanimous agreement among the 26 utility regulatory agency responses that The Department has an obligation under the Nuclear Waste Policy Act and the Standard Contract to accept spent nuclear fuel beginning in 1998 (one of these responses indicated that the Department has this obligation "soon thereafter"). Of the individual regulatory agency responses, the following additional major comments were made relative to the 1998 waste acceptance issue in the Notice of Inquiry:

- The Department's inaction may force some nuclear plants to shutdown prematurely-- (4 responses).
- It is inappropriate for the Department to seek a release of its contractual liability arising out of such an obligation-- (4 responses).
- The Department should seek from Congress any necessary legislative authority it may need to meet its obligation to begin accepting spent nuclear fuel in 1998-- (2 responses).
- The Department's attempts to back out of its obligation and responsibilities only serves to reinforce the public image and perception of the Department not being

able to be trusted or able to accomplish any task, or that it is contrary to the Secretary's recent initiatives towards openness and improving the Department's image-- (1 response).

- If the Department fails to meet its 1998 obligation, states should be free to develop a system of surcharges in lieu of financial assistance which would increase over time for default interim storage at nuclear sites-- (1 response).

Interim Storage

There was unanimous agreement among the 26 utility regulatory agency responses that there continues to be a need for a centralized interim storage facility to enable the Department to meet its 1998 obligation and that an interim away-from-reactor storage facility makes sense from an operational, regulatory, and economic standpoint. Of the individual responses, the following additional major comments were made relative to the interim storage issues in the Notice of Inquiry:

- The Department should pursue all options for central interim storage including establishing such capability at existing Federal sites-- (24 responses).
- It is imperative that the Department provide for spent nuclear fuel storage prior to repository operations-- (11 responses).
- The Department should seek the necessary statutory changes to remove the timing and capacity restrictions from a monitored retrievable storage or interim storage facility-- (6 responses).
- The Department should support, or at least not take any actions that would interfere or inhibit, efforts associated with the development of private interim storage facilities-- (6 responses).
- It is unfair of the Department to force utilities and their ratepayers to pay twice for spent nuclear fuel storage by not providing central interim storage-- (4 responses).
- Many reactor sites may not be able to get the necessary approval for additional on-site storage as a result of the Department's inaction-- (4 responses).
- The Department has demonstrated its ability to provide for interim storage of spent nuclear fuel through the acceptance of foreign spent nuclear fuel for storage in the U.S.-- (4 responses).
- Leaving spent nuclear fuel at utility sites is not an acceptable solution-- (3 responses).

- Private initiatives for spent nuclear fuel storage in no way relieve the Department of its obligation to accept spent nuclear fuel beginning in 1998-- (3 responses).
- Central interim storage would preclude the development of separate storage installations at each reactor site and/or a single spent nuclear fuel storage location made more sense than 70 or more individual storage locations-- (2 responses).
- The Department should play an active role in the development of private interim storage facilities to ensure compatibility and to facilitate licensing-- (2 responses).
- Even if the Department is successful in making available central interim storage, utilities must still have the option of pursuing continued storage on-site or elsewhere-- (2 responses).
- Utilities should not have the option of pursuing continued storage on-site or elsewhere if the Department is able to provide central interim storage-- (2 responses).
- The value of central interim storage is highly dependent on its capacity, timing, acceptance rate, and compatibility with existing storage technologies-- (2 responses).
- The Department should consider the development of central interim storage at the Yucca Mountain site-- (1 response).
- The development of central interim storage by the Department will demonstrate to the states and the public that on-site storage is not permanent-- (1 response).
- In addition to developing an interim storage facility, the Department should ensure that the necessary infrastructure exists and will be available to support such a facility-- (1 response).

Cost Sharing/Multi-Purpose Canisters

There was diversity of opinion among those utility regulators addressing cost sharing and multi-purpose canisters. Of the individual utility regulatory agency responses, the following major comments were made relative to the cost sharing and MPC issues in the Notice of Inquiry.

Cost Sharing:

- While cost sharing or compensation of utilities for the Department's failure to meet its obligation may have merit, it should only be pursued at the appropriate time-- (5 responses).

- Cost sharing or compensation, regardless of the form (i.e., MPCs, monetary, etc.), does not relieve the Department of its obligation to begin accepting spent nuclear fuel in 1998-- (3 responses).
- The Department should pay the cost of spent nuclear fuel storage resulting from its inability to meet its 1998 obligation-- (3 responses).
- The Department should pay all added costs (whether for on-site storage, private storage, or other) incurred by utilities as a result of failing to meet its obligation to accept spent nuclear fuel beginning in 1998-- (2 responses).
- Cost sharing does not address the need to move spent nuclear fuel off utility sites and is not sufficient without the movement of spent nuclear fuel off utility sites-- (2 responses).
- Cost sharing or cost sharing alone is not appropriate or is not the answer-- (2 responses).
- The term "cost sharing", as defined, is a misnomer since utilities and their ratepayers are already and will continue to pay the full cost of all program expenditures-- (2 responses).
- Cost sharing should only be implemented if it results in actual progress on the program and does not result in increased fees-- (1 response).
- Cost sharing will have a detrimental impact on the program and should only be pursued at this time through the provision of MPCs-- (1 response).
- If the Department does not meet its 1998 obligation, the added costs incurred by utilities for on-site storage should be funded by Congressional appropriations separate from the Nuclear Waste Fund-- (1 response).
- The Department should suspend the fees being paid by utilities if it fails to begin acceptance of spent nuclear fuel in 1998-- (1 response).
- The Department should pursue true cost sharing with other program participants including Defense Programs and the Office of Environmental Restoration and Waste Management-- (1 response).
- The Department should not seek to unilaterally resolve the cost sharing and equity issues based solely on the comments it receives in response to the Notice of Inquiry-- (1 response).

- The Department should offer cost sharing on the same basis it uses for establishing acceptance allocations, namely oldest-fuel-first-- (1 response).
- The Department should allow trading and negotiations among utilities for slots in any cost sharing schedule-- (1 response).

Multi-Purpose Canisters:

- I/We support the Department's efforts associated with the development and deployment of MPCs-- (2 responses).
- For sites that are unable to handle MPCs, the Department should provide technological remedies to mitigate the site constraints (i.e., transfer casks, etc.)-- (1 response).
- The Department should ensure that all existing storage technologies are compatible with the MPC-based system-- (1 response).
- Cost is only one factor that will be considered in the decision to use MPCs for on-site storage-- (1 response).

Additional Comments of Note

In addition to the major themes discussed above, utility regulatory agencies also made the following comments in their responses to the Notice of Inquiry:

Nuclear Waste Policy Act/Standard Contract:

- The Department should grant priority acceptance of spent nuclear fuel from shutdown reactors beginning in 1998-- (1 response).
- The Department should increase the planned acceptance rate of spent nuclear fuel-- (1 response).
- The Department should support the Spent Nuclear Fuel Assurance Act of 1994 (HB 4887)-- (1 response).
- The negotiated siting process should be continued-- (1 response).

Nuclear Waste Fund/Fee:

- The Department has already collected over \$10 billion from ratepayers with little or no progress--the Department should provide what they have been paid for-- (8 responses).
- If the Department is unable to meet its obligation to accept spent nuclear fuel beginning in 1998, an external, interest-bearing escrow fund should be established to receive all fees payable to the Nuclear Waste Fund with the intent that this fund

be put under the administration of an independent panel of industry and government representatives-- (5 responses).

- No increased fees are warranted, especially in light of the balance and funds collected into the Nuclear Waste Fund-- (2 responses).
- The Nuclear Waste Fund should not be tied to the Federal budget and used to show a reduced deficit-- (1 response).

Repository:

- The Department should accelerate its efforts at the Yucca Mountain site to determine, in a timely manner, if this is a suitable repository site-- (2 responses).

Nuclear Power:

- The Department's lack of progress on this program is threatening the continued viability of nuclear power in this country-- (3 responses).
- Nuclear power provides over one-fifth of this nation's supply of electricity which we cannot afford to lose-- (2 responses).
- The Department's inaction has contributed to the substantial uncertainty associated with decommissioning plans which translates into increased costs projected for these activities-- (1 response).
- NRC licensing capability must not be compromised through Departmental actions or procedures-- (1 response).

Program Management:

- The Department must act now to solve the high-level waste problem--we cannot afford to leave this problem for future generations-- (1 response).
- The Department should increase the involvement and dialogue with utilities, industry, the private sector, and the public in the development of the overall system-- (1 response).

3.3 FEDERAL/STATE/LOCAL GOVERNMENTS/AGENCIES/REPRESENTATIVES

A total of 23 responses representing 33 signatories were received from Federal, state, and local governments, agencies, and representative. Appendix F presents a list of these respondents. The major emphasis of these comments is summarized below for each of the issue areas identified in the Notice of Inquiry.

1998 Waste Acceptance Issue

Of the individual responses from governments, agencies, and representatives, 14 responses indicated that the Department has an obligation to accept spent nuclear fuel in 1998, 1 response supported the Department's preliminary view that it does not have such an obligation absent an operational facility, and the remaining 8 responses did not state an opinion on this issue. Of these responses, the following additional major comments were made relative to the 1998 waste acceptance issue in the Notice of Inquiry:

- It is inappropriate for the Department to seek a release, in whole or in part, of any liability arising from its obligation-- *(2 responses)*.
- If the Department does not feel it has the necessary authority to meet its 1998 obligation, it should request such authority from Congress-- *(2 responses)*.
- The failure of the Department to meet its waste acceptance obligation may force some reactors to shutdown prematurely-- *(1 response)*.
- The lack of an operating facility does not relieve the Department from its obligation to begin accepting spent nuclear fuel in 1998-- *(1 response)*.
- The date in the Nuclear Waste Policy Act should reflect a more realistic date for acceptance of spent nuclear fuel and the start of facility operations-- *(1 response)*.

Interim Storage

Of the individual responses from governments, agencies, and representatives, 11 responses stated that there continues to be a need for central interim storage, while 2 responses indicated that the need for immediate action regarding central interim storage has not been substantiated. Of these responses, the following additional major comments were made relative to the interim storage issues in the Notice of Inquiry:

- The Department should not attempt to site interim storage facilities at existing Federal or Departmental sites-- *(8 response)*.
- The Department must pursue all available options for central interim storage, including attempting to establish such capacity at one or more existing Federal sites-- *(1 response)*.
- There is no need for central interim storage, the need for central interim storage has not been substantiated, or there is no safe location or technology to support such capability-- *(3 responses)*.
- It is imperative that the Department provide for spent nuclear fuel storage prior to repository operations-- *(3 responses)*.

- The Department should support, or at least not take any actions that would interfere or inhibit, efforts associated with the development of private interim storage facilities-- (3 responses).
- Many utilities will continue to encounter difficulties in trying to establish on-site storage capacity at reactor sites until the Department is able to show it can accept this waste-- (3 responses).
- The development of a central interim storage facility by the Department should not be allowed to delay repository development-- (3 responses).
- Spent nuclear fuel should remain in storage at reactor sites until a disposal facility is available-- (3 responses).
- It is not appropriate for the Department to continue to insist that it is unable to provide storage for spent nuclear fuel from commercial reactors in the U.S. while at the same time agreeing to accept foreign spent nuclear fuel for storage in the U.S.-- (2 responses).
- If the Department does not provide for interim storage of spent nuclear fuel, the utilities and their ratepayers will end up paying twice for this service, once through the Nuclear Waste Fund and again for on-site storage at reactors-- (2 responses).
- The emphasis of the NARUC Dialogue Report is on the majority findings as expressed by the utility industry. The Department should give more or equal consideration to the minority findings and reports as they pertain to the issues addressed in the Notice of Inquiry-- (2 responses).
- The Department should consider establishing interim storage at the Yucca Mountain site-- (1 response).
- Siting an interim storage facility at Yucca Mountain would only add to the belief that the siting of a repository there is a done deal-- (1 response).
- Leaving spent nuclear fuel at reactor sites is not an acceptable solution-- (1 response).
- The development of a central interim storage facility will only result in increased exposures and risks over simply shipping the spent nuclear fuel directly to a permanent disposal site-- (1 response).
- Central interim storage would preclude the development of separate storage installations at each reactor site and/or a single spent nuclear fuel storage location made more sense than 70 or more individual storage locations-- (1 response).

- Even if there was a central interim storage site, the Department does not have the transportation system available to move spent nuclear fuel there-- *(1 response)*.
- If the Department sites an interim storage facility in the west, another facility should be sited in the east, if possible-- *(1 response)*.

Cost Sharing/Multi-Purpose Canisters

Very few of the responses from governments, agencies, and representatives addressed cost sharing or MPCs. Of those that did, the following major comments were made:

Cost Sharing:

- The Department should not view any form of cost sharing as relieving them of their obligation to accept spent nuclear fuel beginning in 1998-- *(3 responses)*.
- While compensation of utilities for the Department's failure to meet its 1998 obligation is important, it would more appropriately be addressed at a later time-- *(2 responses)*.
- The Nuclear Waste Fund should only be used in accordance with its original purpose--use for such things as cost sharing may result in insufficient funds for repository development-- *(2 responses)*.
- The Department should reimburse utilities for the cost of spent nuclear fuel storage resulting from its inability to accept spent nuclear fuel-- *(2 responses)*.
- Cost sharing or compensation from the Nuclear Waste Fund is not appropriate-- *(1 response)*.
- Cost sharing will only provide a band-aid effect for the overall problem of spent nuclear fuel management-- *(1 response)*.
- Cost sharing will have a detrimental impact on the high-level waste program and should not be implemented at this time except through the provision of MPCs-- *(1 response)*.
- Cost sharing is inappropriate considering the magnitude and misallocation of fees already paid into the Nuclear Waste Fund-- *(1 response)*.
- Since utilities and their ratepayers have and continue to pay into the Nuclear Waste Fund, any form of cost sharing which would result in increased fees should not be considered-- *(1 response)*.
- The Department should support legislation proposed by Senator Bryan of Nevada which would enable utilities to receive credits until the Department accepts spent nuclear fuel-- *(1 response)*.

Multi-Purpose Canisters:

- I/We support the Department's efforts associated with the development and deployment of MPCs -- (2 responses).
- Cost will be only one factor in a utilities decision to use MPCs for on-site storage, with the other factors including: whether the Department could provide MPCs on a reliable schedule, the availability and timing of MPCs, etc.-- (1 response).
- Reactor sites which are unable to handle MPCs should transship their spent nuclear fuel to a facility that can-- (1 response).

Additional Comments of Note

In addition to the major themes discussed above, governments, agencies, and representatives also made the following comments in their responses to the Notice of Inquiry:

Nuclear Waste Policy Act/Standard Contract:

- The Department should grant priority acceptance of spent nuclear fuel from reactors that have shutdown-- (2 responses).
- I/We are concerned that the Notice of Inquiry is a precursor to the reopening of the Nuclear Waste Policy Act-- (1 response).

Nuclear Waste Fund/Fee:

- The Department has already collected over \$10 billion from ratepayers with little or no progress--the Department should provide what they have been paid for-- (8 responses).
- The Department should work with Congress and the Administration to ensure that it has proper access to the Nuclear Waste Fund in order to meet program goals, or the Congress and Administration should stop using the Nuclear Waste Fund to show a reduced deficit-- (3 responses).

Repository:

- The Department should accelerate its efforts at Yucca Mountain to determine, in a timely manner, if it is a suitable repository site-- (3 responses).

Nuclear Power:

- Nuclear power provides over one-fifth of this nations supply of electricity which we cannot afford to loose-- (3 responses).
- The Department's lack of progress on this program is threatening the continued viability of nuclear power in this country-- (2 responses).

- Nuclear power is safer and cleaner than other forms of energy and does not result in emissions of greenhouse gases-- (1 response).

Program Management:

- The Nuclear Regulatory Commission responded that the information in the Notice of Inquiry does not fall within the regulatory area or responsibility of the NRC, and as such, they do not have any specific comments.

3.4 INDUSTRY/COMPANIES

A total of 30 responses representing 48 signatories were received from companies and industry groups. Appendix G presents a list of these respondents. The major emphasis of these comments is summarized below for each of the issue areas identified in the Notice of Inquiry.

1998 Waste Acceptance Issue

There was no support among the industry responses for the Department's preliminary view regarding its waste acceptance obligation. Of the 30 industry responses, 28 stated that the Department has an obligation and a responsibility under the Nuclear Waste Policy Act and the Standard Contract to begin accepting spent nuclear fuel in 1998, while the remaining 2 responses stated no opinion on this issue. Of the individual industry responses, the following additional major comments were made relative to the 1998 waste acceptance issue in the Notice of Inquiry:

- The failure of the Department to meet its waste acceptance obligation may force some reactors to shutdown prematurely and/or cripple the nuclear industry-- (8 responses).
- The Department's attempts to back out of its obligation and responsibilities only serves to reinforce the public image and perception of the Department not being able to be trusted or able to accomplish any task, or that it is contrary to the Secretary's recent initiatives towards openness and improving the Department's image-- (3 responses).
- It is not appropriate and the Department does not have the authority to seek a release, either in whole or in part, of potential contractual liability from its obligation to accept spent nuclear fuel beginning in 1998-- (1 response).
- The Department should seek from Congress any necessary legislative authority it may need to meet its obligation to begin accepting spent nuclear fuel in 1998-- (1 response).
- The Department could meet its 1998 obligation by shipping spent nuclear fuel overseas for reprocessing. If a facility for storage or disposal becomes available

in the U.S. prior to the contracted reprocessing date, the spent nuclear fuel could be returned to the U.S intact subject to a termination fee-- *(1 response)*.

Interim Storage

Of the 21 industry responses addressing the issue of interim storage, there was unanimous support that there continues to be a need for a centralized interim storage facility to enable the Department to meet its 1998 obligation and that an interim away-from-reactor storage facility makes sense from an operational, regulatory, and economic standpoint. Of the individual industry responses, the following additional major comments were made relative to the interim storage issues in the Notice of Inquiry:

- It is unfair of the Department to force utilities and their ratepayers to pay twice for spent nuclear fuel storage by not meeting its obligation to begin accepting spent nuclear fuel in 1998-- *(12 responses)*.
- It is imperative that the Department provide for spent nuclear fuel storage prior to repository operations-- *(12 responses)*.
- The Department should seek the necessary statutory changes to remove the timing and capacity restrictions from a monitored retrievable storage or interim storage facility-- *(2 responses)*.
- The Department must pursue all available options for central interim storage, including attempting to establish such capacity at one or more existing Federal sites-- *(2 responses)*.
- Many reactor sites may not be able to get the necessary approval for additional on-site storage as a result of the Department's inactions-- *(2 responses)*.
- Leaving spent nuclear fuel at utility sites is not an acceptable solution-- *(2 responses)*.
- The Department should support, or at least not take any actions that would interfere or inhibit, efforts associated with the development of private interim storage facilities-- *(1 response)*.
- The Department, through the acceptance of foreign spent nuclear fuel, has already demonstrated its ability to provide interim storage-- *(1 response)*.
- Even if the Department is successful in making available central interim storage, utilities must still have the option of pursuing continued storage on-site or elsewhere-- *(1 response)*.

- An interim storage facility could be developed with existing NRC licensed technologies-- *(1 response)*.
- Even if there was a central interim storage site, the Department does not have the transportation system available to move spent nuclear fuel there-- *(1 response)*.
- The storage of spent nuclear fuel in the U.S. by other than the government may have adverse effects on the responsible actions that we desire from other nations-- *(1 response)*.

Cost Sharing/Multi-Purpose Canisters

Very few of the industry responses addressed the issues associated with cost sharing or MPCs. Of those that did, the following major comments were made relative to the cost sharing and MPC issues in the Notice of Inquiry:

Cost Sharing:

- Cost sharing or cost sharing alone is not appropriate-- *(3 responses)*.
- While cost sharing or compensation of utilities for the Department's failure to meet its obligation may have merit, it should only be pursued at the appropriate time-- *(3 responses)*.
- Utilities should get a full refund of all monies paid into the Nuclear Waste Fund if the Department is unable to meet its 1998 obligation-- *(1 response)*.
- Cost sharing or compensation, regardless of the form (i.e., MPCs, monetary, etc.), does not relieve the Department of its obligation to begin accepting spent nuclear fuel in 1998-- *(1 response)*.
- Cost sharing should only be implemented if it results in actual progress on the program and does not result in increased fees-- *(1 response)*.
- The term "cost sharing", as defined, is a misnomer since utilities and their ratepayers are already and will continue to pay the full cost of all program expenditures-- *(1 response)*.
- The Department should pay all added costs (whether for on-site storage, private storage, or other) incurred by utilities as a result of failing to meet their obligation to accept spent nuclear fuel beginning in 1998-- *(1 response)*.
- The Department should offer cost sharing on the same basis it uses for establishing acceptance allocations, namely oldest-fuel-first-- *(1 response)*.

- The Department should offer existing dual-purpose storage casks as compensation either through leasing to utilities, reimbursing utilities that purchase such casks, or through third party licensing-- (1 response).

Multi-Purpose Canisters:

- The Department should continue development and deployment of MPCs-- (5 responses).
- The MPC schedule is overly optimistic and aggressive, and leaves very little time for the construction of the storage modules-- (2 responses).
- The Department should offer technological remedies to those utilities unable to use MPCs in order to encourage their use-- (1 response).

Additional Comments of Note

In addition to the major themes discussed above, companies and industry groups also made the following comments in their responses to the Notice of Inquiry:

Nuclear Waste Policy Act/Standard Contract:

- The Department must seek to increase the acceptance rate of the spent nuclear fuel management system once a facility is in operation in order to minimize additional impacts on utilities-- (1 response).
- The schedule provisions of the Standard Contract should remain the basis for when, where, and how spent nuclear fuel is delivered to the Department-- (1 response).

Nuclear Waste Fund/Fee:

- The Department has already collected over \$10 billion from ratepayers with little or no progress--the Department should provide what they have been paid for-- (14 responses).
- The Department should have proper access to the Nuclear Waste Fund, and Congress should not utilize the Nuclear Waste Fund as a mechanism to show a reduced deficit-- (2 responses).
- The Department should review the prudence of all program expenditures and eliminate all excessive or wasteful spending in order to attain cost effective performance with the money being spent-- (1 response).

Repository:

- The Department should accelerate the efforts associated with characterizing a repository site-- (1 response).

- The Department should not be looking to permanently dispose of spent nuclear fuel but should instead reprocess it-- (1 response).

Nuclear Power:

- The Department's lack of progress on this program is threatening the continued viability of nuclear power in this country-- (11 responses).
- Nuclear power is safer and cleaner than other forms of energy and does not result in emissions of greenhouse gases-- (10 responses).
- Nuclear power provides over one-fifth of this nations supply of electricity which we cannot afford to loose-- (10 responses).
- The Department must resolve the high-level waste problem to ensure that future generations can continue to rely on the benefits of nuclear power-- (3 responses).
- While the Federal government remains indecisive concerning the use of nuclear power, other countries are moving far ahead of the U.S. in the development, application, and use of this technology for power production-- (1 response).
- The Department should promote the use of nuclear power, not create obstacles to its continued use-- (1 response).
- The Integral Fast Reactor in Idaho should be approved and expedited-- (1 response).
- The Department's inaction has contributed to the substantial uncertainty associated with decommissioning plans which translates into increased costs projected for these activities-- (1 response).

Program Management:

- The Department must act now to solve the high-level waste problem--we cannot afford to leave this problem for future generations-- (7 responses).
- The Department, Secretary, or Administration should take this opportunity to demonstrate its leadership in solving this complex problem-- (2 responses).
- The Department should increase the involvement and dialogue or contract with utilities, industry, and the private sector in the development of the overall system-- (1 response).

3.5 PUBLIC INTEREST GROUPS/OTHER ORGANIZATIONS

A total of 19 responses representing 27 signatories were received from public interest groups and other organizations. Appendix H presents a list of these respondents. The major emphasis of these comments is summarized below for each of the issue areas identified in the Notice of Inquiry.

1998 Waste Acceptance Issue

The opinions stated regarding the Department's waste acceptance obligation were nearly evenly split among the responses submitted by the public interest groups and other organizations. Of these responses, 7 supported the Department's preliminary view that it does not have an obligation to begin accepting spent nuclear fuel in 1998 absent an operational facility, while 5 responses stated that the Department has an obligation and a responsibility under the Nuclear Waste Policy Act and the Standard Contract to begin accepting spent nuclear fuel in 1998. The following additional major comments were made relative to the 1998 waste acceptance issue in these responses:

- The failure of the Department to meet its waste acceptance obligation may force some reactors to shutdown prematurely and/or cripple the nuclear industry-- (*1 response*).
- The Department should seek from Congress any necessary legislative authority it may need to meet its obligation to begin accepting spent nuclear fuel in 1998 -- (*1 response*).

Interim Storage

There were diverse opinions stated with respect to interim storage. Of the responses from public interest and other groups, the following major comments were made relative to the interim storage issues in the Notice of Inquiry:

- The development of a central interim storage facility by the Department runs the risk of slowing or refocusing the efforts associated with developing a geologic repository-- (*5 responses*).
- The development of a central interim storage facility will only result in increased exposures and risks over simply shipping the spent nuclear fuel directly to a permanent disposal site-- (*5 responses*).
- The Department should oppose efforts associated with private interim storage facilities-- (*4 responses*).
- Spent nuclear fuel should remain in storage at reactor sites until a disposal facility is available-- (*3 responses*).

- The Department should not attempt to site interim storage facilities at existing Federal sites-- (3 responses).
- The Department must pursue all available options for central interim storage, including attempting to establish such capacity at one or more existing Federal sites-- (3 responses).
- There is no need for central interim storage, the need for central interim storage has not been substantiated, or there is no safe location or technology to support such capability-- (3 responses).
- It is imperative that the Department provide for spent nuclear fuel storage prior to repository operations-- (2 responses).
- The Department, through the acceptance of foreign spent nuclear fuel, has already demonstrated its ability to provide interim storage-- (2 responses).
- The Department should pursue with Congress the elimination of the existing restrictions on MRS siting, construction, and operation-- (2 response).
- The Department should not pursue the elimination of the existing restrictions on an MRS with Congress-- (1 response).
- It is unfair of the Department to force utilities and their ratepayers to pay twice for spent nuclear fuel storage by not providing central interim storage-- (1 response).
- Central interim storage would preclude the development of separate storage installations at each reactor site and/or a single spent nuclear fuel storage location made more sense than 70 or more individual storage locations-- (1 response).
- Federal interim storage will demonstrate to the states and the public that on-site storage of spent nuclear fuel is not permanent-- (1 response).
- Spent nuclear fuel should not be stored at locations where it could be dangerous to the environment, such as at reactor sites which are typically near large bodies of water-- (1 response).
- Central interim storage is not preferable to on-site storage at reactors due to the national security concerns associated with concentrating large amounts of spent nuclear fuel-- (1 response).
- Even if the Department is successful in making available central interim storage, utilities must still have the option of pursuing continued storage on-site or elsewhere-- (1 response).

- All MRS activities should be halted and the funding should be stopped-- *(1 response)*.
- Leaving spent nuclear fuel at utility sites is not an acceptable solution-- *(1 response)*.
- The emphasis of the NARUC Dialogue Report is on the majority findings as expressed by the utility industry. The Department should give more or equal consideration to the minority findings and reports as they pertain to the issues addressed in the Notice of Inquiry-- *(1 response)*.
- Many reactor sites may not be able to get the necessary approval for additional on-site storage as a result of the Department's inactions-- *(1 response)*.

Cost Sharing/Multi-Purpose Canisters

Very few of these responses addressed the issues associated with cost sharing or MPCs. Of those that did, the following major comments were made relative to the cost sharing and MPC issues in the Notice of Inquiry:

Cost Sharing:

- The Nuclear Waste Fund should only be used in accordance with its original purpose--use for such things as cost sharing may result in insufficient funds for repository development-- *(5 responses)*.
- The Department should adjust or suspend the fee for those utilities who incur additional costs as a result of delays in accepting spent nuclear fuel-- *(2 responses)*.
- The Department should not provide funds from the Nuclear Waste Fund to utilities for continued on-site storage or cost sharing-- *(1 response)*.
- The Department should pay for the costs of spent nuclear fuel storage resulting from its inability to accept spent nuclear fuel beginning in 1998-- *(1 response)*.
- The Department should not attempt to resolve the cost sharing issues unilaterally based on comments received by a few utilities in response to the Notice of Inquiry-- *(1 response)*.
- The added costs incurred by utilities as a result of the Department's inability to accept waste beginning in 1998 should be funded by Congressional appropriation separate from the Nuclear Waste Fund-- *(1 response)*.
- Cost sharing does not address the need to move spent nuclear fuel off utility sites and is not sufficient without the movement of spent nuclear fuel off utility sites-- *(1 response)*.

- Cost sharing or cost sharing alone is not appropriate or is not the answer-- (1 response).
- The term "cost sharing", as defined, is a misnomer since utilities and their ratepayers are already and will continue to pay the full cost of all program expenditures -- (1 response).
- Compensation for interim storage would only provide a band-aid effect-- (1 response).
- The Department should pursue true cost sharing with other program participants including Defense Programs and the Office of Environmental Restoration and Waste Management -- (1 response).

Multi-Purpose Canisters:

- The Department should continue development and deployment of MPCs-- (1 response).
- Utilities should pay for MPCs, not the Department-- (1 response).
- MPCs may not prove so readily licensable as the Department expects-- (1 response).

Additional Comments of Note

In addition to the major themes discussed above, public interest groups and other organizations also made the following comments in their responses to the Notice of Inquiry:

Nuclear Waste Policy Act/Standard Contract:

- The Department should grant priority acceptance of spent nuclear fuel from shutdown reactors to enable them to proceed with timely decommissioning-- (1 response).
- Shutdown reactor sites such as Yankee-Rowe will never be returned to green field, and the Department must have an adequate waste management policy before spent nuclear fuel is removed from this or any other reactor site-- (1 response).
- The Federal government should not be responsible or liable for commercial radioactive wastes. This should be left to the states or utilities that generate this waste-- (1 response).
- I/We are opposed to the transportation and burial of spent nuclear fuel and all facilities mandated by the Nuclear Waste Policy Act-- (1 response).

Nuclear Waste Fund/Fee:

- The Department has already collected over \$10 billion from ratepayers with little or no progress--the Department should provide what they have been paid for-- (4 responses).
- There should be a decrease in the fee given the Nuclear Waste Fund receipts and balance-- (1 response).
- The Nuclear Waste Fund should be indexed to inflation-- (1 response).
- If the Department is unable to meet its obligation to accept spent nuclear fuel beginning in 1998, an external, interest-bearing escrow fund should be established to receive all fees payable to the Nuclear Waste Fund with the intent that this fund be put under the administration of an independent panel of industry and government representatives -- (1 response).
- All program expenditures should come from the Nuclear Waste Fund and not tax money-- (1 response).

Repository:

- The Department should abandon the Yucca Mountain site-- (3 responses).
- The Department should expand the search for a repository site to identify an internationally acceptable site in a more remote location such as Antarctica-- (1 response).

Nuclear Power/Other Energy Sources:

- It is time to put an end to nuclear power and the continued production of radioactive waste-- (6 responses).
- The Department should encourage the development of renewable energy sources-- (4 responses).
- Nuclear power provides over one-fifth of this nations supply of electricity which we cannot afford to loose-- (2 responses).
- The Department's lack of progress on this program is threatening the continued viability of nuclear power in this country-- (1 response).
- Nuclear power is safer and cleaner than other forms of energy and does not result in emissions of greenhouse gases-- (1 response).

- We should not continue to rely on nuclear power but should instead look for ways to reduce the need and demand for electricity-- (1 response).
- Federal regulations governing the shipment of radioactive materials are flawed-- (1 response).

Program Management:

- The President should establish a Blue Ribbon Nuclear Waste Commission to oversee and study the problems with this program-- (3 responses).
- The Department should not be accepting foreign spent nuclear fuel for storage in the U.S.-- (1 response).
- The Department must act now to resolve this problem--we cannot afford to leave it for future generations-- (1 response).
- The Department, Secretary, or Administration should take this opportunity to demonstrate its leadership in solving this complex problem-- (1 response).
- The Department should increase the dialogue with the utilities, industry, private sector, and the public in the development of the overall system-- (1 response).
- I/We are disappointed that the Department felt the need to divert its focus from meeting its obligation and responsibilities by seeking comments on questions that are already answered by law and through Departmental studies-- (1 response).

3.6 GENERAL PUBLIC

A total of 975 responses representing 1,232 signatories were received from members of the general public in response to the Notice of Inquiry on Waste Acceptance Issues. Appendix I presents a list of these respondents. The major emphasis of their comments is summarized below for each of the issue areas identified in the Notice of Inquiry.

1998 Waste Acceptance Issue

Of the responses received from members of the general public, 879 indicated that the Department has an obligation and/or a responsibility to begin accepting spent nuclear fuel in 1998, while 2 agreed with the Department's preliminary view that it does not have an obligation to begin accepting spent nuclear fuel in 1998 absent an operational facility. The following additional major comments were made relative to the waste acceptance issues in the Notice of Inquiry:

- The failure of the Department to meet its waste acceptance obligation may force some reactors to shutdown prematurely-- (146 responses).

- The Department's attempts to back out of its obligation and responsibilities only serves to reinforce the public image and perception of the Department not being able to be trusted or able to accomplish any task, or that it is contrary to the Secretary's recent initiatives towards openness and improving the Department's image-- (87 responses).
- The Department should not feel or act as if it is above the law when it comes to contractual obligations-- (13 responses).
- The Department should stop using the lack of an operating facility or its ability to establish such a facility as an excuse for relieving itself from its obligation to accept spent nuclear fuel beginning in 1998-- (9 responses).
- The Department should seek from Congress any necessary legislative authority it may need to meet its obligation to begin accepting spent nuclear fuel in 1998 -- (4 responses).
- It is not appropriate for the Department to seek such a release from any liability arising out of such an obligation-- (2 responses).
- The Department should have developed contingency plans for meeting its 1998 obligation-- (1 response).

Interim Storage

Of the responses received from members of the general public, the following major comments were made relative to the interim storage issues in the Notice of Inquiry:

- It is unfair of the Department to force utilities and their ratepayers to pay twice for spent nuclear fuel storage by not meeting its obligation to begin accepting spent nuclear fuel in 1998-- (536 responses).
- It is imperative that the Department provide for spent nuclear fuel storage prior to repository operations-- (265 responses).
- Central interim storage would preclude the development of separate storage installations at each reactor site and/or a single spent nuclear fuel storage location made more sense than 70 or more individual storage locations-- (24 responses).
- The Department, through the acceptance of foreign spent nuclear fuel, has already demonstrated its ability to provide interim storage-- (20 responses).
- The Department should support, or at least not take any actions that would interfere or inhibit, efforts associated with the development of private interim storage facilities-- (20 responses).

- The Department must pursue all available options for central interim storage, including attempting to establish such capacity at one or more existing Federal sites -- (17 responses).
- Many reactor sites may not be able to get the necessary approval for additional on-site storage as a result of the Department's inactions-- (10 responses).
- The need for spent nuclear fuel storage facilities will not go away and further delay will only serve to increase the cost of such facilities-- (8 responses).
- The development of a central interim storage facility by the Department runs the risk of slowing or refocusing the efforts associated with developing a geologic repository-- (7 responses).
- Leaving spent nuclear fuel at utility sites is not an acceptable solution-- (6 responses).
- An interim storage facility could be developed quickly utilizing existing storage technologies, such as dry cask storage, which utilities have demonstrated can be deployed within 4 years-- (6 responses).
- The Department should seek the necessary statutory changes to remove the timing and capacity restrictions from a monitored retrievable storage or interim storage facility-- (5 responses).
- While spent nuclear fuel storage is a complex issue, it is being done successfully in a number of other countries-- (5 responses).
- There is no need for central interim storage, the need for central interim storage has not been substantiated, or there is no safe location or technology to support such capability-- (4 responses).
- Utilities and their personnel are responsible for providing inexpensive and safe electricity, not for providing long-term storage of spent nuclear fuel-- (4 responses).
- The Department should oppose private efforts for developing central interim storage facilities-- (3 responses).
- The storage of spent nuclear fuel in the U.S. by other than the government may have adverse effects on the responsible nuclear actions that we desire from other nations, or may increase the proliferation and terrorists' risks by having this material at a number of sites rather than at a single site-- (3 responses).

- The only reason utilities are looking into such initiatives is due to the lack of progress with the Department's efforts and the Department's attempts at backing out of its obligation-- (3 responses).
- Even if the Department is successful in making available central interim storage, utilities must still have the option of pursuing continued storage on-site or elsewhere-- (2 responses).
- Spent nuclear fuel should not be stored at locations which could be dangerous to the environment, such as at reactor sites which tend to be close to large bodies of water-- (2 responses).
- The Department should consider the possible siting of a central interim storage facility at the Yucca Mountain site-- (2 responses).
- Spent nuclear fuel should remain in storage at reactor sites until a disposal facility is available-- (1 response).
- The development of a central interim storage facility will only result in increased exposures and risks over simply shipping the spent nuclear fuel directly to a permanent disposal site-- (1 response).
- Federal interim storage will demonstrate to the states and the public that on-site storage of spent nuclear fuel is not permanent-- (1 response).
- The development of central interim storage by the Department would allow shutdown reactors to be decommissioned on a timely schedule-- (1 response).
- The public perception is that reactor sites and facilities were not intended for the long-term storage of large quantities of spent nuclear fuel-- (1 response).
- The Department must provide for interim storage of spent nuclear fuel due to the potential problems with the existing storage pools at reactor sites-- (1 response).
- The political expense of trying to develop several sites (i.e., an interim storage facility and a repository) will be too large-- (1 response).
- The fuel reprocessing canyons at Hanford and Savannah River should be filled with water and used for storage of spent nuclear fuel-- (1 response).
- Each state should be responsible for determining how best to provide for spent nuclear fuel storage and disposal-- (1 response).

- Any storage solution must be retrievable to support future reprocessing of the spent nuclear fuel-- *(1 response)*.
- The Department should provide performance or surety bonds for private interim storage facilities payable to the host entity on a formula based on spent nuclear fuel left beyond an agreed to date-- *(1 response)*.

Cost Sharing/Multi-Purpose Canisters

Relatively few of the responses from members of the general public addressed the issues associated with cost sharing or MPCs. Of those that did, the following major comments were made relative to the cost sharing and MPC issues in the Notice of Inquiry:

Cost Sharing:

- Cost sharing or cost sharing alone is not the answer, it does not address the need to move spent nuclear fuel off utility sites-- *(37 responses)*.
- Utilities should get a full refund of all monies paid into the Nuclear Waste Fund if the Department is unable to meet its 1998 obligation-- *(23 responses)*.
- The Nuclear Waste Fund should only be used in accordance with its original purpose--use for such things as cost sharing may result in insufficient funds for repository development-- *(4 responses)*.
- The Department should pay for the costs of spent nuclear fuel storage resulting from its inability to accept waste beginning in 1998-- *(3 responses)*.
- The Department should accept full financial responsibility for failure to perform on its contracts with utilities by paying all costs incurred by utilities resulting from not meeting its 1998 obligation-- *(3 responses)*.
- Cost sharing does not address the need to move spent nuclear fuel off utility sites and is not sufficient without the movement of spent nuclear fuel off utility sites-- *(2 responses)*.
- At this point in time, even a full refund from the Nuclear Waste Fund would not be sufficient for utilities to find a solution to their spent nuclear fuel storage problems-- *(1 response)*.
- Cost sharing is inappropriate considering the magnitude and misallocation of fees already paid into the Nuclear Waste Fund-- *(1 response)*.
- The Department should move quickly in implementing cost sharing, since it is apparent that it will not be accepting spent nuclear fuel in 1998-- *(1 response)*.

- Cost sharing or compensation, regardless of the form (i.e., MPCs, monetary, etc.), does not relieve the Department of its obligation to begin accepting spent nuclear fuel in 1998-- (1 response).
- Cost sharing will only result in endless disputes over equity among the utilities -- (1 response).
- Cost sharing may require site by site criteria-- (1 response).
- The order and timing by which the Department offers any form of cost sharing should be based on oldest-fuel-first-- (1 response).

Multi-Purpose Canisters:

- The Department should continue development and deployment of MPCs-- (5 responses).
- The Department should also provide the storage modules for on-site storage in addition to the MPCs -- (1 response).
- MPCs may not be suitable for disposal requiring the repackaging of all spent nuclear fuel loaded into MPCs prior to permanent disposal-- (1 response).
- The Department should ensure that all existing storage technologies are compatible with the MPC-based system-- (1 response).
- The Department should not attempt to mandate the use of MPCs-- (1 response).
- The current MPC designs may not be able to accommodate all spent nuclear fuel-- (1 response).
- Reactor sites which are unable to handle MPCs should transship their spent nuclear fuel to a facility that can-- (1 response).

Additional Comments of Note

In addition to the major themes discussed above, members of the general public also made the following comments in their responses to the Notice of Inquiry:

Nuclear Waste Policy Act/Standard Contract:

- I/We support the priority removal of spent nuclear fuel from the Yankee-Rowe plant-- (38 responses).
- The Department has failed to act responsibly with regard to the Nuclear Waste Policy Act-- (5 responses).

- The Federal government should not be responsible or liable for commercial radioactive wastes. This should be left to the states or utilities that generate this waste-- (2 responses).
- The Department should be prepared to accept spent nuclear fuel from reactors with urgent needs such as those facing fuel storage related shutdown-- (2 responses).
- The schedule provisions of the Standard Contract should remain the basis for when, where, and how spent nuclear fuel is delivered to the Department-- (1 response).

Nuclear Waste Fund/Fee:

- The Department has already collected over \$10 billion from ratepayers with little or no progress--the Department should provide what they have been paid for-- (549 responses).
- The Department should have proper access to the Nuclear Waste Fund and Congress should not utilize the Nuclear Waste Fund as a mechanism to show a reduced deficit-- (33 responses).
- The Department has already spent too much money on useless or unneeded studies-- (6 responses).
- The Department should review the prudence of all program expenditures and eliminate all excessive or wasteful spending in order to attain cost effective performance with the money being spent-- (3 responses).
- The Nuclear Waste Fund fee should be suspended until the Department develops a strategy or capability to accept spent nuclear fuel from reactor sites-- (2 responses).
- No increased fees are warranted in light of the money collected to date or the money still available in the Nuclear Waste Fund-- (1 response).
- If the Department does not believe it has an obligation until a specific contingency is met (i.e., facility operations), then the collection of fees should also be based on meeting that contingency-- (1 response).
- The program is on the verge of bankruptcy and should be abandoned-- (1 response).

Repository:

- The Department should not be looking to permanently dispose of spent nuclear fuel but should instead reprocess it-- (35 responses).
- The Department should accelerate the efforts associated with characterizing a repository site-- (32 responses).
- The Federal government has solved more complex problems in much less time-- (3 responses).
- The Department should abandon the Yucca Mountain site as a potential repository location-- (2 responses).
- Over the past 11 years since the contracts with utilities were signed, the repository schedule has slipped over 12 years-- (2 responses).
- The State of Nevada has made appropriate use of its state rights to block the efforts at Yucca Mountain, yet the Federal government has not utilized its eminent domain for the public good-- (2 responses).
- The Department should consider the granites in southern Arizona, central Texas, and northeastern Georgia, as well as the basalts of Oregon and Washington, and the Keweenaw Peninsula for a potential repository site-- (1 response).
- Geologic disposal is the best way to isolate high-level radioactive wastes-- (1 response).
- Spent nuclear fuel should not be disposed of in a geologic repository--it should be stored above ground where it can be continuously monitored-- (1 response).
- The Department should stop using delays in repository development as a justification for delays in waste acceptance-- (1 response).
- The acceptance of spent nuclear fuel is an important first step in demonstrating that the Department is serious about final site selection and repository development-- (1 response).

Nuclear Power/Other Energy Sources:

- The Department's lack of progress on this program is threatening the continued viability of nuclear power in this country-- (383 responses).
- Nuclear power is safer and cleaner than other forms of energy and does not result in emissions of greenhouse gases-- (343 responses).

- Nuclear power provides over one-fifth of this nations supply of electricity which we cannot afford to loose-- (259 responses).
- The Department should promote the use of nuclear power, not create obstacles to its continued use-- (114 responses).
- The Department must resolve the high-level waste problem to ensure that future generations can continue to rely on the benefits of nuclear power-- (60 responses).
- While the Federal government remains indecisive concerning the use of nuclear power, other countries are moving far ahead of the U.S. in the development, application, and use of this technology for power production-- (47 responses).
- Opposition to nuclear power is due in large part to misinformation generated by environmental groups, or by misinformed politicians or members of the public-- (33 responses).
- The Department's inability to solve the high-level waste problem plays right into the hands of the anti-nuclear groups that want to shut the industry down-- (29 responses).
- It appears that the Department's and the current administration's approach to addressing the high-level waste problem is deliberately intended to be destructive to the continued safe and effective use of nuclear power in this country-- (19 responses).
- The Federal government has buried the nuclear industry under regulations and/or failed promises-- (13 responses).
- Nuclear power should or will be the energy source of the future-- (12 responses).
- There have been numerous studies which demonstrate that nuclear power represents a low risk to human health and safety or to the environment-- (6 responses).
- It is time to put an end to the use of nuclear power and the production of radioactive wastes altogether-- (5 responses).
- The Department's delays in complying with the Nuclear Waste Policy Act are a result of a poorly developed national energy policy-- (5 responses).
- The Department should encourage the development of renewable energy sources-- (4 responses).

- The excess plutonium and uranium from weapons dismantlement should be burned in commercial nuclear plants-- (4 responses).
- Conservation and alternative or renewable energy sources should not be the focus of our future energy sources-- (4 responses).
- The uncertainty resulting from the lack of a disposal solution has cost me my job or prevented me from finding a new job-- (3 responses).
- Does the Department intended to offer retraining to personnel from the nuclear industry who loose their jobs as a result of the Department's inability to solve the high-level waste problem?-- (2 responses).
- The Integral Fast Reactor in Idaho should be approved and expedited-- (2 responses).
- We should be looking for ways to reduce the demand and need for electricity-- (1 response).
- In one sense, nuclear power is clean, but overall it represents the worst long-term pollution problem-- (1 response).
- States that profit from nuclear power should be responsible for the resultant waste management-- (1 response).
- Nuclear power is only economical because of large government subsidies-- (1 response).
- NRC's generic rulemaking process is flawed-- (1 response).
- The Department's inability to solve the spent fuel disposal problem demonstrates that there was no basis for NRC's Waste Confidence Rulemaking-- (1 response).
- NRC's failure to facilitate plant license renewals presents a threat to the nuclear industry-- (1 response).
- More must be done to speed the licensing of nuclear plants-- (1 response).
- The large postulated radiation releases from nuclear plants that were the basis for NRC's creation are not possible, thus there is no longer any need for this Agency-- (1 response).
- The Federal government's policy towards non-proliferation is flawed--it must be differentiated from national nuclear power goals-- (1 response).

- The Department should impose a fee similar to that for spent nuclear fuel on fossil fueled plants-- (1 response).

Program Management:

- The Department must act now to solve the high-level waste problem, we cannot afford to leave this problem for future generations-- (177 responses).
- The Department, Secretary, or Administration should take this opportunity to demonstrate its leadership in solving this complex problem-- (45 responses).
- The majority of problems facing this program are political and not technical-- (43 responses).
- The Department has made little or no progress and the program should be turned over to the private sector-- (9 responses).
- The Department should increase the involvement and dialogue or contract with utilities, industry, and the private sector in the development of the overall system-- (3 responses).
- The Department should utilize the resources of the national laboratories-- they have the necessary technical personnel and some (INEL and NTS cited) have ideal locations for spent nuclear fuel storage and disposal-- (3 responses).
- I/We are disappointed that the Department reopened the comment period for the Notice of Inquiry because this only plays into the hands of anti-nuclear groups that want to shut the industry down or because this only shows the Department's willingness to avoid taking any action on this program-- (4 responses).
- I/We are disappointed that the Department felt the need to divert its focus from meeting its obligation and responsibilities by seeking comments on questions that are already answered by law and through Departmental studies-- (2 responses).
- This program may end up like the supercollider program where the Federal government cancelled the project after spending billions of dollars-- (3 responses).
- The Federal government should also clean up and dispose of the nuclear wastes from existing Department facilities and defense activities-- (1 response).
- If some of the money for defense activities were used for spent nuclear fuel facilities, it would give contractors time to come up with more efficient ways of solving the defense waste cleanup problem-- (1 response).

- The Department should take title to the spent nuclear fuel and sell it to the highest bidder who would then be responsible for finding a cost effective solution for its disposal-- *(1 response)*.
- Cf-252 should be produced for use in cancer therapy-- *(1 response)*.
- The Department's small disadvantaged business set-aside program is flawed-- *(1 response)*.

APPENDIX A

Notice of Inquiry on Waste Acceptance Issues

Published in the Federal Register on May 25, 1994

Office of Civilian Radioactive Waste Management; Waste Acceptance Issues

59 FR 27007; May 25, 1994

ACTION: Notice of Inquiry.

SUMMARY: The Department of Energy seeks to address the concerns of affected parties regarding the continued storage of spent nuclear fuel at reactor sites beyond 1998. Through this Notice of Inquiry, the Department desires to elicit the views of affected parties on: (1) The Department's preliminary view that it does not have a statutory obligation to accept spent nuclear fuel in 1998 in the absence of an operational repository or a suitable storage facility constructed under the Nuclear Waste Policy Act of 1982, as amended; (2) the need for an interim, away-from-reactor storage facility prior to repository operations; and (3) options for offsetting, through the use of the Nuclear Waste Fund, a portion of the financial burden that may be incurred by utilities in continuing to store spent nuclear fuel at reactor sites beyond 1998. While seeking these comments, the Department remains committed to pursuing the permanent disposal of spent nuclear fuel and developing a strategy to address its interim storage.

DATES: Written submissions are due on or before September 22, 1994.

ADDRESSES: Written comments should be submitted to Mr. Alan Brownstein, Office of Civilian Radioactive Waste Management (RW-432), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Brownstein at the address above, or by telephone at (202) 586-7346 or Mr. Robert Waxman of the Office of General Counsel at (202) 586-6975.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Nuclear Waste Policy Act of 1982

The Nuclear Waste Policy Act of 1982, as amended, [Act], 42 U.S.C. 10101 et seq., provides a comprehensive framework for disposal of commercial spent nuclear fuel and high-level radioactive waste. Section 302 of the Act established the Nuclear Waste Fund and required owners and generators of spent nuclear fuel and high-level waste to pay fees into the Nuclear Waste Fund sufficient to ensure the full-cost recovery of all program expenditures. Section 302(a) authorized the Secretary to enter into contracts with the owners and generators of spent nuclear fuel and high-level waste of domestic origin [herein referred to as "utility"] for the acceptance

and disposal of such wastes. Section 302(a)(5) of the Act further stipulated that these contracts shall provide that the Secretary shall take title to the spent nuclear fuel or high-level waste as expeditiously as practicable following commencement of operation of a repository and that, in return for payment of the fees established by this section, the Secretary, beginning not later than January 31, 1998, will dispose of these wastes.

B. Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

The Department implemented Section 302(a) of the Act through rulemaking under which it promulgated the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (Standard Contract) (48 FR 16590, codified at 10 CFR part 961), which was published on April 18, 1983. Article II of the Standard Contract states that "the services to be provided by DOE [Department of Energy] under this contract shall begin, after commencement of facility operations, not later than January 31, 1998 . . .". The use of the term "facility" in the Standard Contract, as contrasted with the use of the term "repository" in the Act, was in recognition that a Monitored Retrievable Storage (MRS) facility may be available before a repository and could meet the intent of the statute.

C. Development of a Repository and a MRS

When the Act was passed, the Department anticipated that a geologic repository would be in operation and prepared to begin acceptance of spent nuclear fuel by January 31, 1998. As indicated above, when the Standard Contract was promulgated, the Department envisioned that it would have a waste management facility in operation and would be prepared to begin acceptance of spent nuclear fuel by January 31, 1998.

The Act provides for a comprehensive site selection and site characterization process, wherein the Department makes a recommendation to the President for approval of a repository. Currently, the Yucca Mountain site in Nevada is the only site authorized by the Congress for site characterization. Should Yucca Mountain prove scientifically suitable, and be licensed by the Nuclear Regulatory Commission and approved by the Congress, the Department currently projects that the earliest possible date for acceptance of waste for disposal at a repository is 2010.

With respect to availability of an MRS to accept and temporarily store spent nuclear fuel, the Nuclear Waste Policy Amendments Act of 1987 (Amendments Act) linked the development schedule for an MRS facility to the geologic repository. The Amendments Act precludes the Department from selecting an MRS site until a repository site is recommended to the President, and MRS construction may not be started until a construction authorization for a repository is received from the Nuclear Regulatory Commission. Given these timing restrictions, the Department has looked to the negotiated siting process, administered by the Nuclear Waste Negotiator, and a negotiated agreement proposing a site to the Congress as the appropriate mechanism for achieving the 1998 waste acceptance target. Experience has shown that there are

significant challenges associated with siting any facility of this type. Thus far, neither the efforts of the Department nor any other organization, including the Office of the Nuclear Waste Negotiator, have achieved the level of success needed to realize significant progress in locating and developing a site by 1998.

In an April 1, 1993, letter to the Secretary of Energy, the National Association of Regulatory Utility Commissioners (NARUC) proposed that a collaborative dialogue be initiated to identify and develop constructive recommendations for the Secretary and others for their consideration in evaluating alternatives for interim spent nuclear fuel storage. In order to establish a dialogue whose participants represented a broad range of affected interests, NARUC extended invitations to state utility regulators, nuclear utility executives, environmental groups, and representatives from the State of Nevada. Individuals from the Department of Energy and the Nuclear Regulatory Commission were invited to provide technical assistance.

Over the course of three meetings, the participants identified alternatives for interim storage of spent nuclear fuel, and considered the advantages and disadvantages of each. On February 25, 1994, NARUC issued the Report and Recommendations of the NARUC Dialogue on Spent Fuel Management, presenting the results of this stakeholder dialogue. In summary, the majority findings of the NARUC dialogue were that:

Centralized off-site interim storage of spent fuel is far preferable to on-site storage at reactor sites throughout the country. The federal government should take immediate action to establish centralized interim storage capability by 1998, including the commencement of an effort to develop such capability at one or more federal sites. This represents a sensible, safe, economic approach to meeting the nation's near term spent fuel management needs. The participants recognize that Congressional action is necessary to effectuate many of the recommendations. They also recognize that this is a difficult issue and are ready to actively assist the federal government in discharging its responsibilities.

D. The Department's Waste Acceptance Obligation

Many utilities have maintained that certain terms in the Act and the Standard Contract created an unconditional obligation on behalf of the Department to begin accepting spent nuclear fuel in 1998. Some of these utilities have informed the Department that they have implemented long term waste management plans based on this interpretation.

The Department's preliminary view is that it has no statutory obligation to accept spent nuclear fuel beginning in 1998 in the absence of an operational repository or other facility constructed under the Act, although the Department in implementing the Standard Contract may have created an expectation that it would begin accepting such spent nuclear fuel in 1998. Accordingly, the Secretary has indicated her intent to explore with affected parties various options and methods for sharing the costs related to the financial burden associated with continued on-site storage. Any form of cost sharing offered through the Nuclear Waste Fund is not intended to fulfill the

Department's ultimate obligation under the Standard Contract to take title to and physical possession of spent nuclear fuel once a facility constructed under the Act is operational.

E. Purpose of Notice

This Notice of Inquiry is intended to implement the Secretary's initiative by eliciting the views of affected parties on: (1) The Department's preliminary view that it does not have a statutory obligation to accept spent nuclear fuel in 1998 in the absence of an operational repository or other facility constructed under the Act; (2) the need for an interim, away-from-reactor storage facility prior to repository operations; and (3) options for offsetting, through the use of the Nuclear Waste Fund, a portion of the financial burden that may be incurred by utilities in continuing to store spent nuclear fuel at reactor sites beyond 1998.

Should the Department proceed with some form of cost sharing, each utility would be offered an opportunity to modify its Standard Contract. As a condition of such cost sharing, it is possible that the Department may require a release, in whole or in part, of potential contractual liability arising out of any obligation to accept waste prior to commencement of repository operation or the operation of another facility constructed under the Act.

The Department recognizes that there are a number of potential forms of cost sharing arrangements, but at this time, the Department has not reached a decision whether to proceed with, nor is it predisposed to, any particular form of cost sharing. Currently, the Department is evaluating a design for multi-purpose canisters (MPC) to support spent nuclear fuel transportation, storage, and disposal. The MPC offers the potential for considerable standardization, simplification and, consequently, cost savings for both utilities and the Federal waste management system. Given the potential benefits of the MPC, the Secretary has directed that the options to be explored by the Department should include, to the maximum extent possible, the provision and use of MPCs to address both schedule and cost concerns arising from the potential unavailability of a repository or an MRS in 1998.

II. Requests for Submissions

The Department requests written comments from all affected parties. All written information provided by respondents will be available for public inspection at the Department of Energy, Freedom of Information Reading Room, room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585 between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Pursuant to the provisions of 10 CFR 1004.11, any person submitting information believed to be proprietary or confidential and exempt by law from public disclosure should submit two copies of the document; 1 complete copy and 1 copy in which information believed to be proprietary or confidential has been deleted, and the reasons you believe the information is not subject to disclosure. Information identified as proprietary or confidential will be handled in accordance with governing Departmental regulations. Specific areas for comment

are identified below; however, this delineation of issues is not intended to limit the content of submissions.

Legal Issue

Does the Department have a legal obligation under the Act or the Standard Contract to accept waste in 1998 in the absence of a repository or other facility under the Act? If so, should the Department seek a release, in whole or in part, of any liability arising out of such obligation as a condition of cost sharing?

Interim Storage Issues

Does there continue to be a need for a Federal or centralized interim storage facility prior to repository operations?

Should the development of an interim spent nuclear fuel storage facility at an existing Federal site be pursued?

What role, if any, should the Department play in the development of private interim storage facilities?

If the Department is successful in making available central interim storage for spent nuclear fuel, should each utility have the option to pursue continued storage on-site or elsewhere?

Should the Department pursue with Congress the elimination of the existing restrictions on MRS siting, construction, and operations?

What additional comments do you have on the NARUC dialogue? (Copies of their Report are available in the Department of Energy's, Freedom of Information Reading Room, room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585 between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.)

Cost Sharing Issues

Recognizing the full-cost recovery provision and the limitations imposed on the use of the Nuclear Waste Fund by Section 302 of the Act, should the Department consider offering some form of cost sharing to utilities if it is unable to begin accepting spent nuclear fuel by 1998?

What basis should the Department use for establishing the order and timing by which such cost sharing is offered?

If it is found that such cost sharing may result in increased fees, should the Department continue pursuing implementation of a cost-sharing program?

If cost sharing involves the Department providing MPCs and the utilities paying the costs

associated with storage modules and other on-site storage related needs (e.g., costs of loading and handling operations), would the extent of utility expenditures required by this approach affect whether utilities would use it?

If the primary emphasis of a cost-sharing program were to be the provision of MPCs by the Department, what should be done for utilities unable (e.g., those sites that are physically constrained from utilizing MPCs) or unwilling to make use of MPCs?

What other forms of cost sharing should the Department consider?

Issued in Washington, DC, May 19, 1994.

Daniel A. Dreyfus,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 94-12787 Filed 5-24-94; 8:45 am]

APPENDIX B

Notice Reopening Comment Period

Published in the Federal Register on October 18, 1994

Office of Civilian Radioactive Waste Management; Waste Acceptance Issues

59 FR 52524; October 18, 1994; Full Text

ACTION: Notice reopening comment period.

SUMMARY: On Wednesday, May 25, 1994, the Department of Energy published a Notice of Inquiry to elicit the views of affected parties on: (1) The Department's preliminary view that it does not have a statutory obligation to accept spent nuclear fuel in 1998 in the absence of an operational repository or a suitable storage facility constructed under the Nuclear Waste Policy Act of 1982, as amended; (2) the need for an interim, away-from-reactor storage facility prior to repository operations; and (3) options for offsetting, through the use of the Nuclear Waste Fund, a portion of the financial burden that may be incurred by utilities in continuing to store spent nuclear fuel at reactor sites beyond 1998 (59 FR 27007). The comment period for this Notice of Inquiry closed on September 22, 1994.

Today's notice announces a reopening of the comment period on the waste acceptance issues addressed in the Notice of Inquiry. The Department is taking this action in response to a request for an extension of the comment period received from Nuclear Information and Resource Service, Public Citizen Critical Mass Energy Project, Prairie Island Coalition Against Nuclear Storage, Safe Energy Communication Council, U.S. Public Interest Research Group, and Water Information Network.

DATES: Written submission are due on or before December 19, 1994.

ADDRESSES: Written comments should be submitted to Mr. Alan Brownstein, Office of Civilian Radioactive Waste Management (RW-44), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Brownstein at the address above, or by telephone at (202) 586-7346 or Mr. Robert Waxman of the Office of General Counsel at (202) 586-6975.

Issued in Washington, DC, October 13, 1994.

Lake H. Barrett,

Deputy Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 94-25749 Filed 10-17-94; 8:45 am]

APPENDIX C

Utilities Endorsing the Nuclear Energy Institute's Response to the Notice of Inquiry on Waste Acceptance Issues

**Utility Members of NEI Endorsing the NEI Response to the Department's
Notice of Inquiry on Waste Acceptance Issues**

American Electric Power

- Indiana Michigan Power Company

Arizona Public Service Company

Baltimore Gas & Electric

Boston Edison Company

Carolina Power & Light Company

Centerior Energy Corporation

- The Cleveland Electric Ill. Company
- The Toledo Edison Company

Commonwealth Edison Company

Connecticut Yankee Atomic Power Company

Consolidated Edison Co. of NY, Incorporated

Consumers Power Company

The Detroit Edison Company

Duke Power Company

Duquesne Light Company

Entergy Corporation

- Arkansas Power & Light Company
- Entergy Operations, Incorporated
- Gulf States Utilities Company
- Louisiana Power & Light Company
- Systems Energy Resources, Inc.

Florida Power Corporation

Florida Power & Light Company

General Public Utilities Corporation

- GPU Nuclear Corporation
- Jersey Central Power & Light Co.
- Metropolitan Edison Company
- Pennsylvania Electric Company

Houston Industries Incorporated

- Houston Lighting & Power Co.

IES Utilities, Incorporated

Illinois Power Company

Maine Yankee Atomic Power Company

Nebraska Public Power District

New York Power Authority

Niagara Mohawk Power Corporation

Northeast Utilities

- North Atlantic Energy Service Corp.
- Northeast Nuclear Energy Corporation

Northern States Power Company

Omaha Public Power District

Pacific Gas & Electric Company

Pennsylvania Power & Light Company

PECO Energy Company

Portland General Electric

Public Service Company of Colorado

Public Service Electric & Gas Company

Rochester Gas & Electric Company

South Carolina Electric & Gas Company

Southern California Edison Company

The Southern Company

- Alabama Power Company
- Georgia Power Company
- Southern Nuclear Operating Company

Tennessee Valley Authority

Texas Utilities Company

- TU Electric

Union Electric Company

Vermont Yankee Nuclear Power Corporation

Virginia Power

Washington Public Power Supply System

Wisconsin Electric Power Company

Wisconsin Public Service Corporation

Wolf Creek Nuclear Operating Corporation

Yankee Atomic Electric Company

APPENDIX D

Utilities and Utility Groups Submitting Individual Responses to the Department's Notice of Inquiry on Waste Acceptance Issues

**Utility and Utility Groups Submitting Individual Responses
to the Department's Notice of Inquiry on Waste Acceptance Issues**

<u>Utility or Utility Group</u>	<u>Position/Title</u>	<u>Name</u>
American Public Power Association	Director, Technical Services	William Wemhoff
Baltimore Gas & Electric	Chief Executive Officer	C.H. Poindexter
Baltimore Gas & Electric	Vice President, Nuclear	Robert E. Denton
Boston Edison Company	Senior Vice President, Nuclear	E.T. Boulette
Commonwealth Edison Company	Vice President, Nuclear Waste Officer	Louis O. DelGeorge
Consumers Power Company	Chairman	William T. McCormick, Jr.
Dairyland Power Corporation	General Manager	William L. Berg
The Detroit Edison Company	Senior Vice President, Nuclear	Douglas R. Gipson
Duke Power Company	Senior Vice President, Nuclear	Michael S. Tuckman
Entergy Corporation	Director, Nuclear Fuels	Frank B. Rives
Florida Power & Light Company	President, Nuclear Division	J.H. Goldberg
Georgia Power Company	Executive Vice President, Nuclear	W.G. Hairston III
GPU Nuclear Corporation	President	P.R. Clark
IES Utilities, Incorporated	Chief Executive Officer	Lee Liu
Illinois Power Company	Director, Licensing	Richard F. Phares
Maine Yankee Atomic Power Company	Chief Executive Officer	Charles D. Frizzle
Northeast Utilities	Executive Vice President, Nuclear	J.F. Opeka
Northern States Power Company	Chief Executive Officer	James J. Howard
Nuclear Energy Institute	Chief Executive Officer	Phillip Bayne
Omaha Public Power District	Senior Vice President	William C. Jones
Pacific Gas & Electric Company	Senior Vice President, Nuclear	Gregory M. Rueger
PECO Energy Company	Senior Vice President, Nuclear	Dickinson M. Smith
Portland General Electric	Site Executive	S.M. Quennoz
Public Service Electric & Gas Company	Chief Executive Officer	James Ferland
Public Service Electric & Gas Company	Vice President, Nuclear	Steven Milttenberger
Public Systems Group, Incorporated	Attorney	Gary J. Newell

**Utility and Utility Groups Submitting Individual Responses
to the Department's Notice of Inquiry on Waste Acceptance Issues**

<u>Utility or Utility Group</u>	<u>Position/Title</u>	<u>Name</u>
Sacramento Municipal Utilities District	Senior Attorney	Steven M. Cohn
Southern California Edison Company	Vice President	Richard Rosenblum
Southern Nuclear Operating Company	Chief Executive Officer	W.G. Hairston III
Tennessee Valley Authority	Vice President, Engineering	Mark O. Medford
Union Electric Company	Senior Vice President, Nuclear	Donald F. Schnell
Vermont Yankee Nuclear Power Corporation	Vice President, Engineering	James P. Pelletier
Virginia Power	Senior Vice President	James P. O'Hanlon
Wisconsin Electric Power Company	Vice President, Nuclear	Bob Link
Wisconsin Public Service Corporation	Senior Vice President, Nuclear	Clark R. Steinhardt
Wisconsin Public Service Corporation	Director, Nuclear Fuel	S.F. Wozniak
Yankee Atomic Electric Company*	Chief Executive Officer	Andrew C. Kadak

*Submitted two separate responses to the Notice of Inquiry.

APPENDIX E

Public Utility/Service Commissions or Regulatory Agencies Submitting Individual Responses to the Department's Notice of Inquiry on Waste Acceptance Issues

**Public Utility/Service Commissions or Regulatory Agencies Submitting Individual Responses
to the Department's Notice of Inquiry on Waste Acceptance Issues**

<u>State</u>	<u>Commission/Agency Name</u>	<u>Signatories/Commissioners</u>
Multiple	National Association of Regulatory Utility Commissioners	Keith Bissell (President), Ronald Russel, Lynn Shishido-Topel
Alabama	Public Service Commission	Jim Sullivan (President), Jan Cook, Charles Martin
Arkansas	Public Service Commission	Sam Bratton (Chairman), Patricia Qualls, Julius Kearney
California	Public Utility Commission	Timothy E. Treacy (Staff Counsel), Neal Shulman
Colorado	Public Utility Commission	Robert Hix (Chairman)
Connecticut	Public Utility Commission	Robert S. Golden (Assistant Attorney General)
Florida	Public Service Commission	Richard C. Bellak (Associate General Counsel)
Georgia	Public Service Commission	Robert B. Baker Jr. (Chairman), Terri Lyndall
Illinois	Commerce Commission	Dan Miller (Chairman)
Iowa	Utilities Board	Diane Munns (Acting General Counsel), William Smith, Sharon Mayer
Kansas	Corporation Commission	Brian J. Moline (General Counsel)
Maryland	Public Service Commission	Brian Moorhouse (General Counsel), Susan S. Miller
Massachusetts	Department of Public Utilities	Kenneth Gordon (Chairman), Barbara Kates-Garnick, Mary Clark Webster
Michigan	Public Service Department	Don L. Keskey (Assistant in Charge)
Minnesota	Public Utility Commission	Don Storm (Chairman), Krista Sanda
Missouri	Public Service Commission	Allan G. Mueller (Chairman)
New Jersey	Board of Public Utilities	Herbert H. Tate (President)
New York	Public Service Department	William J. Cowan (General Counsel), Diane Dean
North Dakota	Public Service Commission	Leo M. Reinbold (President), Susan Wefald, Bruce Hagan
Ohio	Public Utility Commission	Craig A. Glazer (Chairman)
Oregon	Public Utility Commission	Joan H. Smith (Chairman), Ron Eachus, Roger Hamilton
Pennsylvania	Public Utility Commission	Dennis J. Buckley (Assistant Counsel)
South Carolina	Public Service Commission	Rudolph Mitchell (Chairman), G. Butler, P. Bradley, et.al.
South Carolina	Public Service Commission	Warren D. Arthur (Commissioner)
Vermont	Department of Public Service	Richard P. Sedano (Commissioner)
Virginia	State Corporation Commission	Hullihen W. Moore (Chairman)

APPENDIX F

Federal, State, and Local Governments, Agencies, and Representatives Submitting Responses to the Department's Notice of Inquiry on Waste Acceptance Issues

**Federal, State, and Local Governments, Agencies, and Representatives Submitting Responses
to the Department's Notice of Inquiry on Waste Acceptance Issues**

<u>Federal/State/Local Government/Agency Name</u>	<u>Position/Title</u>	<u>Name</u>
Town of Plymouth, Massachusetts	Town Manager	William R. Griffin
Ohio Senate	State Senate (14th District)	Cooper Synder
State of Oregon	Governor	Barbara Roberts
Midwest High-Level Waste Committee	Chairman	Harold R. Borchert
Energy Council	Chairman	Drue Pearce
State of Idaho, Department of Health & Welfare, INEL Oversight Program	Administrator	Steve R. Hill*
American Legislative Exchange Council	National Chairman/Executive Director	Harold Brubaker, Samuel Brunelli
Clark County, Nevada, Dept. of Comprehensive Planning, Nuc. Waste Div.	Coordinator	Dennis A. Bechtel
State of Iowa, Department of Justice	Assistant Attorney General	David R. Sheridan
State of Nevada, Agency for Nuclear Projects, NWPO	Executive Director	Robert R. Loux
Inyo County, California, Yucca Mountain Repository Assessment Office	Project Coordinator	Brad Mettam
Southern Legislative Conference	Chairman	John H. Chichester
State of New Mexico, Radioactive Waste Consultation Task Force	Chairman	Anita Lockwood
State of Idaho, Department of Justice	Deputy Attorney General	Clive J. Strong
State of Arkansas, Dept. of Health, Division of Rad. Control/Emer. Resp.	Director	Greta J. Dicus
Pennsylvania House of Representatives	Majority Leader	Ivan Itkin
U.S. NRC, Office of Nuclear Material Safety and Safeguards	Director	Robert M. Bernero
U.S. Congress	U.S. Senators & Congressmen	Mark Hatfield, Bob Packwood, Elizabeth Furse, Ron Wyden, Bob Smith, Peter DeFazio, Mike Kopetski
U.S. Congress	U.S. Senator (Minnesota)	Dave Durenburger
State of New Hampshire, Office of Consumer Advocacy	Assistant Consumer Advocate	James R. Anderson
Wisconsin State Assembly	State Representatives	Marc Duff, Alvin Ott, DuWayne Johnsrud, Sheryl Alberts
State of Virginia	Governor	George Allen

*Submitted two separate responses to the Notice of Inquiry.

APPENDIX G

Companies and Industry Groups Submitting Responses to the Department's Notice of Inquiry on Waste Acceptance Issues

**Companies and Industry Groups Submitting Responses
to the Department's Notice of Inquiry on Waste Acceptance Issues**

<u>Company or Industry Group</u>	<u>Position/Title</u>	<u>Name</u>
Asea Brown Boveri Inc.	Regional Vice President	Andrew G. Cook
BNFL, Inc	Project Manager	Marilyn Meigs
Carson & Associates, Inc.	President	James B. Carson III
Divesco, Inc.	Vice President	Susan K. Fisher
E&B Paving, Inc.	Environmental Resources Director	Steve Henderson
Financial Community (Prudential Securities, Merrill Lynch, Silcap, Capital Research, Morgan Stanley, Fitch Investors Services, Argus Research, JK Utility Advisory, Paine Webber, Goldman Sachs, Kemper Securities, Dillon Reed, W.H. Reaves, Lehman Brothers, UBS Securities, Van Kampen Merritt, Nat West Securities)	Numerous	Barry Abramson, Maragret Mary Bambury, Mark Beckwith, Alan Berro, Caren Byrd, Stephen Fetter, Gary Hovis, John Kellenyi, Kit Konolige, Bert Kramer, Ernest Liu, Mark Luftig, Raymond Moore, Everett Morris, Paul Parshley, Daniele Seitz, Carl Seligson, Barry Spencer, Edward Tirello
Finetech Incorporated	Vice President	Joseph F. Giannelli
Fusion Power Associates	President	Stephen O. Dean
General Electric Company	Vice President and General Manager	Steven R. Specker
Gilbert/Commonwealth	Vice President	William E. Meek
International Brotherhood of Electrical Workers	International President	J.J. Barry
Life/Jobs	President	Thomas H. Miller
NAC Services Inc.	President	Ivan F. Stuart
National Society of Professional Engineers	Executive Director	Donald Weinert
Professional Reactor Operator Society	President	Carl M. Gray
Raytheon Nuclear Inc.	Executive Vice President	Jerome P. King
Raytheon Nuclear Inc.	Senior Program Manager	Ronald L. Claussen
Sargent & Lundy Engineers	Chairman and Chief Executive Officer	E.V. Abraham
Scientific Literacy	President	Tim J. Kirkham
Security Computer Systems Inc.	Director	Donald E. Stachniak
Siemens Power Corporation	Vice President - Far East Marketing	R.B. Stout
Southern Technical Services Inc.	President	Patricia L. Cross

**Companies and Industry Groups Submitting Responses
to the Department's Notice of Inquiry on Waste Acceptance Issues**

<u>Company or Industry Group</u>	<u>Position/Title</u>	<u>Name</u>
Strategic Support Associates, Inc.	President	Allen S. Ginsburg
TCS Industries	President	Carl H. Distenfeld
The Atlantic Group	Vice President - Marketing	Melvin E. Miller
United Association - Plumbers & Pipefitters	Business Manager	Ron Behan
U.S. Tool & Die, Inc.	President	Robert Moscardini
Utility Workers Union of America	National Secretary and Treasurer	John M. Walsh
VECTRA Technologies Inc.	Vice President Business Development	David F. Humenansky
Youngquist Associates	President	C.H. Youngquist

APPENDIX H

Public Interest Groups and Other Organizations Submitting Responses to the Department's Notice of Inquiry on Waste Acceptance Issues

**Public Interest Groups and Other Organizations Submitting Responses
to the Department's Notice of Inquiry on Waste Acceptance Issues**

<u>Organization or Group</u>	<u>Position/Title</u>	<u>Name</u>
Alliance for Survival	Communications Chairman	Gary Sudborough
Citizens Advisory Council on Energy	Executive Director	Marguerite Daniel
Citizens Awareness Network	President	Deborah Katz
Citizens for Total Energy	President	Heen Hubbard
The Clean Water Fund of North Carolina	Research Director	Carl Rupert
Concerned Citizens for Nuclear Safety	Spokespersons	Margaret Carde, Kathleen Sabo
Environmental Coalition on Nuclear Power	Director	Judith Johnsrud
Institute for Science and Society	Executive Director	Mike McCormack
Kumler & Walters	Associates	Connie Kumler, Brenda Walters, Robert Walters
Military Production Network	Spokesperson	Maureen Eldredge
Nevadans Opposing Nuclear Extinction	Director	Lawrence Skinner
Nuclear Information and Resource Service	Spokesperson	Mary Olson
Nuclear Information and Resource Service, Public Citizen Critical Mass Energy Project, Prairie Island Coalition Against Nuclear Storage, Safe Energy Communication Council, U.S. Public Interest Research Group, Water Information Network	Spokespersons	Mary Olson, Bill Magavern, George Crocker, Scott Denman, Anna Aurilio, Lila Bird
Nuclear Waste Strategy Coalition*	Administrator	Judy M. Poferl
Public Citizen, Critical Mass Energy Project	Director	Bill Magavern
Ohio Consumers League	President	Clinton Warne
Sierra Club, Ohio Care	Spokesperson	Connie Kline
U.S. Public Interest Research Group	Staff Scientist	Anna Aurilio

*Submitted two separate responses to the Notice of Inquiry.

APPENDIX I

Members of the General Public Responding to the Notice of Inquiry on Waste Acceptance Issues

Ackendorf, William
Adams, Walter L.
Adcods, Lisa
Agrawal, Ashok K.
Akers, Lawrence K.
Albin, Mr. & Mrs.
Ales, Lawrence A.
Alexander, Dean N.
Alfano, Richard A.
Allen, Janet F.
Allen, John C.
Allen, Kristin L.
Alley, Michael
Allsep, Timothy V.
Anaclerio, Michael
Anders, Diana
Andersen, Vincent M.
Anderson, Pat
Anderson, Philip A.
Andres, Lesley L.
Anoush, Fred
Anthony, Jeffery E.
Antonacci, Tedd
Armando, Edward
Asprey, Margaret W.
Aupperle, Kenneth J.
Ayria, A. Alan
Babad, Harry
Backer, Michael C.
Baker, Dwight E.
Baker, Todd
Balduca, Louis
Ball, Michael A.
Bankley, A. V.
Bankoff, S. G.
Barker, David W.
Barkhurst, Ross P.
Barlow, Jennifer
Barna, Richard P.
Barnett, Alta
Barrett, Lynn B.
Barton, Charles J.
Basham, S. J.
Baskett, Mr. & Mrs.
Bates, Ernest
Baumgarten, Peter L.
Baxter, W. L.
Beal, Stuart K.

Bear, J. Lambert
Beard, Travis N.
Beasley, E. Gray
Beaulieu, Carl
Bebbington, W. P.
Beckley, Robert F.
Belter, Walter G.
Benedict, Bruce J.
Benich, Robert J.
Beniut, Daniel
Bennett, Kevin
Benson, Coralie T.
Benson, Richard P.
Bequette, Shawn
Berkland, David
Berry, Wayne M.
Beurd, Arthur
Bhatnager, Ashok S.
Bickel, Todd
Bickel, Wendy
Biggs, Robert J.
Binney, Stephen E.
Bisbort, Col. H.E.
Bishop, Hazel L.
Bjurman, Randy
Blancke, C. Dudley
Bland, William M.
Blatt, Michael
Bliss, Henry E.
Blue, James W.
Blumberg, William M.
Bogart, Donald
Boissy, Gilbert J.
Boles, Jason L.
Bolton, Albert E.
Bone, Ronald R.
Borlolan, George F.
Borushke, Lucille
Bostrom, Thomas E.
Boulette, E. Thomas*
Bourquin, Ralph H.
Bowler, E. James
Brackett, Madeline
Brady, Patrick S.
Brandt, Peter
Bridges, Billy B.
Bronson, Howard
Brown, Donald Ray*

Brown, Paul R.
Bruce, Frank R.
Bruner, Molly
Brunner, Elden J.
Brunson, Stephen R.
Bryan, Donald
Budd, Robert
Buening, Albert H.
Burger, Leland L.
Burkett, Kurt
Burnet, George
Burns, Edward T.
Burns, John S.
Burns, Mark R.
Burrell, Richard L.
Butcher, T.J.
Butler, John M.
Butler, Lenore
Butterfield, Bob
Byrne, James J.
Caldwell, R.D.
Calhoun, Jack R.
Callahan, John D.
Callan, John
Calvert, Mark S.
Campbell, Milton H.
Carbon, Max W.
Carlson, Eugene R.
Carlson, Jim
Carnicom, Mina L.
Carr, Tom
Carrol, Kimberly
Carson, Ronald S.
Carter, Harry T.
Carter, Robert L.
Casey, Timothy Y.
Cashwell, R.J.
Caspersson, S.A.
Cassell, Don S.
Catron, C.L.
Cawley, Charles N.
Centilli, Pamela
Charles, Richard N.
Chasteen, Andrew
Cheok, Michael C.
Chiang, Albert T.
Chickering, Charlott
Child, Cedric

Child, Margaret
Childs, Ambrose
Chin, Ronald J.
Clark, Lincoln
Clark, Mr. & Mrs.
Clark, Robert G.
Clark, William H.
Close, C. Donald
Coates, Henry D.
Cobb, Emsley F.
Cochran, S. Robert
Coe, Joyce
Cofer, Walter L.
Cohen, Karl P.
Coil, Greg
Cole, Thomas E.
Collier, Homer E.
Commander, John C.
Connolly, Thomas J.
Cook, Ward D.*
Cooper, Harry L.
Cooper, Jackie
Cooper, L.D.
Coppinger, John M.
Corbett, J. Stewart
Corcoran, William R.
Cosgrove, Thomas S.
Cote, Joseph
Cote, Mark A.
Cote, Mark E.
Coulter, Dennis M.
Courtney, John C.
Couture, Robert L.
Cox, Morgan
Cramer, Eugene N.
Crawford, William C.
Cross-Dial, Andrea
Cunningham, John R.
Cunningham, Mary Ann
Cunnings, John B.
Cutting, Robert T.
D'Ambra, Alfred
Dage, John
Daking, Alfred E.
Dalecky, Mr. & Mrs.

Daly, Sharron S.
Dame, Al
Damon, Dwight H.
Dandini, Vincent J.
Daughhetee, D.W.
Davidson, Edward P.
Davidson, Christopher
Davis, John R.
Davis, Monte V.
Davis, Peter J.
Davis, W. Kenneth
Dayton, Douglas P.
DeBauche, Steven E.
DeLaney, Edward, G.
DeMatteo, Mario A.
DeVore, Joe R.
Deatherage, George W.
Deeds, Paul E.
Dehn, Fred C.
deLamorton, B.C.
deLamorton, Marcheta
DelGazio, Theodore
Dellon, Robert E.
Deloach, Jeb
Denny, Byron J.
Densmore, Jeffery
Deuster, Ralph W.
Dhalla, A.K.
Dietz, Charles R.
Dinger, Ronita A.
Dobranich, Dean
Dodson, Wallace
Doggart, Robert R.
Doldorf, Mr. & Mrs.
Donnell, Alton P.
Draper, Neal M.
Drewry, Mr. & Mrs.
Dugan, Dale E.
Dulaney, Greg T.
Duncan, Gregory T.
Dunkle, Marie K.
Dunn, Thomas E.
Dusek, Lansing G.
Dye, David L.
Eckernridge, Mark
Eckert, Francis E.

Edwards, James R.
Ehrhardt, Gary
Eigabroadt, Earl E.*
Elholt, Norman S.
Elliot, James P.
Ellis, Marion
Engelhardt, Diane M.
Enzinna, Robert S.
Ernst, Malcolm L.
Estes, Guy P.
Etzel, Myrle
Fairfield, Ray
Fairman, Francis E.
Fay, C.W.
Ferguson, G. Woody
Ferrare, James D.
Fetter, Theodore S.
Fielder, Rodney A.
Fields, Carl
Figenshow, Knute S.
Finley, George L.
Fischer, David L.
Fischer, Victor J.
Flaherty, Maureen
Flaherty, Patrick
Flanagan, George F.
Fletcher, Kelly R.
Flexon, Geneva S.
Flowers, Arthur F.
Flowers, Thomas J.
Follen, Steve
Forscher, Frederick
Foster, Robert & Ruth
Fournier, Stephen P.
Fowke, James G.
Fox, Michael R.
Freeman, Louis B.
Fricke, Don
Frye, Margaret
Fugati, Jeffery
Fuller, Edward D.
Gagne, Peter A.
Gaines, Albert L.
Gaiser, Chad P.
Galt, Ralph M.
Galyean, A.O.

Gamsby, Otis
 Garibaldi, Mr. & Mrs.
 Garrabrant Jr., A.A.
 Garrett, Alfred J.
 Gates, Robert M.
 Gearhart, Donald A.
 Gehrke, Robert J.
 Gerdes, Wayne
 Giacco, Frank J.
 Gibbard, William G.
 Gibson, David C.
 Gibson, Mr. & Mrs.
 Gido, Dick
 Giffin, Dot
 Giffin, Newell
 Gigliotti, Fred
 Gilbert, Ray
 Gill, Jack W.
 Gill, Mildred
 Gillespie, Scott G.
 Gilliland, Dwight L.
 Gisclon, John M.
 Glascock, Michael D.
 Glettler, Bernard U.
 Gnosini, Mary
 Gober, Terry
 Gogates, Gregory D.
 Gogates, Nancy B.
 Goldman, Morton I.
 Goncarovs, Gunti
 Goodar, W.P.
 Gooden, K.B.
 Goodman, Lynne
 Goodwin, Ed
 Goodwin, Glenda
 Gorsch, Larry
 Gott, W.T.
 Graham, David A.
 Graham, Frank W.
 Granaghan, John T.
 Granlund, Rodger W.
 Grant, Norbert R.
 Grantham, Randel
 Grapes, Marjorie C.
 Grau, Denis
 Grau, Wayne

Greenborg, Jess
 Greenwell, R.K.
 Greenwood, Regis A.
 Griffing, Bill
 Grimm, Mary J.
 Gringeri, John A.
 Gucwa, Len T.
 Guilbeault, Bruce D.
 Gurican, Gregory
 Guthrie, B. Alan III
 Hageman, Richard H.
 Hale, Virgil N.
 Halvorson, Lloyd C.
 Hammond, R. Philip
 Hankins, John L.
 Hardin, Christopher
 Harms, Edward L.
 Harrell, John R.
 Harrington, F.E.
 Harrington, R.M.
 Hart, O.J.
 Hartfield, Steve
 Hartley, R. Scott
 Hartman, Maurice G.
 Harvey, Jeannette
 Hauff, Thor W.
 Hauth, Larry W.
 Havens, H. Erskine
 Hayden, Ernest N.
 Hayes, D. Paul
 Heacock, Harold W.
 Heckman, David L.
 Hedden, Owen F.
 Heider, Kenneth
 Heins, Lloyd F.
 Hemmerle, Elmer H.
 Hennig, Roy K.
 Henry, C.D.
 Hernandez, Matthew
 Herron, William L.
 Hickman, Richard D.
 Higby, Carl W.
 Hightower, George B.
 Hine, Roger C.
 Hitch, Robert R.
 Hochel, Robert

Hoe, Robert J.
 Hofstatter, Stephen
 Hogue, Mark G.
 Holland, L. Kaye
 Holman, Robert R.
 Holtzsch, Dale L.
 Holzmman, Michael
 Hommerson, Bob
 Homyk, W. Alan
 Hood, D. Norman
 Hook, Thomas G.
 Hooper, William
 Hopkins, George R.
 Hoppes, David
 Hopson, Michael
 Hornak, Richard F.
 Hoskins, Raymond E.
 Hostetler, Donald
 Houston, William H.
 Hoy, Daryl
 Hoy, John E.
 Hoynacki, Lori S.
 Hoynacki, Mark A.
 Hubbard, Thomas R.
 Huff, Jim
 Huggins, Dean
 Hughes, Mr. & Mrs.
 Humphries, Scott
 Hungerford, Mr. & Mrs.
 Hurlbert, Gordon C.
 Hurst, Lynn K.
 Huskey, Theron N.
 Hutchens, Gregory J.
 Irvine, Linda S.
 Irwin, William E.
 Isaacs, Larry L.
 Isley, George A.
 Jackson, N. J.
 Jackson, Todd J.
 Jacobi, Lawrence R.
 Jacoby, Jamie L.
 Jancauskas, Joseph
 Jedruck, Jacek,
 Jens, Wayne H.
 Johnson, Dan
 Johnson, Norris D.

Johnson, Roger L.
 Johnson, Tom
 Johnson, Walter E.
 Jones, Billy G.
 Jones, D.H.
 Jones, Derek
 Jones, Ellwood F.
 Jones, Jim
 Jones, John L.
 Jones, Ronald L.
 Jordan, Edward T.
 Jordon, Willy
 Jouse, Wayne C.
 Judkins, William L.
 Juliano, John J.
 Jung, Herbert C.
 Kahn, Masrur A.
 Kalinowski, Arlene
 Kamdar, Suresh
 Karlson, Charles
 Katterhenry, A. A.
 Kaufman, Bob
 Kaustinen, Brad W.
 Kech, Bradley D.
 Keithley, Scott
 Keller, Charles
 Kelly, John J.
 Kelly, Lisa A.
 Kelly Mark L.
 Kelly, Ron
 Kempkes, John
 Khalil, Nazir
 Khan, Shafique R.
 Kilby, Jane
 Kimel, William R.
 Kindred, Gary W.
 King, Cedria
 King, Pat S.
 King, Rick J.
 Kinyon, Brice W.
 Kirchhoff, Stephen
 Kissinger, Peter W.
 Klein, Andrew C.
 Klevans, Edward
 Knarr, Clyde M.
 Koeberlein, Betty

Koetting, John L.
 Kohlbeck, Doug
 Kohler, Arthur D.
 Kolecki, David
 Kotur, Krista
 Kowalewski, Joseph
 Kozinsky, Edward
 Krause, Elizabeth K.
 Krieg, A.H.
 Krieg, David B.
 Kuroyama, Albert
 Kurtz, Jerry E.
 Kwitek, Martin M.
 Lacy, Bruce A.
 LaLone, Doug
 LaPier, Grant W.
 Ladd, Conrad
 Lai, John C.
 Lancaster, Majorie
 Lancet, Robert T.
 Lang, John C.
 Langer, Sidney
 Langford, Michael J.
 Lapin, Samantha N.
 Lash, James L.
 Leav, George E.
 Lechowicz, Matthew
 Lepard, B. Lamar Jr.
 Leppke, Delbert M.
 Lessard, Leo P.
 Leugemors, Mr. & Mrs.
 Leutz, Leon H.
 Levine, Aaron
 Levine, Samuel H.
 Levinson, Stanley H.
 Lewis, C. Gordon
 Lewis, Gordon R.
 Lewis, Marvin I.
 Leyse, Robert H.
 Lightner, Irby C.
 Liles, Darrell Ray
 Lillie, David W.
 Linnartz, Eugene D.
 Liple, Rainey
 Lipton, William V.
 Little, Chad

Little, Morris C.
 Littmann, Martin F.
 Liu, Yung Y.
 Lochbaum, David A.
 Loewen, Eric
 Long, James A.
 Long, Robert L.
 Loomis, E.F.
 Lopez, Albert
 Loveall, C. Larry
 Lowry, Larry M.
 Lucey, John
 Luckritz, Hobart A.
 Lunger, David A.
 Lyall, Harriett M.
 Lyon, Stephenie C.
 Lyon, William F.
 Lythgoe, Richard F.
 MacDonald, Marjorie
 MacKenzie, Stephen
 Macher, Martin S.
 Madden, F.W.
 Madell, John T.
 Maeber, Barbara C.
 Magnuson, Robert J.
 Mahan, Howard
 Mahar, Chris
 Mahn, Jeffery A.
 Maillie, H. David
 Maki, Leonard M.
 Mallette, Arch
 Manroe, Mark
 Mantey, Robert F.
 Maquire, John III
 Margolis, Robert S.
 Marguglio, B.W.
 Markman, C.P.
 Markowski, Franz J.
 Marsh, Daniel A.
 Martens, Frederick .
 Martin, Michael M.
 Martin, Robert
 Marty, Scott R.
 Martz, Roger
 Mastoris, William
 Mastrodonato, Bart

Mathabane, Mirriam
 Mattis, Ronald E.
 Matzie, Regis A.
 McArthur, Wilson C.*
 McBride, J.A.
 McCall, Franklin H.
 McClain, Kathleen
 McCormick, Vincent
 McCreery, Paul N.
 McDowell, W. Jack
 McElmurry, Barry, R.
 McFee, Matthew C.
 McGaha, John R.
 McGahey, Robert V.
 McMillan, Fred L.
 McVee, Saron
 McVicker, William
 McWilliams, Michael
 Meier, Terry
 Meigs, Carolyn B.
 Meincke, James A.
 Mellor, Russel A.
 Merrick, Don
 Merz, Gerald F.
 Metell, H. Michael
 Metzger, John D.
 Metzler, Dwight F.
 Mielke, Lloyd L.
 Miller, Paul McG.
 Miller, William H.
 Milleville, Dan P.
 Mills, Loring
 Minkler, William S.
 Mitchell, Thomas C.
 Moga, Barbara C.
 Moitti, W. Frank
 Mominee, Dennis
 Monterosso, Raymond
 Montross, Robert W.
 Moore, Brad
 Moore, Walter C.
 Morgan, John J.
 Morgan, Ronald G.
 Morgan, Russ
 Morgan, Thomas A.
 Morrill, Phillip

Morris, J.W.
 Morrow, Winfred G.
 Moser, Beverly S.
 Moulton, Merle
 Muller, Ragnwald
 Mundt, Michael R.
 Murphy, F.E. Bud
 Murphy, George
 Murphy, Mark
 Murphy, Mr. & Mrs.
 Murphy, Patrick W.
 Murray, Raymond L.
 Musicki, Zoran
 Myers, Thomas W.
 Nagle, Mr. & Mrs.
 Nevels, Gary L.
 Nevinski, Doug
 New, Michael
 Newsham, John W.
 Newton, Darwin M.
 Newton, Frank W.
 Nibert, Jeffrey P.
 Nicholas, Nancy Jo
 Nichols, Corydon O.
 Nichols, Miriam
 Nichols, Sandra
 Nierode, Craig
 Nierode, Frederick
 Niezgodski, Debra
 Nodean, Walter C.
 Novak, Mr. & Mrs.
 Nye, Robin B.
 Oelschlager, Roger
 Oleuch, Frederick
 Olko, John
 Olsen, Andy
 Olson, Eric A.
 Oppenheimer, W. Mayo
 Orendi, Robet G.
 Osborne, John M.
 Ossing, Michael H.
 Ostaffe, Michael
 Ottley, David
 Ouam, Alan D.
 Owen, Warren H.
 Owens, John R.

Padilla, Carlos H.
 Paglieri, James N.
 Paige, Bernice E.
 Pair, Charles R.
 Palladino, Sheri
 Palmer, Jeffrey A.
 Pardus, Donald
 Parker, B.B.
 Parker, G.H.
 Parker, Larry M.
 Parker, Rebecca H.
 Parkinson, Thomas F.
 Passel, Thomas
 Patenaude, Richard
 Pati, S.R.
 Patrilla, Vance
 Patti, Francis J.
 Payne, John J.
 Peele, Braxton L.
 Peifer, Mark A.
 Perez, Gonzalo L.
 Peschke, Thomas G.
 Pettit, Tim
 Philbin, Jeffrey S.
 Philippone, R.L.
 Pickett, William D.
 Pierce, William E.
 Pierson, Richard M.
 Pitterle, Norbert L.
 Pohl, Lawrence E.
 Polley, Lora
 Porter, Carter E.
 Posenecker, John
 Poston Sr., John W.
 Poticher, Robert L.
 Pounders, Kenneth F.
 Powell, Joseph M.
 Prather, Mr. & Mrs.
 Prentice, W. Hardy
 Puglisi, Donald
 Pusztai, Andrew Z.
 Radford, James E.
 Randol, Arthur G.
 Rasmussen, Mark
 Rausch, Tom & Debra
 Raymond, G. Bruce

Redd, John A.
 Reed, Asa Jr.
 Reed, J. M.
 Rees, Drew
 Reese, Anthony
 Reeser, Keith
 Reid, Billy W.
 Reindl, Charles F.
 Remick, Forrest J.
 Reynolds, Albert B.
 Rezak, William D.
 Rice, William R.
 Rich, Bryce L.
 Richardson, Robert
 Ridgway, John R.
 Rieck, Terrance A.
 Rife, Luther C.
 Ringle, John C.
 Roberts, Jay B.
 Robertson, Mr. & Mrs.
 Robeson, Andrew
 Robeson, Robert L.
 Rockwood, Keith J.
 Rogers, Gordon J.
 Rogers, Harold A.
 Rohde, Kenneth
 Rohr, Robert C.
 Rohrbacher, Roger A.
 Rohrich, Richard W.
 Rollins, Roger
 Rombough, Charles T.
 Rossin, A. David*
 Rothstein, Harold L.
 Roush, Kevin R.
 Rowan, William J.
 Rowles, James A.
 Rowley, Charles W.
 Rozovsky, Eliezer
 Ruiter, George H.
 Runyan, Wesley G.
 Russell, Steven
 Rustad, Richard H.
 Rycyna, John
 Ryglisyn, Peg
 Salim, Tanvir
 Saltarelli, Eugene A.

Santon, Mike
 Satterlee, H.M.
 Sawyer, Lance
 Sawyer, Mr. & Mrs.
 Scagliotta, Steven
 Sawyer, Mr. & Mrs.
 Scagliotta, Steven
 Schantz, Albert I.
 Scheffel, William J.
 Scheller, Frank J.
 Schenkelberg, Barry
 Schlintz, David
 Schmid, Stephen P.
 Schoenbrunn, Alfred
 Schoepp, Melanie
 Schrock, Charles A.**
 Schroeder, Dennis A.
 Schuck, William J.
 Schueller, Dave
 Schuh, James R.
 Schultz, Brian G.
 Schultz, Frederick
 Schupp, Guy
 Schuster, Josephine
 Scoggin, James F. Jr
 Scott, Charles D.
 Scott, David
 Seals, Charlotte
 Sears, Lawrence F.
 Sechrest, Charles H.
 Sefranek, Paul J.
 Selak, Patrick J.
 Seligson, Carl H.
 Seller, Gordon C.
 Sewall, Robert W.
 Shaffer, Howard C.
 Shaffer, Mark
 Shah, Niranjana V.
 Shaler, Brian
 Shamblan, D.L.
 Shealy, Finis K.
 Sheldon, Tom
 Shelton, Dale L.
 Shelton, Doug
 Sherwood, John E.
 Shifeiler, Steven

Shillinglaw, Fawn
 Shiplett, David W.
 Shipp, Andrea
 Shirey, Mr. & Mrs.
 Shores, Erik F.*
 Showyra, Edwin
 Shresthe, Bo Jo
 Silvers, David J.
 Simonetti, J.
 Simpson, John W.
 Sims, Jerry G.
 Sinclair, James J.
 Singletary, Thomas
 Sizemore, Roy B.
 Slemmons, Robert S.
 Slotterback, J.R.
 Smith, Claude B.
 Smith, David H.
 Smith, Edward H.
 Smith, Eugene R.
 Smith, William R.
 Snell, L.L.
 Sofu, T.
 Solan, George M.
 Sowa, Edmond S.
 Sparrow, Charles A.
 Sperber, Robert J.
 Spoerry, Dale E.
 St Clair, John G.
 Stafford, Michael W.
 Stanford, George S.
 Stanford, John
 Stanley, Clifford J.
 Stanley, William S.
 Stearns, Robert F.
 Steinman, Rebecca L.*
 Stein, Robert
 Steinmetz, Keith
 Stellavera, Marilyn
 Stember, Daniel
 Stepnewski, D.D.
 Stetson, Fred T.
 Stevens, Curtis R.
 Stinson, Ronald C.
 Stone, H. Donald
 Stone, Robert S.

Stoneman, Armand
 Stratman, Robert A.
 Strauch, Mark
 Stroschein, Cynthia
 Stroschein, Thomas
 Styne, Jack
 Sun, Bill
 Sutton, John H.
 Swab, Jacob H.
 Swan, Franklin E.
 Swanson, Norman J.
 Swarts, Kenneth A.
 Swinburne, Paul
 Szymczak, William
 Taleyarkhan, Dr. Rusi
 Taleyarkhan, Nauaz
 Tally, Charles
 Talnagi, Joseph W.
 Tannenbaum, Marc H.
 Taylor, Andrew C.
 Taylor, James III
 Taylor, Jeffery E.
 Tenorio, Joe
 Terrill, Craig
 Thomas, Mr. & Mrs.
 Thomforde, Philip
 Thompson, G.H.
 Thompson, James J.
 Thompson, Leonard
 Thompson, Mr. & Mrs.
 Thorngate, Charles W.
 Thornton, James R.
 Thornton, Randy D.
 Thraen, Susan
 Tibrea, Steven L.
 Tichy, Mr. & Mrs.
 Timmers, Christopher
 Tolliver, J.D.
 Tomonto, James R.
 Tonero, J.
 Tormey, Martin T.
 Tracy, H. T.
 Trauger, Donald B.

Travis, J.W.
 Trupiano, Samuel
 Tsakeres, Frank S.
 Tschaeche, A.N.
 Tsoulfanidis, N.
 Tucker, John J.
 Tucker, Stearns S.
 Tulenko, James S.
 Tuttle, Ronald F.
 VanFleet, Byron L.
 VanPelt, David
 Vanatta, Sheila
 VanderMeer, Douglass
 Vandersteel, William
 Veenstra, Jim
 Voiland, Eugene E.
 Volk, Michael A.
 Voth, Marcus H.
 Vreeland, David
 Vukmir, Andrija
 Vukmir, Hazel K.
 Vytlacil, Gordon M.
 Vytlacil, Leon R.
 Waite, Thornton
 Waldron, John J.
 Walker, Ken L.
 Walker, William M.
 Walkley, Evelyn
 Wall, Ian B.
 Walske, Carl
 Walters, Pam
 Walzer, Peter
 Ward, Thomas J.
 Warnke, Edward C.
 Warren, Pete
 Watford, Glen A.
 Webb, Paul S.
 Weber, Molly A.
 Weidner, Louis J.
 Weitzberg, Abraham
 Wells, David
 Welty, Timothy J.
 White, Roscoe Jr.

Whitfield, Randolph
 Wieber, Theodore R.
 Wiegand, David W.
 Wiele, Yvonne
 Wilcox, Robert H.
 Wilczek, Stanley W.
 Wiley, Albert
 Willer, Neil
 Williams, David W.
 Williams, Erpha
 Williams, Paul C.
 Williams, Wade H.*
 Williamson, Alexandr
 Wilson, Charles E.
 Wiot, Edward R.
 Wise, David A.
 Wisenburg, Mark
 Witt, Robert J.
 Witzig, Warren F.
 Wohlers, Brian
 Wolfal, Mr. & Mrs.
 Wolfgang, Robert F.
 Wood, Douglas
 Wood, G.D.
 Woodfield, Frank W.
 Woodling, Robert B.
 Woods, W. Kelly
 Wright, John K.
 Wunderlich, John H.
 Wuokko, Dale
 Wyman, Heather
 Yates, Douglas A.
 Wilson, Paul
 Windham, Cathy
 Winsett, Ivan L.
 Young, Jay C.
 Zar, Max
 Zimmerman, Robert*
 Zoia, Charles D.
 Zwetzig, Jerry

* Submitted two separate responses to the Notice of Inquiry

** Included a petition signed by 234 individuals