

September 18, 2001

SEP 21 2001

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

Subject: FirstEnergy Corp. Comments on the Possible Site Recommendation of
Yucca Mountain

Dear Ms. Hanlon:

FirstEnergy Corp. ("FirstEnergy") is a diversified energy services holding company headquartered in Akron, Ohio with four electric utility operating companies in Ohio and Pennsylvania. Together, the FirstEnergy electric utility subsidiaries – the Ohio Edison Company, Pennsylvania Power Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company comprise the nation's tenth largest investor-owned electric system and the fifth largest producer of power from nuclear plants, producing over 3750 megawatts of electricity generated by three nuclear power stations: the Davis-Besse Nuclear Power Station in Oak Harbor, Ohio; the Perry Nuclear Power Plant in North Perry, Ohio; and the Beaver Valley Nuclear Power Station in Shippingport, Pennsylvania.

FirstEnergy is pleased to submit these comments to the Department of Energy ("DOE") in support of a decision by the Secretary of Energy to recommend to the President the suitability of the Yucca Mountain Site in Nevada for development as a used nuclear fuel and high-level nuclear waste geologic repository. The permanent disposal of used nuclear fuel from the FirstEnergy nuclear plants is essential to the continued operation and the extension of the licensed lives of our nuclear units.

The issuance of the Yucca Mountain Preliminary Site Suitability Evaluation Report ("PSSE") represents a major milestone in achieving repository operation by the year 2010 and commencing the process of moving the used nuclear fuel currently being managed and stored at our reactor sites. The PSSE also represents the culmination of a twenty-year, \$7 billion scientific site characterization. We urge the DOE to make a final suitability determination and recommend President Bush's approval of Yucca Mountain as the Nation's repository site.

FirstEnergy's nuclear plants and the entire nuclear industry have achieved a safety record unmatched by any other industry. The relentless vigilance and commitment to safe plant operations have ensured a consistently reliable and safe source of electric generation for our customers. This safety commitment at a plant operating level carries through to our commitment to the safe and permanent disposal of the used fuel generated by our plants. FirstEnergy believes that the PSSE demonstrates that same commitment to safety and provides a sound scientific basis for the safe disposal of nuclear waste.

The decades of scientific and technical analysis upon which the PSSE is based has culminated in the conclusion that geologic disposal is the safest and most environmentally sound method for the long term management of used fuel and that Yucca Mountain is the site most suitable for a disposal facility. This conclusion is supported by the international scientific community, the National Academy of Sciences and by the independent evaluations conducted by the Electric Power Research Institute.

In addition to this scientific and technical consensus, there is support among policymakers at the state and federal level urging continued progress in pursuing the federal government's nuclear waste management program. This includes the National Governor's Association, bipartisan majorities in Congress and state utility commissioners. The DOE's Yucca Mountain decision-making process involving site characterization followed by a presidential site selection decision and a rigorous three-step Nuclear Regulatory Commission licensing process, offers a participative and transparent process for all stakeholders.

Nuclear power plants supply twenty percent of the nation's electricity without emitting any air pollutants or greenhouse gases. However, we cannot continue to indefinitely manage used fuel at each reactor site. To fully enjoy the future environmental benefits of nuclear power generation and as a matter of responsible energy policy, the present federal leadership must take action to proceed with repository development and provide a permanent solution for used fuel management and disposal.

Another consideration, in addition to the important scientific, technical, public policy and environmental considerations regarding Yucca Mountain, is the legal consideration. It is clear that the federal government is obligated to provide for the safe and permanent disposal of used nuclear fuel from this Nation's commercial nuclear power plants pursuant to the Nuclear Waste Policy Act of 1982 and under individual contracts with FirstEnergy and other U.S. nuclear plant owners. Consumers and ratepayers nationwide have thus far invested \$17 billion for this purpose, with FirstEnergy's customers alone contributing over \$349,900,000 to this total. Our customers are entitled to and deserve the disposal services for which they have paid. The repository is twelve years behind schedule and, given the results embodied in the PSSE, there is no scientific, public policy or environmental reason for further delay in repository development. For these reasons, FirstEnergy urges the continuation of the development process by strongly supporting Secretary Abraham's recommendation of Yucca Mountain as this Nation's high-level repository site.

FirstEnergy also wishes to comment specifically on the DOE's "Suggested Topics for Public Comment on Yucca Mountain" as follows:

- 1) **Please provide your views concerning whether the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE) and other scientific documents produced by the Department provide an adequate basis for finding that the Yucca Mountain site is suitable for development of a repository. If you believe that certain aspects of the PSSE are inadequate, please detail the basis for this belief and indicate how the documentation might be made adequate with respect to these aspects.**

Based on the intensive review by the Nuclear Energy Institute and our own internal review of the PSSE and its predecessor documents, FirstEnergy concludes that the Yucca Mountain site is suitable for development as a repository.

- 2) **If the Secretary determines that the scientific analysis indicates that the Yucca Mountain site is likely to meet the applicable radiation protection standards established by the Environmental Protection Agency and Nuclear Regulatory Commission, do you believe that the Secretary should proceed to recommend the site to the President at this time? If not, please explain.**

Yes, Secretary Spence Abraham should proceed to recommend the site to President Bush.

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

No, the scientific evidence demonstrates that the site is qualified for the preparation and submission of a construction license application to the Nuclear Regulatory Commission.

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

We believe that the Secretary should proceed with a recommendation to develop a repository at Yucca Mountain. The Secretary must also meet the legal obligation to begin accepting used fuel from our reactor sites in any event, regardless of the Yucca Mountain decision.

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

We believe that the Secretary should proceed with a recommendation to develop a repository at Yucca Mountain. Furthermore, we agree with the National Academy of Sciences that geologic disposal is the only "scientifically and technically credible solution".

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

Additional reasons for selecting the Yucca Mountain site have been submitted by the Nuclear Energy Institute on behalf of its members on August 31, 2001. FirstEnergy endorses those additional comments.

FirstEnergy appreciates the opportunity to submit its views on the PSSE and its expression of support for the Yucca Mountain Site Recommendation. If you have any questions regarding our views, please contact Robert Saunders, President and Chief Nuclear Officer, FirstEnergy Nuclear Operating Company at 330-384-2415.

Very truly yours,

