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To: WND2.WNP3(jnh,jaz),TWD1.TWP4(wjs),WND1.WNP2(dcd),W...
Date: 7/30/96 4:04pm
Subject: Fwd: DOE Press Release

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[191] From: ADMINISTRATOR at EH 7/24/96 5:28PM (2080 bytes: 49 ln)
Subject: Statement of the Department of Energy
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FOR IMMEDIATE RELEASE
July 23, 1996

STATEMENT OF THE
U. S. DEPARTMENT OF ENERGY

COURT RULES ON DOE'S OBLIGATION TO BEGIN
DISPOSING OF SPENT NUCLEAR FUEL IN 1998

In *Indiana, Michigan Power Company v. Department of Energy* (D.C. Cir.), and consolidated cases, various utilities and a group of states and public utility commissions sought a ruling from the United States Court of Appeals for the District of Columbia Circuit that DOE is obligated under the Nuclear Waste Policy Act (NWPA) to begin disposing of utilities' spent nuclear fuel (SNF) by January 31, 1998. In a decision issued today, the Court agreed with the utilities, holding that Section 302(a)(5)(B) of the Act creates an obligation in DOE, reciprocal to the utilities' obligation to pay fees under the NWPA, to start disposing of SNF no later than January 31, 1998. The Court rejected DOE's position that it does not have an obligation to begin disposing of SNF in the absence of a repository or other facility constructed under the NWPA.

The Court remanded the case to DOE for further proceedings, stating that it would be premature for a court to attempt to fashion an appropriate remedy, since DOE is not currently in default on the obligation to

begin disposing of SNF in 1998. DOE is reviewing the Court's ruling to determine what steps it should now take.

- DOE -

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