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PROPOSED RULE PK-2 (23)  
The State of Wisconsin (57 FR 45338)  
Department of Justice

DOCKETED  
USNRC

April 15, 1987

'87 APR 21 P1:32

Donald J. Hanaway  
Attorney General

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Mr. Samuel Chilk, Secretary  
United States Nuclear  
Regulatory Commission  
Washington, D. C. 20555

Re: Negotiated Rulemaking on High-Level  
Radioactive Waste Disposal, 51 Fed. Reg. 45338

Dear Mr. Chilk:

Enclosed please find the State of Wisconsin's Notice of Intent to Participate in the above-referenced proceeding. We are filing this notice in view of the Department of Energy's latest statements which indicate it will revive the second-round siting process. DOE has identified two sites in Wisconsin which it may consider for a second repository.

According to the Notice of Intent, NRC invited submission of comments and statements of interest by February 17, 1987. We have recently learned that NRC may seek to limit the negotiated rulemaking to those who submitted comments. We observe, however, that DOE's changing position on the status of the second-round siting process post-dates that submittal date, and that Wisconsin has a substantial interest in this proceeding.

Thank you for your attention to this matter.

Sincerely,

*Carl A. Sinderbrand*  
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Assistant Attorney General  
(608) 266-8063

CAS:mje

Enclosure

cc: Howard S. Bellman

DSIC  
add. J. W. Cammack, 9664 MAR 68  
M L Bellman, 62355

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PDR PR  
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Acknowledged by [unclear]

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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In the Matter of the  
Proposed Negotiated Rulemaking  
on the Submission and Manage-  
ment of Records and Documents  
Related to the Licensing of  
a Geologic Repository for the  
Disposal of High-Level  
Radioactive Waste (10 CFR part 2)

(51 Fed. Reg. 45338)

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STATE OF WISCONSIN'S  
NOTICE OF INTENT TO PARTICIPATE

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The State of Wisconsin hereby notifies the United States Nuclear Regulatory Commission of its interest and intent to participate in the above-referenced negotiated rulemaking, which was initially identified in 51 Fed. Reg. 45338 (December 18, 1986). In support of this notice, the State of Wisconsin shows the following:

1. The State of Wisconsin has been identified as having within its borders sites which may be selected for a second repository under the Nuclear Waste Policy Act of 1982 (NWPAct), 42 U.S.C. § 10101 et seq.

2. On May 28, 1986, the United States Department of Energy (DOE) indefinitely postponed site-specific work on a second repository, including the identified sites in Wisconsin.

3. Subsequent to the date for submitting comments on the proposed rulemaking herein, DOE has indicated that it will revive the second round siting process during 1987 unless Congress amends federal law.

4. In addition to having sites which will likely be considered for a second repository, the State of Wisconsin has an interest in licensing of geologic repositories for radioactive waste disposal because: (a) it is a primary highway and rail transportation corridor state; and (b) it has four commercial nuclear power reactors operating within its borders.

Dated this 15<sup>th</sup> day of April, 1987.

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