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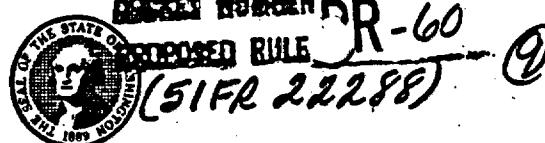
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86 SEP

August 15, 1986

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OFFICE OF SECRETARY
DOCKETING & SERVICE
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Secretary of the Commission
Attention: Docketing and Services Branch
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Proposed Rule--Disposal of High-Level
Radioactive Waste in Geologic Repositories;
Conforming Amendments

Dear Sir:

This is written to provide comments in response to your Notice in 51 Federal Register No. 118, beginning at page 22283, relating to the above-entitled subject.

1. Incorporation of Environmental Protection Agency
Repository Release Standards Into Nuclear
Regulatory Commission, 10 CFR Part 60

It is understood that Nuclear Regulatory Commission (NRC) proposes to incorporate directly into Part 60 the "high-level waste" standards adopted by the United States Environmental Protection Agency (EPA) on September 19, 1986, with minor changes to "maintain the overall structure of Part 60." In this regard, the NRC, by the subject rule, states that its intent with regard to the changes is that "no substantive changes are intended in the requirements of the EPA standards or in the environmental protection they afford."

Against this backdrop, we support the "direct incorporation" approach taken by your agency. There is some question, however, whether such an approach is timely at this time. Presently, the validity of the standards, proposed for direct incorporation, is being questioned in Natural Resources Defense Council, Inc. v. United States Environmental Protection Agency, No. 85-1915, 1st Circuit Court of Appeals. Oral argument in that case has been set for September 10, 1986. In this light, early adoption of the proposed rules appears premature. The better course may, indeed, be for the NRC to withhold further action on the proposed rule pending resolution of that case.

D510
add: Daniel G. DeWege, 62355
Clark Richard, 113855

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Acknowledged by card.

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2. EPA Assurance Requirements

The resolution of the jurisdictional dispute pertaining to the power to mandate assurance requirements designed to ensure the long-term satisfaction of containment requirements appears to be satisfactorily resolved.

We have not had a chance to examine the EPA's comments to you with regard to the subject proposal. After we have had a chance to review that document, which will likely be of considerable value, we may supplement our comments to you in a timely fashion. Similarly, we may submit further comments after the litigation, noted earlier, has been completed.

Thank you for the opportunity to comment on your proposed rules.

Very truly yours,


Warren A. Bishop
Chairman

WAB:gb