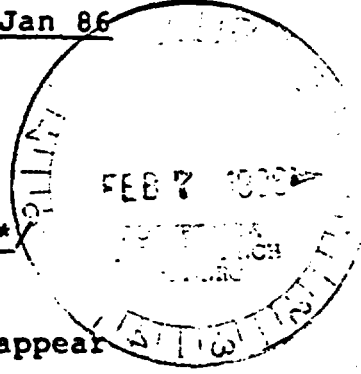


PROPOSED RULE **PR-60**  
(50 FR 2579)

24 Jan 86



STATEMENT OF  
LORING E. MILLS  
BEFORE THE NUCLEAR REGULATORY COMMISSION  
ON PROPOSED AMENDMENTS TO 10 CFR PART 60\*

Mr. Chairman and Commissioners, I am pleased to appear before you this morning to participate in the NRC's consideration of certain amendments to its regulations in Part 60. My name is Loring E. Mills, and I am Vice President, Nuclear Activities, of the Edison Electric Institute. The Institute is the association of investor-owned electric utilities. Its members produce 75 percent of the electricity in the United States and serve over 73 percent of all ultimate customers. They own and operate 79 nuclear energy plants and have 23 nuclear energy plants under construction.

I am also appearing here today on behalf of the Utility Nuclear Waste Management Group. The Group is a specific activity, funded by over 40 utilities with nuclear programs, the sole purpose of which is to oversee the implementation of the Nuclear Waste Policy Act and to assist in the resolution of spent fuel storage and nuclear waste disposal issues.

Mr. Chairman, I request that my prepared statement be made a part of the record. I would also like to present a brief oral statement.

As we indicated in our written comments submitted on March 14th of last year, we basically support the proposed amendments, which will conform Commission procedures for the licensing of

\*/ 50 Fed. Reg. 2579, Jan. 17, 1985.

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high-level waste repositories to those specified in the Nuclear Waste Policy Act. In this connection, I would like to emphasize what we view as the fundamental role of the Nuclear Waste Policy Act both insofar as the waste disposal program, in general, is concerned and -- in particular -- with respect to specific matters we are considering here today.

The waste program, as prescribed by the Act, consists of a complete process, involving a number of separate, individual, but related program elements or steps. These steps include, among others, the development of siting guidelines by the Department of Energy (DOE), the preparation of environmental assessments, the formulation of site characterization plans, the completion of site characterization and the preparation of an environmental impact statement for the selected site.

The Act, of course, was formulated in the crucible of the legislative process. It is the outcome of lengthy debate and bargaining -- extending over a period of many years and several Congresses -- among various groups with numerous interests. No one party received all it wanted in the process that Congress finally prescribed. However, the waste program process embodied in the Act represents a considered balance between, on the one hand, the need for outside, private and public, input and, on the other hand, the practical project demands associated with timely and efficient program implementation. We support the program, process and schedule the Act mandates for site selection and the development, licensing, construction and operation of

geologic repositories. We believe the Commission's proposed amendments to its repository licensing regulations reflect an appropriate sensitivity to the importance of maintaining the balance among competing demands as struck in the Nuclear Waste Policy Act.

There is one matter over which we have some concern. Some commenters have suggested that the proposed regulations be modified to require that DOE not proceed to sink exploratory shafts at recommended sites until after the review of respective DOE site characterization plans has been completed. There is no requirement in the Nuclear Waste Policy Act, however, that DOE await completion of site characterization plan (SCP) review -- by the NRC, the States, or otherwise -- prior to the sinking of shafts, and the NRC should not impose one.\*/

Furthermore, the NWPA does not require the completion of any SCP reviews or approvals. All that is necessary is that the SCP be prepared and made available for review.

Timely feedback to DOE from such reviews is appropriate as DOE proceeds with characterization. The exchange of information and interaction during site characterization on a cooperative basis is essential. At the completion of characterization it is crucial that adequate information be available to apply for

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\*/ In fact, as we have pointed out in our written comments, the Act goes so far as to provide, under certain circumstances, for the sinking of a shaft even prior to the completion of the DOE site characterization plan, itself. Further, shaft construction is clearly distinguishable from site investigation work, which will be the main subject of consideration in the SCP and will proceed, insofar as the exploratory shaft is concerned, after excavation is complete.

construction authorization. Toward this end, close communication between the NRC and DOE during site characterization must be achieved to assure that the necessary information is available for an application. As we understand it, this process of close communication and coordination between the NRC and DOE is envisioned as part of the "living" SCP concept.

We wish to emphasize again that approval of SCP's is not required under the Act although close coordination and cooperation between NRC and DOE is needed for the desired result to be achieved. The Commission should, also, not restrict the flexibility provided in the Act with respect to site work by requiring that DOE await completion of any SCP review prior to commencing construction of exploratory shafts.

Mr. Chairman and Commissioners, this completes our presentation. I would be happy to respond to any questions you might have.