

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

NOTICE OF INTENT TO PARTICIPATE  
IN PROPOSED RULEMAKING PROCEEDING  
ON STORAGE AND DISPOSAL OF NUCLEAR WASTE



PLEASE TAKE NOTICE that the State of New Jersey intends to participate in the Nuclear Regulatory Commission rulemaking proceeding on the storage and disposal of nuclear waste. This proceeding was announced at 44 Fed. Reg. 6132 (October 25, 1979).

Interest: The State of New Jersey is interested in this rulemaking because it currently has two operating nuclear power plants, and four plants under construction. The decisions made by the Commission in this rulemaking proceeding will significantly affect the State of New Jersey and its citizens.

Tentative Position on Issues: 1) The technological **uncertainties** regarding the permanent disposal of nuclear waste are such that it cannot be said that a solution to a nuclear waste problem exists today.

2) The engineered barrier concept is not itself adequate to overcome the potential problems created by uncertainties in our state of knowledge about the permanent disposal of nuclear waste.

3) The technological **uncertainties** in the development of a permanent solution to the nuclear waste problem are such that no reasonable estimate may be given at the present time of when

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a solution to the nuclear waste problem will be found and thus when a disposal facility will be available.

4) In view of the many technological **uncertainties** which have been expressed regarding nuclear waste disposal, disposal facilities may not be available by the year 2007.

Additional Issues: 1) If a determination is made that a solution to the nuclear waste problem cannot be found within the foreseeable future the NRC must consider the effect this would have on the licensing of new nuclear power plans. The determination that a solution to the nuclear waste problem cannot be found within the foreseeable future will have severe implications on our ability to store accumulating nuclear waste safely for long periods of time.

2) The NRC rulemaking should not assume that there will be away-from-reactor storage facilities for the storage of domestic spent fuel. There have been **serious** questions which have been raised about the advisability of the AFR program. It would be imprudent to assume the existence of AFRs if there is a good possibility that the AFR program may never materialize.

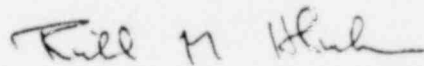
3) The determination of whether or not a permanent solution to the nuclear waste problem will exist and whether or not permanent disposal space for nuclear waste will be available by a certain date should not be limited to technological considerations. Political, environmental and economic factors must also be taken into account.

4) The determination of whether disposal space will be available by a certain time must take into account the fact that even if a permanent waste repository is developed, it may not be available for the nuclear waste from all power plants.

Discovery: The Federal Register Notice requests each party's opinion regarding whether discovery should be allowed. It is the position of the State of New Jersey that the quality of each party's participation in these proceedings will be enhanced if discover is permitted. If the Commission is concerned about undue harrassment of parties with limited resources, a mechanism can be established to provide protective orders for such parties.

Respectfully submitted,

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