

*Pl. Make sure that these comments are docketed.
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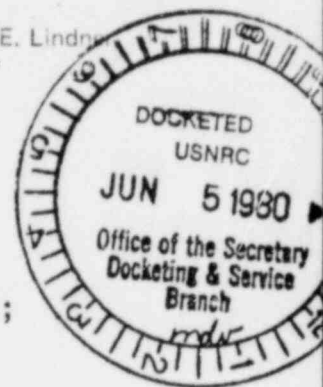
State of Wisconsin/Department of Administration

May 27, 1980

PROPOSED RULE **PR-2, 19, 20, 21, 30, 40, (31)**
51, 60, 70 (44 FR 70408)

Lee Sherman Dreyfus
Governor

Kenneth E. Lindner
Secretary



Mr. I. C. Roberts
Assistant Director for Siting Standards
Office Of Standards Development
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

RE: Disposal of High-Level Radioactive Wastes in Geologic Repositories;
Proposed Licensing Procedures

Dear Mr. Roberts:

On behalf of the Wisconsin Ad Hoc Radioactive Waste Disposal Committee, I would like to thank you for extending to the Committee an opportunity to comment upon the Proposed Rule for Licensing High-Level Radioactive Waste Repositories published on December 6, 1979 (44 FR 70408-70421). Created by executive order on January 22 of this year, the Committee is composed of representatives of ten State agencies and is charged with the development of a unified State position on radioactive waste policies and programs. The full Committee did not hold its first meeting until March 5th, and was therefore unable to meet the March 3, 1980 deadline for submission of written comments on the proposed rule. While we were dismayed that our request for formal extension of the comment period was denied, we appreciate the invitation you extended during our April 29th telephone conversation to submit comments after the closing date.

The Committee is in full agreement with the stated rationale for this NRC rule making proceeding, namely that "the considerable differences between a geologic repository and other licensed facilities, particularly in view of the significance of a repository with respect to the health and safety of future generations, make it desirable to develop rules tailored specifically to geologic disposal of HLW." (44 FR 70408)

The Committee supports the Commission's decision to withdraw the proposed General Statement of Policy published in November, 1978, and endorses the three areas in which the proposed rule departs from that earlier Statement. Specifically, we support the Commission's requirement for review of site characterization plans and site selection criteria in advance of actual site characterization activities [10 CFR 60.11(a)]; the stipulation that site characterization plans must consider a minimum of three sites representing a minimum of two geologic media [10 CFR 51.40(d)]; and the expansion of the definition of site characterization to include exploration and in site testing of the proposed host media [10 CFR 60.2(n)]. Our support for the third point, the expanded definition of allowable site characterization activities, is qualified by our recommendation that public hearings must be held in the vicinity of the proposed site(s) prior to approval of the site

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Acknowledged by card 6/5/80 mdy

Mr. I. C. Roberts

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May 15, 1980

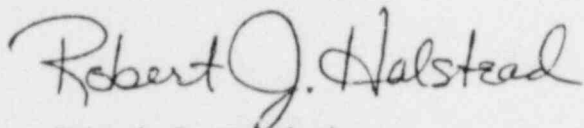
characterization report. Moreover, our support for the expanded definition of allowable site characterization activities assumes that these activities will be carried out in full accord with the provisions of the Wisconsin Environmental Protection Act.

Development of a mined repository in Wisconsin would be considered similar to the development of a mine for mineral extraction. Both processes have four stages: reconnaissance, exploration (drilling), prospecting (taking of samples by trenching or bulk sampling), and mining. The last three activities are regulated by the Wisconsin Department of Natural Resources. Site characterization as described in the proposed rule would be considered prospecting in Wisconsin. Prospecting generally requires an environmental impact assessment, and site characterization activities such as described in the proposed rule would probably require preparation of a full environmental impact statement.

Finally, the Committee appreciates the Commission's endorsement of full State participation in the licensing process. To this end, we are recommending specific changes to 10 CFR Part 60, which will allow more meaningful participation by the affected public and by State and local officials. Our recommendations are attached in an accompanying enclosure. Also attached for your information is a copy of the comments submitted by the State of Wisconsin on the U. S. Department of Energy's Draft Environmental Impact Statement on Management of Commercially Generated Radioactive Waste (DOE/EIS-0046-D).

For the Wisconsin Ad Hoc Radioactive Waste Disposal Committee,

Sincerely,



Robert J. Halstad
Energy Policy Analyst
Division of State Energy

RJH:mse:3493C

Attachment