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SD-901-1

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(44 FR 70408)

SOUTHWEST RESEARCH AND INFORMATION CENTER

February 28, 1980



Secretary of the Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Service Branch

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

Dear Secretary of the NRC:

This is to reserve our final comments on this proposed rule. Since we did not receive a copy of the proposed rule until February, we will not finish our comments until next week. They will be mailed on or about March 3, but you will not receive them until a few days thereafter. Because of our interest and involvement with nuclear waste disposal issues, we do want to officially comment, however.

Our major concerns are in three areas: site characterization, consultation and concurrence with states and public participation.

Regarding site characterization, our detailed experience with the proposed WIPP site in New Mexico is that site characterization has not been properly defined in §60.2 (n). Specifically, there has apparently not been adequate consideration of problems below the repository level or in the regional geology which are the basic problems (in addition to the mineral resource conflict) at the proposed WIPP site. It is not clear that the definition of site characterization or the site characterization report must deal with these or similar issues. Obviously, if there are such problems with a site, the time, expense and work of in situ testing should be avoided. Thus, we would suggest that in §60.2(n) and in §60.11(a) specific mention of regional geologic conditions be required. Furthermore, it seems to us that in §60.11(f) that an environmental impact statement should be prepared, rather than leaving it to the discretion of the Department, as in the proposed rule.

Consultation and concurrence with the state should be required in §60.11(b), rather than merely a notification that state or local governments may be requested, as in the proposed rule. State participation and approval in all significant decision points of repository development is essential for any kind of public confidence in the licensing process. Thus, in §60.61 NRC staff must be readily available to the states to provide technical assistance and information.

Regarding public participation, it should not be left exclusively to the states, which is what the proposed rule seems to imply in §60.62(c)(4). NRC should have public participation in its proceedings. And more than just allowing such participation through hearings, NRC should consider funding such participation, at least under a reimbursement method similar to that used in the Public Utility Regulatory Policy Act (PURPA). Furthermore, NRC's rule should require that DOE fund and be responsive to public concerns and input. Specifically, in §60.11(a)

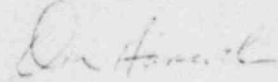
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(6) the rule should include not only the means used to obtain public input, but also the substance of the public input and what response the Department has made in addressing such input.

As we have more detailed comments on the proposed rule, we will submit them. Thank you for your consideration.

Cordially,

A handwritten signature in cursive script, appearing to read "Don Hancock".

Don Hancock