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February 28, 1980

Secretary of the Nuclear Regulatory
Commission
Washington, DC 20555
Attention: Docketing and Service Branch

Dear Sir:

Enclosed are the League of Women Voters of the United States' comments on the Nuclear Regulatory Commission's proposed rule on the disposal of high-level radioactive wastes in geologic repositories. 10 CFR Parts 2, 19, 20, 21, 30, 40, 51, 60 and 70.



Sincerely,

Dorothy Powers

Dorothy Powers
Energy Chair

Acknowledged by card... 3/7... *g*

Comments on the Proposed Rule for
Licensing the Receipt and Disposal of High-level Radioactive Wastes (HLW)
at Geologic Repositories

Nuclear Regulatory Commission 10 CFR Parts 2, 19, 20, 21, 30, 40, 50, 60
and 70.

We are pleased that the proposed rule includes opportunities for state and local involvement in HLW repository siting and licensing. To further improve these provisions, we would like to offer the following recommendations:

- (1) While the proposed rule provides opportunities for formal hearings during the siting and licensing process, it leaves the decision on whether hearings are actually needed to the NRC Commission. [2.105(a)] Considering the national importance of such projects and the concern that state and local governments and the general public have expressed with regard to nuclear waste disposal, it seems reasonable to require mandatory hearings before any HLW repository is authorized for construction.
- (2) While the proposed rule states that "proposals for participation and review shall be signed by the governor of the state submitting the proposal..." the regulations do not specify that the governor's office will coordinate the preparation of the proposal. [60.62(c)] Thus, under the proposed rule, citizens would be at a loss to know whom in their state to approach with recommendations for this proposal. The regulations should require the governors of affected states to appoint a lead agency, office or committee to serve as a liaison with NRC staff and citizens on the site characterization plans and license application.
- (3) The regulations state that after the Department of Energy has published a notice of the availability of the draft site characterization analysis in the Federal Register, "a reasonable period, not less than 60 days, shall be allowed for comment on the draft site characterization analysis." [60.11(e)] The regulations also say that states potentially affected by DOE's analysis may submit to the Director (NRC) a proposal for state participation in the review of the site characterization report and/or license application. [60.62(b)] But what is not clear is how much time a state will have to prepare a proposal (including obtaining citizen comments), apply to NRC for funding of that proposal, and complete its program. Assuming that the state participation program takes a year or longer to complete (which is very likely), it would seem that the general public should have the same length of time concurrently to comment on the characterization plan. Thus, the regulations should clarify how the time frame for state participation in DOE's site analysis will relate to the time frame for general public review and comment.