

# EDISON ELECTRIC INSTITUTE

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USNRC

June 28, 1985 JUL -1 A11:08

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Attention: Docketing and Service Branch

Re: Notice of Receipt of Petition for Rulemaking  
from the States of Nevada and Minnesota (50  
Federal Register 18,267)

These comments are submitted on behalf of both the Edison Electric Institute ("EEI") and the Utility Nuclear Waste Management Group ("UNWMG"). We have reviewed the Petition To Institute Rulemaking ("Petition") filed by the States of Nevada and Minnesota, which requests that the Nuclear Regulatory Commission ("NRC") adopt under its authority the assurance requirements originally proposed by the Environmental Protection Agency ("EPA") during the development of its standards for the disposal of high-level radioactive wastes (see, e.g., section 191.14 of EPA Working Draft No. 4, dated May 21, 1984).

EEI/UNWMG believe that any assurance requirements considered necessary by either the NRC or EPA should be specified in terms of guidance, and not be made part of formal agency standards and regulations. Such an approach would afford designers greater flexibility in the selection and engineering of repository systems. This, in turn, would facilitate the use of site-specific characteristics in achieving adequate, overall disposal system performance.

In addition, the Petition also requests that the NRC find that the Nuclear Waste Policy Act requires that final EPA standards for the disposal of high-level radioactive waste must be issued before the Department of Energy ("DOE") can publish environmental assessments or nominate or recommend a site for characterization. As the Commission has already concluded, however, it is not necessary for final EPA high-level waste standards to be issued prior to the initiation of site characterization. (See Letter from Chairman Palladino to James H. Davenport, dated December 5, 1984.) The Petition provides no basis for modifying this conclusion, and EEI/UNWMG therefore urge that the NRC reaffirm its position and reject that presented by Nevada and Minnesota.

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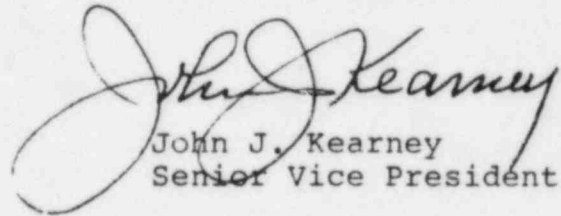
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In sum, for the reasons discussed above, the Petition should be denied. We would be pleased to discuss these comments with you in additional detail if you have any questions or we might otherwise be of assistance.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John J. Kearney". The signature is fluid and cursive, with a large initial "J" and "K".

John J. Kearney  
Senior Vice President

JJK:jhd