



The State of Wisconsin
Department of Justice

DOCKET NUMBER

PETITION RULE PRM 60-2
(50 FR 18267) ⑥

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July 11, 1985

Mr. Samuel Chilk, Secretary
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Attn: Docketing and Services Branch

Re: Petition for Rulemaking from States of Nevada and
Minnesota, Docket No. PRM-60-2

Dear Mr. Chilk:

The State of Wisconsin hereby expresses its support for the above-referenced petition for rulemaking initiated by the States of Nevada and Minnesota. The proposed rulemaking would require the United States Nuclear Regulatory Commission (NRC) to adopt quality assurance requirements to ensure that any high-level radioactive waste repository would conform with environmental standards to be promulgated as 40 C.F.R. Part 191.

We understand that the promulgation of environmental repository performance standards by the United States Environmental Protection Agency (EPA) is presently being delayed because of questions surrounding EPA's jurisdiction to adopt associated quality assurance requirements. Irrespective of EPA's jurisdiction, we agree with petitioners that NRC has the independent authority to promulgate such requirements. We further believe that promulgation of such requirements by NRC will facilitate expeditious promulgation of the EPA environmental standards.

Promulgation of environmental standards and quality assurance requirements for repository siting is imperative. The United States Department of Energy (DOE) has promulgated and is currently applying its general guidelines for the siting of high-level radioactive waste repositories. These guidelines rely in large measure on the standards in 40 C.F.R. Part 191 as the criteria for assessing site suitability. Until such standards are actually promulgated, DOE's present siting activities will be subject to substantial uncertainty. It is both inappropriate and

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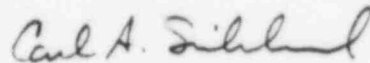
irresponsible to base significant siting decisions on proposed standards which remain subject to further consideration.

The State of Wisconsin maintains a continuing interest in these siting activities, in that the state has been identified by DOE for consideration of a second repository. It is essential that decisions made by DOE in connection with sites in both Wisconsin and elsewhere are premised on performance and quality assurance requirements which are certain, justifiable and uniformly applicable.

The NRC has suggested that, rather than accepting the petition for rulemaking, it may continue its negotiations with EPA toward development of one set of rules which would incorporate quality assurance requirements acceptable to both EPA and NRC. Since we are not privy to these negotiations, it is difficult to comment upon the potential for success. In light of the many months of unsuccessful negotiations to date, however, we believe that an independent rulemaking, as requested by Nevada and Minnesota, would provide a more effective and expeditious solution. Inconsistency and unnecessary duplication could be avoided by EPA's active participation in the NRC rulemaking proceeding.

For these reasons, the State of Wisconsin respectfully requests the NRC to accept and aggressively pursue this rulemaking.

Sincerely yours,



Carl A. Sinderbrand
Assistant Attorney General

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