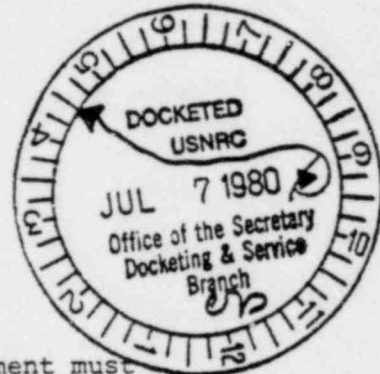


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
PROPOSED RULEMAKING ON THE STORAGE)	PR-80,51
AND DISPOSAL OF NUCLEAR WASTE)	(44 FR 61372)
)	
(Waste Confidence Rulemaking))	July 1, 1980.

STATEMENT OF
POSITION OF THE
STATE OF VERMONT



Introduction

Vermont's position remains that the federal government must demonstrate that practical means for disposing of high level radioactive waste are available and it must do so in the context of this proceeding.

Vermont shares the Department of Energy's stated objective that spent nuclear fuel from licensed facilities be disposed of safely and within a reasonable time. However, the disposal program proposed by the Department raises some issues and concerns. The purpose of this statement is to outline the issues and concerns that are of particular interest to Vermont.

- I. The uncertainties associated with deep geologic disposal require further evaluation.

The Department of Energy's Statement of Position indicates that mined geologic disposal is the preferred method for disposing of nuclear waste, and that subseabed disposal and disposal in very deep holes are backup options. The Department's confidence in these geologic disposal methods should be tested in the next stages of this proceeding.

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II. The Department of Energy should provide additional assurances that it can meet the timetable it has proposed.

The Department of Energy proposes to locate and develop a deep geologic site sometime between 1997 and 2006. There is cause for concern that even these liberal deadlines may be missed.

The Department's own Statement of Position notes that "the Department and its predecessor agencies have been involved in the management of radioactive waste since 1944". (I-3) And the current disposal program "was built on work conducted for over 20 years". (I-10) Nevertheless, the Department expects that it will take at least 17 and perhaps 26 years before the first disposal site is established.

The concern raised by the slow progress of past efforts in this regard is heightened by more recent developments. The President's February 12, 1980 Message to Congress suggested that the first full-scale repository would operate "by the mid-1990's". Already this date has slipped by as much as ten years.

Therefore, the Department should conceive and propose additional assurances that any disposal program will proceed on schedule and offer the necessary disposal capacity when it is needed.

III. Any program for radioactive waste disposal should include a means for resolving disagreements between different levels of government.

The President's February 12 statement includes a commitment "to providing an effective role for state and local governments in the development and implementation of our nuclear waste management program".

This theme is repeated in the Department of Energy's statement. The Department concedes that "state involvement in site selection is an important aspect of the radioactive waste disposal program" and advocates a "consultation and concurrence" approach. III-25. However, the Department does not identify or sponsor any mechanism for resolving the "unanticipated or unresolved issues of concern at the State or local level [that] could cause prolonged perturbations in the schedule". III-31.

Any program for the disposal of radioactive wastes should provide for cooperation and consultation between the state and federal governments. But public confidence in such a program requires a specific mechanism for resolving disputes between the different levels of government. That mechanism must be fair, to ensure that the states have an effective role in the decision-making process, and it must be efficient, to ensure that differences of opinion do not lead to unnecessary delays.

The President's message makes reference to a legislative proposal that would make the State Planning Council a permanent body. Perhaps this proposal could be expanded to include a provision for resolving the inter-government disputes that may arise.

STATE OF VERMONT

M. JEROME DIAMOND
Attorney General

BY: 

WILLIAM GRIFFIN
Assistant Attorney General
Civil Litigation Division.