



RADIOACTIVE WASTE MANAGEMENT DIVISION
92 South Main Street
Waterbury, VT 05676

Phone: (802) 244-4525
Fax: (802) 244-4528

23 January 1991

Mr. James Kennedy
Office of Nuclear Materials
Safety & Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Comment on SECY 90-318

Dear Mr. Kennedy:

The Radioactive Waste Management Division for the State of Vermont hereby offers the following comments to questions one (1) and three (3) of SECY 90-318:

While a blanket extension of the 1 January 1996 deadline would tend to diminish the sense of urgency on the part of the states to develop their permanent disposal capacity, a deadline which proved to be unrealistic might well have the same result.

The potential for injunctive actions against state agencies responsible for constructing disposal facilities for radioactive waste within state boundaries is obvious. The eventuality of multiple actions as part of an organized effort to discourage, delay, and defeat such a plan at every step along the way, is predictable. The appeals process through the judicial system could consume years before a final ruling is rendered.

Therefore, we recommend that allowances be made in the law which would accommodate states that make a good faith effort to comply with the deadline, but, for reasons beyond their control, are unable to do so; and that such a deadline be made contingent upon the final decision of the courts.

Because the course of litigation can vary so greatly from one state or jurisdiction to another, depending upon the intensity and creativity of the opposition, any other approach to enforcing a deadline is untenable.

Sincerely,

William O. Field, Attorney
Radioactive Waste Mgt. Division

/law

Delete all dist. except CF & Nuclear-abstract

214
NLXA