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March 30, 1984

FOR THE DIRECTOR
 FEDERAL BUREAU OF INVESTIGATION
 (49 FR 9650)

Nunzio Palladino, Chairman
 U.S. Nuclear Regulatory Commission
 1717 K. Street, N.W.
 Washington, D.C. 20555

Dear Mr. Palladino:

In my March 20, 1984 letter, I commended the Nuclear Regulatory Commission (NRC) for the scope and direction of its preliminary concurrence decision on the Department of Energy's (DOE) Siting Guidelines (10 CFR 960). Minnesota is attempting to finalize its review of the NRC concurrence decision and anticipates formally submitting its comments by the end of the public comment period, April 4, 1984.

Finalizing comments, however, is difficult given the fact that DOE and NRC staff are meeting and negotiating compromises on NRC's original set of concurrence conditions. How are the states to know what the formal NRC concurrence positions are if they are constantly being modified from week to week? In addition, the final meeting of DOE/NRC staff is April 4, 1984. This is the same day as the closing day for public comments. How will the states register their concerns over any changes made at the April 4 meeting?

Based on comments made during recent DOE/NRC staff meetings on the concurrence decision, Minnesota has concluded that significant changes are likely to be made in the final DOE siting Guidelines. In some respects, the changes being discussed are counter-productive to the agreements the states thought they had developed with DOE. Of particular concern is the discussion going on regarding concurrence condition 3b - modification of definitions of "anticipated processes and events" and "unanticipated processes and events." Commission staff have suggested that NRC would tentatively consent to removing the distinction between these processes. It should be noted that the states have spent considerable time and effort in obtaining a qualitative ranking of the guidelines from DOE. By eliminating the distinction in terms, the NRC will undo what has been considered by the states a significant step by DOE at setting some hierarchy of variable importance.

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B/9

Mr. Palladino
March 30, 1984
Page 2

72.26

Since similar changes are likely to result in major revisions to the guidelines, we must request that the states have an opportunity to review the final revised DOE guidelines prior to formal NRC concurrence.

The requests and concerns raised by this letter are an attempt on the part of Minnesota to bring the concurrence process to a proper close in the most expeditious and procedurally appropriate manner.

Sincerely,



Tom Kalitowski, Chairman
Governor's Task Force on High Level
Radioactive Waste

/pb

cc: NRC Commissioners
Minnesota Congressional Delegation
Representative Richard Ottinger
Jocelyn Olson, MN Attorney General's Office

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