



FEB 23 1980

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55155

February 19, 1980

To the Secretary of the Commission
The Nuclear Regulatory Commission
Attention: Docketing and Service Branch
Washington, D. C. 20555

Dear Sir:

The Minnesota Department of Public Safety, charged by Minnesota Statutes with the development of emergency evacuation plans for fixed nuclear facility accidents wishes to make the following comments based on:

1. Nuclear Regulatory Commission (NRC) letter to Governor Albert Quie, dated December 14, 1979, by Robert Ryan, Director, Office of State Programs, and its attachments.
2. NRC Workshop, January 22, 1980, Ramada O'Hare Inn.

As to No. 1. above, the proposed rules cause us concern. Specifically, we wish to draw your attention to:

Pages 1-5 Federal Register Notice

As this type of regulation is inevitable, Alternative A appears more reasonable than Alternative B. Alternative A places more responsibility with the States.

Implementation of Alternative B would appear to have the possibility of causing unnecessarily harsh economic and social consequences.

Page 10 Supplementary Information

Although the "Commission recognizes that it cannot direct any governmental unit to prepare a plan, much less compel its adequacy", this proposed rule would provide the Commission with the means to do just that.

Page 14-15 Rationale for Change

If "public comments will be welcomed" regarding actions taken under this proposed rule, a Federal Register notice

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should be applicable under Alternative A in order to facilitate the public comment process.

Page 17-18 10 CFR Part 50 Section 50.47

Alternative B is preferable only if the last sentence referring to protective actions is removed.

Page 19 Alternative A preferable

Page 20 Alternative A preferable

10 CFR Part 50, Appendix E.

Page 23 Section II

Alternative B is preferable.

Page 25 Section III

Alternative B is preferable

The Commission should carefully consider the consequences of this rulemaking on reactor sites in which adjoining states are within the reactor EPZ.

As to No. 2. above, at the NRC Workshop, numerous contradictions were voiced by the NRC panel. As specific illustrations we provide the following:

- a. When asked who is responsible for maintenance of all emergency plans and response training, Mr. Jamgochian responded that the licensee is responsible. Under further examination by various state representatives it became crystal clear that the NRC is blatantly attempting to usurp states' rights by having licensees dictate to states that plans shall exist and what they shall contain. Further, if the states do not accede to the licensees' requests, the NRC will not allow the power plants to operate.

While we fully support the need for emergency plans, we strongly disagree with NRC's methodology.

- b. It was stated that on December 7, 1979, President Carter directed the Federal Emergency Management Agency (FEMA) to assume all responsibility for off-site emergency plans. Further, on January 14, 1980, the NRC and FEMA signed a memorandum of agreement that FEMA would indeed be responsible for off-site emergency planning. However, under questioning by the states, it became apparent that this was, in fact, misleading.

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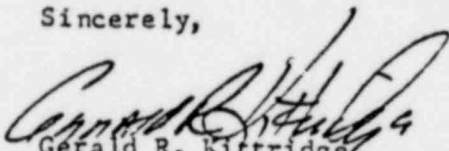
NRC will retain full, and the only, control over "approval" or "concurrence" on these plans. FEMA will be an "advisor" to the NRC - not in charge of planning. Further while FEMA could recommend the plan being concurred, NRC could reject it. The NRC provides no hearing process for petition by the State under these circumstances.

It should be noted that these plans deal with protective actions - stressing accomplishment of evacuations. Yet, NRC has no real time experience in evacuations. At Three-Mile Island, it was FEMA which provided that expertise.

In closing, we wish to note that Minnesota is currently seeking concurrence on its Emergency Plan. However, the NRC is changing the rules weekly as to what is to be in the plan. We feel like we are shooting at a moving target with blinders on. The concurrence process in the past has been arbitrary and essentially meaningless. Cooperation between government agencies and a sensitivity on the Federal level to States' rights is needed to provide meaningful and adequate means of meeting the needs of emergency response and emergency response planning.

Thank you for the opportunity to comment.

Sincerely,


Gerald R. Kittridge
Director

GRK:hl

cc: Vice-President Walter F. Mondale
Minnesota Congressional Delegation
John Macy, FEMA
State Senator Hubert H. Humphrey III
State Senator William Luther
Gary Welk, Northern States Power Company