



Proj M-31

## Department of Energy

LABOR & INDUSTRIES BUILDING, ROOM 102, SALEM, OREGON 97310 PHONE 378-4040

August 22, 1980

G. Wayne Kerr, Acting Director  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Kerr:

The Oregon Department of Energy has reviewed the prepublication draft of the proposed amendments to 10 CFR 71. We have discussed our response with the Oregon State Health Division, Radiation Control Section, which agrees with the following comments. Additional comments from the Governor's office, if any, will be forwarded at a later date.

1. We support the requirement for notification of states prior to shipment of nuclear waste shipments exceeding Type A quantities.
2. We concur that the notification time should be at least 7 days prior to shipment.
3. We request that, in the published rulemaking notice, the NRC attempt to estimate, by state, the number and type of shipments covered by the proposed rule. While we recognize that current record keeping may be inadequate to supply exact numbers, we believe that consultation with disposal site operators and disposal site licensing states can yield reasonable approximations. This information is necessary for the state to determine impacts on state resources.
4. We suggest that NRC require notification of both the governors office and an agency designated by the governor of each state. We recognize that Congress mandated notification of the governor. We also recognize that most governors will request advice from administrative agencies. If notification is given only to the governor, the seven day time limit prior to shipment may not be sufficient for state agencies to review the notification and alert the governor of shipments of special concern.

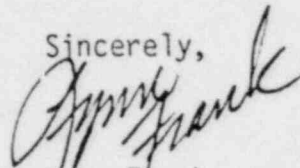
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5. For the benefit of both shippers and states, we suggest that a standard notification form be designed and used.

We appreciate the opportunity to comment on this rule prior to publication for formal comment.

Sincerely,



Lynn Frank  
Director

LF/MP:swd  
8983A

cc: Marshall Parrott  
Oregon State Health Division