



NUMBER PR-71 (53)
PROPOSED RULE (45 FR 81058)
DUCKET NUMBER PR-73 (54)
PROPOSED RULE (45 FR 81060)

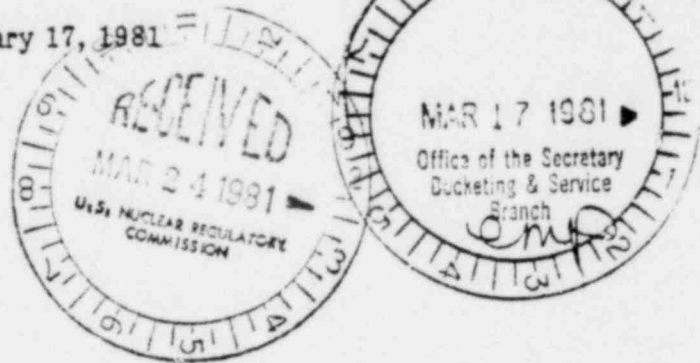
FRANK A. ASHBY, JR.
SECRETARY

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF ENVIRONMENTAL AFFAIRS

B. JIM PORTER
ASSISTANT SECRETARY

February 17, 1981

John F. Ahearne, Chairman
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Dr. Ahearne:

Your letter of January 16, 1981 to Governor Treen, relative to proposed transportation rulemaking, has been given to me for reply.

In the proposed rule to amend 10 CFR 71 concerning advance notification to states, the State of Louisiana feels that some alternative to notifying the governor should be allowed at his discretion. Those agencies within a state which respond to accidents or incidents are the logical recipients of such notice should the governor so desire.

With regard to the proposed rule to amend 10 CFR 73 concerning advance notification to governors, in line with the possible desire of a governor not to receive shipment information, provision to designate an alternate, as suggested in Section B of the "Discussion of Proposed Rule," should be specifically made.

In each of the above cases, it is felt that the governor should not be disturbed unless there has been an event which requires his taking direct action; otherwise those agencies with responsibilities delegated by statute should be the recipients of such information. A single point of contact could be designated by the governor to act in his behalf to receive and disseminate such information, as required. On the other hand, those agencies which respond to radiation incidents likewise have an obligation to notify the governor in case of an untoward event.

With regard to the proposed rule to amend 10 CFR 73 relative to the protection of "safeguards information," the State of Louisiana feels that the NRC is prescribing adequate security measures for this type of information and, therefore, has no additional comments.

The agencies within the State of Louisiana having statutory authority to plan for and respond to radiological transportation incidents are the Nuclear Energy Division under the Office of Environmental Affairs, Department of Natural

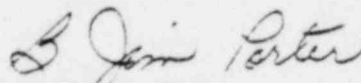
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Resources, and the Hazardous Substances Emergency Response Unit under the Office of the State Police, Department of Public Safety. Such authority is found in the Louisiana Revised Statutes 30:1104, 30:1111, and 32:1501 et seq. and in appropriate rules and regulations promulgated by these state agencies.

Thank you for the opportunity to comment on these proposed changes.

Sincerely,

A handwritten signature in cursive script that reads "B. Jim Porter".

B. Jim Porter
State Liaison Officer

BJP:WHS:dbz

cc: Governor Treen
Secretary Ashby