



UNITED STATES
ATOMIC ENERGY COMMISSION

WASHINGTON, D.C. 20545

June 27, 1969

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Honorable Harold LeVander
Governor of Minnesota
St. Paul, Minnesota 55101

Dear Governor LeVander:

I have received your letter of June 13 expressing your continuing concern regarding AEC's and the State of Minnesota's jurisdiction over the control of radioactivity releases in effluents from the Northern States Power Company's Monticello nuclear generating facility. I appreciate and share your desire to provide for the safety of the citizens of Minnesota.

We recognize and support the interests of the states in the radiological protection field. For a number of years we have supported a cooperative program pursuant to section 274 of the Atomic Energy Act whereby a portion of the AEC's regulatory authority over nuclear materials - for example, radioisotopes - has been relinquished to the states. Congress, however, did not provide for the relinquishment to the states of the Commission's responsibility under the Act for the licensing and regulation of nuclear power reactors. The establishment of this authority within the AEC was in recognition of the very complex, interrelated technical safety considerations that are involved in the design, construction and operation of nuclear power plants and the fact that these plants have the potential to release radioactive material that could affect areas outside the state in which they are located.

Dual regulation was one of the evils that the Congress specifically sought to avoid, and succeeded in avoiding, in enacting section 274 of the Atomic Energy Act. We feel that it is in the interest of public health and safety that there be consistent and uniform standards in this area. In fact, conflicting design and operating requirements in this highly complex area might well detract from the public health and safety.

Apart from the legal question, and the difficulties and confusion which can be expected from dual regulation, one of the major problems we have with the action taken by the Minnesota Pollution Control Agency is its imposition of special requirements that might have an adverse impact on plant design and operational procedures. For example, special restrictions relating to fuel leak detection, depending on how they are administered, potentially could involve design and equipment changes and require frequent changes in operating conditions, including shutdowns and startups of the reactor that might not be justified by the circumstances. Such restrictions, in our belief, do not provide

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any additional protection of the public health and safety and indeed might, under certain circumstances, impair the safety of the facility.

In view of the complex and technical nature of establishing and exercising radiological health and safety controls over nuclear facilities, we feel that full discussion of the matter might be helpful. I would be pleased to meet with you in Washington or, alternatively or in addition, to have several of our senior technical staff meet with you in Minnesota to discuss the matter. Such a meeting obviously will not resolve the legal question involved, but I feel that it might be helpful in allaying your concern regarding the standards and the controls which the AEC would place on this reactor for the protection of the public health and safety.

Perhaps at the same time we could discuss the possibility of the State of Minnesota entering into an agreement with the Atomic Energy Commission under section 274 of the Atomic Energy Act to assume regulatory authority over certain nuclear materials. One of the tangible benefits of this program has been the general upgrading of the states' radiological protection activities in areas that are not within the regulatory jurisdiction of the AEC, and which have been traditionally regulated by the states - for example, control of x-ray machines and fluoroscopes. Nineteen states have thus far entered this cooperative program, and I am hopeful that we might be able to resolve any obstacles or problems you might have with regard to Minnesota's entering into such an agreement.

Cordially,

s/ Glenn T. Seaborg

Chairman

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