

FROM
State of Minnesota
Pollution Control Agency
(Bedalich)

CONTROL NUMBER

2482

DATE OF DOCUMENT

2/6/70

ACTION COMPLETION DEADLINE

FILE LOCATION

TO

Chairman

ACTION PROCESSING DATES

Acknowledged

Interim Report

Final

2/19/70
3/HW

INFORMATIONAL COPY DISTRIBUTION

Chairman	ADNS	COM
GM	ADA	SS
Dep. Dir.	OGC	SLR
A. D.	RL	ML

DESCRIPTION Ltr

☐ Original

☒ Copy

☐ Other

Suggests AEC withhold any further action affecting the Monticello Plant until the courts have made their decision and requests that no operational license be issued until such a decision is forthcoming.

REMARKS

Send 2 cys of reply to the Chairman

REFERRED TO

DATE

f/approp.reply 2/12/70

Cys: HPrice FDA (50-263)

Beck

Mann

Wells, ASLB

Renderson

Morris

Shaper

Is notification to the JCAE recommended? _____

FROM

State of Minnesota
Pollution Control Agency
(Redacted)

CONTROL NUMBER

2482

ACTION COMPLETION DEADLINE

DATE OF DOCUMENT

2/6/70

FILE LOCATION

50-263

TO

Chairman

ACTION PROCESSING DATES

Acknowledged _____

Interim Report _____

Final _____

INFORMATIONAL COPY DISTRIBUTION

_____ Chairman	_____ ADNS	_____ COM
_____ GM	_____ ADA	_____ SS
_____ Dep. Dir.	_____ OGC	_____ SLR
_____ A. D.	_____ FL	_____ TME

DESCRIPTION **Let**☐ Original☒ Copy☐ Other

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Suggests AEC withhold any further action affecting the Monticello Plant until the courts have made their decision and requests that no operational license be issued until such a decision is forthcoming.

Send 2 cys of reply to the
Chairman

REFERRED TO

DATE

1/approp. reply 2/12/70

Cys: MPrice PER (50-263)

Buck Wills, ASIA

Mann

Henderson

Morris

Shaper

Do not file

Is notification to the JCAR
recommended? _____

100
OFFICE OF THE CHAIRMAN

(Date)

TO:

DN

DN

For appropriate handling reply

Reply for Chairman's signature

For information: GM _____ Commissioners ✓ DR _____

Remarks

please send me 2 copies of reply

Julius H. Rubin
For the Chairman

Rec'd Off. Dir. of Reg.

Date 2/12/70

Time 1:45

MEMO ROUTE SLIP

Form AEC-93 (Rev. May 14, 1947) AECM 5240

See me about this.

For concurrence

For action.

Note and return.

For signature.

For information.

TO (Name and unit)

C. L. Henderson
Ass't Dir. of Reg.
for Adm.

INITIALS

DATE

REMARKS

I would suggest that the recent exchange of
correspondence with John Badalich be placed
in the Public Document Room. *(after*

TO (Name and unit)

INITIALS

DATE

REMARKS

*HLP has signed the
reply.)*

TO (Name and unit)

INITIALS

DATE

REMARKS

*(The incoming ltr - has already
been sent. info.)*

FROM (Name and unit)

Howard K. Shapan
Ass't Gen. Counsel
Lic. & Reg.

REMARKS

PHONE NO.
7308

DATE
2/17/70

BERT C. TUVENSON, CHAIRMAN,
ALBERT LEA
EMER C. LUICK, VICE CHAIRMAN,
MINNEAPOLIS
EDWARD A. ANDERSEN, M.D.,
ROCHESTER
JOHN B. BORCHERT,
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ICE V. HARRIS,
CLOQUET
IS. R. C. (DOROTHY) NELSON,
DULUTH
WAYNE PACKARD,
MINNEAPOLIS



STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

717 DELAWARE STREET S.E.
(OAK AND DELAWARE STREETS S.E.)

MINNEAPOLIS 55440

612-378-1320

JOHN P. DADALICH, P.E.,
EXECUTIVE DIRECTOR

February 6, 1970

The Honorable Glenn T. Seaborg
Chairman
U. S. Atomic Energy Commission
Washington, D.C. 20545

Re: Northern States Power v.
State of Minnesota et al

Dear Mr. Seaborg:

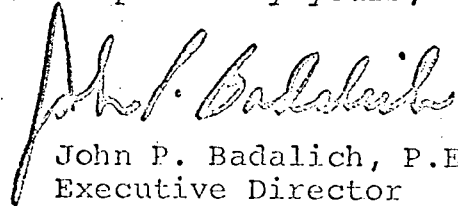
It is, of course, well known to the Atomic Energy Commission that the Minnesota Pollution Control Agency has imposed environmental requirements for the Monticello Nuclear Facility and that Northern States Power has challenged, both in Federal and State courts, the right of the Agency to exercise any control over the facility.

In view of the fact that the courts now have the obligation to decide whether or not the State of Minnesota has any authority to do what it has done with respect to this subject matter, it is the opinion of the Pollution Control Agency that a hearing on the application of the Northern States Power for an operational license would be of no benefit to any of the parties involved, and, therefore, makes no such request at this time.

The Honorable Glenn T. Seaborg
February 6, 1970
Page 2

For the same reason it would seem appropriate that the Atomic Energy Commission withhold any further action affecting the Monticello Plant until the courts have made their decision and the Agency respectfully requests that no operational license be issued until such a decision is forthcoming.

Respectfully yours,



John P. Badalich, P.E.
Executive Director

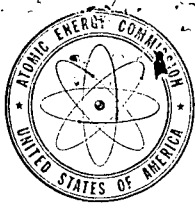
JPB/ee

cc: Dr. Peter A. Morris, Director
Division of Reactor Licensing

Harold L. Price, Director
of Regulations

Robert C. Tuveson, Chairman
Minnesota Pollution Control Agency

Sidney P. Gislason, Esq.
G. Robert Johnson, Special Assistant Attorney General



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

John P. Badalich, P.E., Executive Director
Minnesota Pollution Control Agency
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440

Dear Mr. Badalich:

This is in reply to your letter of February 6, 1970, regarding the application of Northern States Power Company to operate the Monticello Nuclear Facility.

In your letter you refer to the pending litigation between NSP and the State of Minnesota Pollution Control Agency as a basis for deferring any further action by AEC affecting the Monticello Facility. The central issue in that litigation is, of course, whether the Control Agency has the legal authority to impose restrictions, from the standpoint of radiological health and safety, on the operation of the Monticello Facility. The AEC's authority to carry out its own statutory responsibilities to protect the public health and safety is not at issue in the litigation. We do not see, therefore, how we can defer carrying out our responsibilities in the Monticello proceeding.

Please be assured of our continuing cooperation. We will continue to keep you apprised of future significant developments in the Monticello proceeding.

Sincerely,

Harold L. Price
Director of Regulation

cc: Robert C. Tuveson, Chairman
Minnesota Pollution Control Agency

Sidney P. Gislason, Esq.
G. Robert Johnson, Special Assistant Attorney General