

Dr. Dunning
F-218
(2)

OFFICE OF THE GENERAL COUNSEL

MAR 18 1958

703142

OFFICE ACTION MEMORANDUM

FROM: James R. Wolf

Letters from General Manager:

- (1) To Senators Thye and Humphrey reporting on meeting of AEC scientists with representatives of Minnesota's Governor's committee on radiation; from Dunning, Dunham; Donovan. For AGMR, AGMA, GM.
- (2) To Governor Freeman, advising that AEC will furnish information, transmit data on "selected samples that the committee may wish to send as for analyses," "give careful consideration to the request for financial assistance to your State Health Laboratory and meanwhile endeavor to assist in the most effective way possible your State program in radiation health." Concurrences as above.

Letter referred to OGC from AGMR's office with note requesting our views with respect to legal authority.

Action: After discussion with Mr. Wells, returned letters to Bill Berman with attached note as follows:

"The problem here is not primarily one of legal authority. AEC has the responsibility to make such research contracts as might be required to establish that its various research and production activities are being conducted without undue risk to the health and safety of the public. Monitoring radiation levels in different locations is an appropriate way to discharge this responsibility. From a legal standpoint, arrangements with State agencies would be as suitable a means for performing the work as contracts with private institutions or agreements with other branches of the Federal Government."

"Although AEC could contract with the State of Minnesota for certain studies, it is my understanding that B&M does not believe that the level of investigations contemplated by the Governor is justified. If so, is it not terribly misleading to say that we will consider an application for financial assistance?"

3213
Fallon - Minnesota 5758

326 U.S.

002521

0000894

MAR 18 1958

"Perhaps AEC has a need for limited services from the State Laboratory. The appropriate officials might approach AEC for a research contract comparable to our usual off-site arrangements. We might point out to the Governor that although we are not presently in a position to finance the program which he presented to us, we would be pleased to have the Laboratory submit a proposal for a research contract for work to be done in areas of the Commission's interest. There is no legal objection to advising the Governor that AEC would consider a "request for financial assistance" for the Laboratory so long as this were construed to mean a proposal for such a research contract, to be evaluated in accordance with the criteria generally employed by the Commission in assessing applications for Federal funds."

DOE ARCHIVES

"I have not considered the policy questions associated with the use of State institutions--are their personnel qualified? Can the Commission's responsibilities be discharged satisfactorily if its monitoring program is carried out without firm central control? If Minnesota's program is endorsed, what will our position be with respect to applications made by other States?"

"On the question of analyzing samples, it is understood that the proposed letter commits us to a "one-shot" program only, and is intended to enable AEC to gather and disseminate information relating to our various activities. A potential result of this action would be increasing demands for similar analyses for other States. Shouldn't we be sure that such demands can be met without impairing our other functions?"

cc: Division of Biology & Medicine

GEN. COUNSEL

WOLF:rwp

3/17/58

0000895