

869.9 ✓

EDMUND G. BROWN
GOVERNOR

WILLIAM E. WARNE
DIRECTOR

COMMISSIONERS
T. H. RICHARDS, PRESIDENT
SACRAMENTO
WM. P. ELSER, VICE PRESIDENT
SAN DIEGO
CARL F. WENTE
SAN FRANCISCO
JAMIE H. SMITH
LOS ANGELES
HENRY E. CLINESCHMIDT
REDDING



STATE OF CALIFORNIA

Department of Fish and Game
722 Capitol Avenue
Sacramento 14

June 18, 1959

Mr. Harold L. Price, Director
Division of Licensing and Regulation
U. S. Atomic Energy Commission
Washington 25, D. C.

Dear Mr. Price:

We are including in this letter comments upon the Notice of Proposed Rule Making by your Commission, as published in the Federal Register on May 23, 1959, in reference to environmental factors considered in site evaluation for power and test reactors and on the development of definitive criteria for general application.

Our comments apply to application of these criteria within California.

a. General. We note that in this section the only criterion established is that "the potential radioactive effluents therefrom, as a result of normal operation or the occurrence of any credible accident, will not create undue hazard to the health and safety of the public."

Our interpretation of this section would indicate that the direct effect upon the health and safety of the public is the only concern of this criterion. We believe, also, that hazard to or destruction of resources affected by radioactive effluents should also be given consideration. It is conceivable that damage could occur that would not necessarily affect the health and safety of the public directly, but could affect those resources of man used as food or for recreation.

The commercial marine fishery of California is the largest in the United States, supplying one of the major basic sources of wealth of this state's economy. Many of the products of this industry come from our bays and coastal area. Crabs, clams, oysters, shrimp, sole, flounders, perch, rockfish, salmon, are just a few. We are particularly concerned about the marine and bay environments around those areas in California where nuclear reactors may be built. These environments are quite susceptible to contamination by either accident or continuous discharge of radioactive effluents. Likewise, freshwater resources and game resources could be affected within the contaminated contact area.

Handwritten notes:
A/109
PK 50
Comments
mkx 07/11-12-6
Calif
9-21

June 18, 1959

We request that serious consideration be given to the natural resources as well as the direct effects upon man in establishing your criteria, and that the following clause be added to the last sentence of the first paragraph of Section a. General:

"nor the continued normal use of the natural fish, game and wildlife resources of such area."

b. Exclusion Distance Around Power and Test Reactors. We note that for large power reactors a minimum exclusion radius on the order of one-half to three-quarters of a mile may be required. It is our understanding that power reactors are being considered for construction in or near many of the valuable bays of the State of California. Such exclusions would eliminate large sections of bay bottom and coastal area from access by the public.

Most tide lands and all area from the high tide line seaward to three miles are public lands and waters. We would like to call your attention to the following article from the Constitution of the State of California:

"The Right of the People to Fish in State Waters

"Art. I, Sec. 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the Legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken."

Under this article, it would not be possible to grant "an exclusion area under the complete control of the licensee," where such areas would fall upon public lands or waters.

Presumably, because of the exclusion distance, there would also be the possibility of contamination of areas removed farther than three-quarters of a mile. Water transport and biological uptake does not restrict itself to any arbitrarily established distance.

With the greatly increasing demand for food, recreational resources and fishing facilities in this state, we cannot accept any additional inroads on our dwindling recreational areas.

The criteria for site selection within this state should include the preservation of all our natural resources as well as the right granted under Article I, Section 25 of the California Constitution.

June 18, 1959

c. Population Density in Surrounding Areas. The continued use of areas remote from human population that supply fish, wildlife, natural resources and recreation should also be protected. Such areas are basic to our society's needs. In the State of California we have very heavy seasonal use of nearly all suitable areas by the vacationing and sporting public. The remoteness of location and resident population density cannot be the only basis for consideration. If this were so, some of the more ideal reactor site locations would coincide with state and national parks and monuments.

d. Meteorological Considerations. In general, the basic reasons given under "c" above apply here.

e. Seismological Considerations. No comment.

f. Hydrology and Geology. Under this criterion consideration of the resources of the water courses is a prime factor. The statement "the hydrology of the surface water course and its physical, chemical and biological characteristics are important factors in evaluating the degree of risk involved," should be strengthened. The word "important" should be replaced by the word "paramount".


g. Interrelation of Factors. No comment.

Additional comments. We sincerely request that your Commission consult the state agencies well in advance of site planning or construction of any atomic facility before giving a "go ahead" signal. Conceivably there are many legal, technical and environmental conditions known to the respective agencies that very often cannot be determined from a formal report or would be missed by even the best qualified consulting firms. If, during the preliminary assessment of nuclear site conditions, State agencies are consulted, much valuable local knowledge could be gained and considerable misunderstanding and misdirected effort avoided.

The State of California through this department is charged with responsibility for the conservation and preservation of the fish and wildlife resources. Consistent with that responsibility we stand ready to assist you in any way we can in the rational and equitable selection of nuclear reactor sites in this state. To do so will require open avenues of communication during all stages of evaluation, from conception to completion.

We respectfully request your consideration of the above comments and suggestions.

Sincerely yours,


Director

C
O
P
Y

VOLUNTARY AGREEMENT ON RADIOACTIVE WASTE
DISPOSAL AT SEA OFF THE COAST
OF CALIFORNIA

Pursuant to conference on the 13th day of May, 1958, held at Berkeley, California between Official Agencies in California and firms licensed by A.E.C. to dispose of radioactive wastes at sea with respect to the disposal of radioactive wastes at sea off the coast of the State of California, it is hereby mutually and voluntarily agreed that the following method and areas of disposal will be used and are considered under the present state of knowledge to be a safe means of disposal which will adequately protect human and marine life.

Wastes will be packaged in containers of such integrity that they will remain intact at the depths prescribed.

All such wastes will be disposed of in at least 2,000 fathoms of water and in a circular area of 5 mile radius centered at the following

- points:
- (A) 39° 30' N. Lat. by 125° 40' W. Longit.;
 - (B) 37° 40' N. Lat. by 124° 50' W. Longit.;
 - (C) 36° N. Lat. by 124° W. Longit.;
 - (D) 34° 30' N. Lat. by 122° 50' W. Longit.;
 - (E) 32° N. Lat. by 121° 30' W. Longit.

This voluntary agreement is made with the mutual understanding that additional information and knowledge on the subject will become available from time to time and that future meetings will be held for the purpose of re-evaluating this agreement. It is understood that this agreement has no legal binding effect on either party.