

OCT 26 1970

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Honorable William B. Saxbe  
United States Senate

Dear Senator Saxbe:

I am pleased to respond to your note of August 31, 1970, enclosing a letter from Mrs. Thomas F. Walker concerning the Davis-Besse Nuclear Power Station.

The Atomic Energy Act of 1954, as amended, requires that a public hearing be held on all applications for construction permits for nuclear power plants. Such hearings are held in the vicinity of the proposed site of the plant when the AEC regulatory staff and the Commission's Advisory Committee on Reactor Safeguards have completed their safety review of the application for the construction permit and satisfied themselves that the construction of the plant at the proposed site can be undertaken without undue risk to the health and safety of the public. The enclosed booklet, "Licensing of Power Reactors," provides further details on this licensing process.

At the present time, a public hearing on the application of the Toledo Edison Company for the Davis-Besse plant is not expected to be held before early December 1970. When a Notice of Hearing is issued for the Davis-Besse plant, I will see that a copy of the Notice is forwarded to Mrs. Walker. The Notice will be issued at least 30 days prior to the hearing, and will set forth the day, time, and place of the hearing, and the procedures by which a member of the public may participate in the hearing either as a party or by means of a limited appearance.

I am also enclosing a copy of 10 CFR Part 2, the Commission's "Rules of Practice," which sets forth the various procedures applicable to the conduct of public hearings. I would invite Mrs. Walker's attention in particular to 10 CFR §§ 2.714, 2.715 and Appendix A.

Mrs. Walker asks, "Is there any way a local group could prevent the construction of such a plant?" First, of course, the same means provided by pertinent state and local laws are available to the public for opposing construction of a nuclear power plant as are provided for opposing the plant if it were fueled by non-nuclear fuel. In addition, as indicated above, because it is a nuclear plant requiring licensing and regulation by the AEC, persons whose interests may be affected are permitted to intervene as parties in accordance with requirements of AEC regulations. J

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Regarding Mrs. Walker's third question, local groups and individuals have intervened in a number of past and current AEC licensing proceedings. In one such proceeding (the proposed Malibu Nuclear Plant at Corral Canyon, California), the Commission in 1967 denied the construction permit application without prejudice to reconsideration subject to the applicant's submittal of design modifications to accommodate potential ground displacement that might result from earthquake activity.

In seven other instances utilities have withdrawn, deferred or postponed their applications for construction permits before the proceeding reached the hearing stage when it became apparent that the AEC regulatory staff would oppose issuance of the permit based on the proposed design or site, or because of difficulties in obtaining site approvals from other governmental bodies dealing with matters not related to radiological safety, or for other reasons such as further research on control of thermal effects or inadequate financing. In some of these instances, there also was evidence of opposition to the proposed plant from local groups.

Sincerely,

( signed ) Harold L. Price

Harold L. Price  
Director of Regulation

Enclosures:

1. Ltr fm Mrs. Walker  
dtd 6/6/70
2. Licensing of Power Reactors
3. 10 CFR Part 2

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CRESS OFFICE T-10/19-10/20 R364	DR JMFelton:kaf WGDooly	DRL <i>see attached</i>	OGC <i>see attached</i>	DR <i>[Signature]</i> HLPrice
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DATE ▶	10/20/70	10/ /70	10/ /70	

Docket No. 50-346

Honorable William B. Saxbe  
United States Senate

Dear Senator Saxbe:

I am pleased to respond to your note of August 31, 1970, enclosing a letter from Mrs. Thomas F. Walker concerning the Davis-Besse Nuclear Power Station.

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*early  
December*

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With respect to Mrs. Walker's second question, several applications have been withdrawn by applicants for nuclear power plants prior to the completion of the AEC review when it became apparent that the AEC

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technical staff would oppose issuance of a construction permit based on the utility's proposed design or for other reasons such as local opposition to the facility or inadequate financing.

Sincerely,

Harold L. Price  
Director of Regulation

Enclosures:

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- 3. 10 CFR Part 2

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