DOCKET NO. 50-205

353 Race Street
Berea, Ohio
May 1, 1963

Main File Copy - 5-4

Division of Licensing and Regulation
U.S. Atomic Energy Commission
Washington 25, D. C.

Gentlemen:

Thank you for your letter of April 24. Despite its expressed hopes, I did not find it or its enclosures fully reassuring, for the following reasons:

1. Understandably, you interpret your "responsibility relative to the health and safety of the public" in a restricted way and reject consideration of "zoning questions, conservation matters, and the esthetics of the site", among others. You have referred my letter to the Fish and Wildlife Service, U. S. Department of the Interior, for "reply to the broad questions of conservation of resources ...". However, it is evident that the AEC is the only licensing power acting (the State of California, and others, having deferred entirely to the AEC), and the above-mentioned Service of the Department of Interior has no power to act, even if interested. What force will their opinions - or those of others with broad interest in human welfare - have, since only AEC has the power to act and you specifically reject considerations aside from safety in the narrow sense?

2. You outline elaborate hearing and review provisions, including opportunity for the public to be heard, prior to licensing. I note in passing that only "limited hearing" will be granted to citizens not having a direct, i.e., presumably local and, especially, financial interest, so that impartial experts (on whatever phase - broad or technical) outside of the AEC's staff or chosen consultants would not be given equal hearing. However, the most alarming provision in the enclosed policy pamphlet states that "Such things as site exploration, site excavation, procurement or manufacture of components, and construction of non-nuclear facilities may be done without [i.e., prior to] an AEC construction permit". Essentially, this policy means that there is no control over the choice of site or whether there should be permission for a given site to be used for a nuclear reactor; the company can just go ahead and "railroad" this decision. Once the interested company has gone that far, the AEC would be under great compulsion to grant a license sooner or later, and I should be very surprised if it ever forced abandonment of a site and facilities at that stage of development. In essence you would only take detailed steps to see that installation would fulfill your requirements for safety, sooner or later becoming operative.

ACKNOWLEDGED

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3. Finally, regular reading of Science or other periodicals representing a broad sample of the scientific community would reveal that there is a wide spectrum of opinion, even among people highly experienced with radioisotopes, on the advisability of rapid increase in the amounts of long-half-life waste to be disposed of, as well as the relative choice of methods. This fact simply reflects that our present state of experience is inadequate and can be made more certain only slowly. In contrast, there would probably be much better agreement among experts on the best way to handle waste from a given reactor once the site and necessity of the installation has been admitted. What apparently the AEC has not done, and the informed public has not been invited or even permitted to participate in at any general policy level, is to consider the primary question as to whether the estimated (albeit uncertain in some details) undesirable effects on the affected citizens' habitat-re esthetics, conservation, recreation, and other aspects of welfare as well as safety in the narrow sense now viewed by the AEC - are justified by the promised economies in generating power by a reactor. While this question might seem academic in a barren land with a poverty-stricken economy, it is apt and fundamental in our "affluent society" - increasingly affluent in per capita income but decreasing exponentially in the quality of our surroundings, a problem for which increased income has proved to be no remedy. Understandably, the AEC probably considers such a question outside its province. But who has considered or will consider this fundamental policy question and permit the public to express itself on this question? These considerations explain why my initial letter was addressed to the President.

Very truly yours,

M. L. Heideman, Jr.

M. L. HEIDEMAN, Jr., M.D.

RECEIVED
MAY 10 1963
U.S. ATOMIC ENERGY COMMISSION
Division of
Licensing & Regulation

APR 24 1963

Dr. M. L. Heideman, Jr.
353 Race Street
Berea, Ohio

Dear Dr. Heideman:

Your letter of March 26, 1963, addressed to President Kennedy, has been referred to the Atomic Energy Commission for consideration.

We note your concern for the safety of persons in the area surrounding the proposed reactor site at Bodega Bay and for the conservation of natural resources.

Enclosed is a pamphlet prepared by the Commission's Division of Public Information concerning the licensing of power reactors. I hope you will find it reassuring concerning the discharge by the Atomic Energy Commission of its responsibility relative to the health and safety of the public.

Before the Commission can consider issuance of a permit authorizing the Pacific Gas & Electric Company to construct the proposed plant at the proposed site, the Commission's Division of Licensing and Regulation will make a comprehensive safety evaluation of the proposal, the Commission's Advisory Committee on Reactor Safeguards will thoroughly review the application and a public hearing will be held before an Atomic Safety and Licensing Board or an AEC Hearing Examiner, as required by law. After the issuance of an Initial Decision by the Atomic Safety and Licensing Board or the Hearing Examiner, the entire hearing record is subject to review by the Commission. The hydrological, meteorological, and geological aspects of the site, including the effects of earthquake on the proposed plant, will be thoroughly explored in the course of review by the Commission's staff and the Advisory Committee on Reactor Safeguards. The purpose of these extensive procedures is to assure thorough consideration of all aspects of the proposed plant bearing upon the question whether the reactor can be constructed and operated at the proposed site without undue risk to the health and safety of the public. However,

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zoning questions, conservation matters and the esthetics of the site are not within the jurisdiction of the Atomic Energy Commission and, therefore, are not considered in the course of the review and evaluation of the application which I have just described. A copy of your letter of March 26th and a copy of this letter are being referred to the Fish & Wildlife Service, United States Department of the Interior, for reply to the broad questions of conservation of resources which you raise.

As you know, the Advisory Committee on Reactor Safeguards is a Committee established by the Congress to advise the Commission on questions of reactor safety. It is made up of scientists and engineers who are eminently qualified in reactor technology. The reports of the Committee are made available to the public and announced by the Commission. The analysis of the safety aspects of the proposed reactor prepared by the Division of Licensing and Regulation will also be available to the public. This analysis will set forth the position which the Regulatory Staff will take at the public hearing. At that hearing, which will be held in California on a date and at a place to be announced, members of the Regulatory Staff will appear to explain their evaluation of the safety of the proposed reactor. Moreover, an opportunity to participate in the hearing is afforded the public pursuant to the Commission's "Rules of Practice", 10 CFR Part 2, a copy of which is enclosed. I feel sure that these procedures will enable all interested persons in the area to acquaint themselves with the details of the proposal and with the Regulatory Staff's evaluation thereof.

Sincerely yours,

(Signed)
Eber R. Price, Assistant Director
Division of Licensing and Regulation

Director
Division of Licensing
and Regulation

Enclosures:
As stated above

bcc: OGC
C. T. Edwards
Eber Price

cc: Mr. Clarence Pautzke, Commissioner
Fish & Wildlife Service
U. S. Department of the Interior
Washington 25, D. C.

DLR	OGC	DLR	DLR
CTEdwards:bmj		ERPrice	RLowenstein
4/18/63	4/ /63	4/ /63	4/ /63

MEMO ROUTE SLIP
Form AEC-93 (Rev. May 14, 1947)

See me about this.	For concurrence.	For action.
Note and return.	For signature.	For information.

TO (Name and unit) C. T. Edwards B-151	INITIALS DATE	REMARKS Dr. Heideman does not ask for a reply to his letter, but some of his comments seem to make a reply appropriate. For instance, in Item 1 he is in error in stating that
TO (Name and unit)	INITIALS DATE	REMARKS the broader interests have not had the attention of governmental agencies who are obligated to protect the public interests in conservation, etc. Also in Item 3
TO (Name and unit)	INITIALS DATE	REMARKS I think we could very appropriately point out that the public ~~would~~ has participate at the very highest policy level. (Namely through elective representatives to
FROM (Name and unit) R. H. Bryan B-119		REMARKS Congress) In establishing the present terms of the Atomic Energy Act which we might quote in extract to indicate that the AEC itself can impose only the minimum regulation consistent with public health and safety and national security.
PHONE NO. 3585	DATE 5/15/63	

USE OTHER SIDE FOR ADDITIONAL REMARKS

U. S. GOVERNMENT PRINTING OFFICE : 1957—O-422007

FROM: M. L. Heldman, Jr.
353 Race St.
Xenia, Ohio

TO: BLAIR

CLASSIF.: U

POST OFFICE
REG. NO:

DESCRIPTION: (Must Be Unclassified)
Ltr. listing reasons why he is not fully reassured re a nuclear reactor at Bodega Bay, California

ENCLOSURES:

REMARKS:
Original ltr. received 3/26/63 addressed to "The President, White House". Assigned Control # 2484

DATE OF DOCUMENT: 5/2/63
DATE RECEIVED: 5/10/63
NO.: 3409

LTR: X
MEMO:
REPORT:
OTHER:

ORIG.: X
CC:
OTHER:

ACTION NECESSARY ☐
NO ACTION NECESSARY ☐
CONCURRENCE ☐
COMMENT ☐
DATE ANSWERED:
BY:

FILE CODE:

REFERRED TO	DATE	RECEIVED BY	DATE
Bryan (Cape)	5/10		
Edwards			
No answer necessary. Per Mr. Lowenstein's note		6-21-63	
ACKNOWLEDGED		Bed.	

U. S. ATOMIC ENERGY COMMISSION MAIL CONTROL FORM FORM AEC-326S (8-60)

☆ U. S. Government Printing Office: 1962 - 637308

DOCKET NO. 50-205

353 Race Street
Berea, Ohio
March 26, 1963

RECEIVED
APR 5 - 1963
U.S. Atomic Energy Commission
DIVISION OF
LICENSING & REGULATION

The President
The White House
Washington 25, D.C.

Dear Mr. President:

Recent information in Science has called my attention to the fact that a privately-owned, power-generating nuclear reactor installation is planned for Bodega Bay, California. The promised advantage of cheap electricity is Lilliputian compared to the jeopardizing of facilities and possibly health in the area north of San Francisco, as well as the pernicious example set as far as conservation of the too-rapidly dwindling, irreplaceable natural resources and their uses.

The following facts are relevant: Bodega Bay is about 50 miles north of San Francisco, and the suburban growth in Marin County is already substantial to at least 20 miles north of the Golden Gate and increasing rapidly. Also close to Bodega Bay are the sites for a proposed seashore park (in the same vein as the Cape Cod or Outer Banks, N.C., areas) and the state-preserved area Muir Woods, both rare gems in a disappearing countryside amid an exploding population crying out for the preservation of the recreational, not to mention esthetic and spiritual, sustenance of such areas. Finally, Bodega Bay itself was chosen as the only suitable site in northern California for the U. of California's marine biology station.

In the face of these facts a private utility company was permitted to obtain this site and carry forward plans for a nuclear reactor installation there without any prior opportunity for the public to express themselves on the question. Such an installation would ruin the nearly areas' beautiful and primitive values. Secondly, it would offer the yet unsolved problem of safe disposal of large amounts of radioactive waste at sea, with potential contamination of a wide area, including the heavily populated shore around San Francisco. People who have professional knowledge of radioisotopes know present "answers" on methodology for disposing of high activity, long half-life wastes are only tentative, educated guesses. Finally, the possibility of a major accident's causing serious radioactive contamination of the nearly area and population, particularly in Marin County, is very real. I presume the design is supposed to be virtually foolproof, just as it was at Hanford, where an accident resulted in levels of radioactivity so high they had to be monitored by airplane for the safety of the monitoring personnel.

This seems to be one more flagrant example of one small faction, or particularly monetary interest, having the deciding role where the public interest requires that the decision be viewed from various aspects. Certainly the governmental or other agencies or experts dealing with conservation, national parks, recreation, health and welfare should have as much role as

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2484

the AEC in the Bodega Bay decision. As the superior of all these specialized interests, the President has the responsibility to see that invaluable public interests - for a full, not just supposedly economic life - be preserved in the face of narrow, dispensible, commercial or pecuniary interests. As our population swells and our alleged standard of living increases, we find less and less of the world which makes life worth living being preserved for us, much less our descendents. You have spoken much of the importance of economic growth. Ironically, little has been said about the conservation of priceless, irreplaceable resources, whose progressive destruction is a problem which is far more pressing in time for the United States. Bodega Bay should be made a manifesto of such preservation of the broad interest of the people.

Very truly yours,

M. L. Heideman, Jr.

M. L. HEIDEMAN, Jr., M.D.

FROM:
M. L. Heilmann, Jr.
353 Ince Street
Barnesville, Ohio

Closed

TO:
The President (White House)
Washington 25, D.C.
MLH for appropriate handling fm E.M.

CLASSIF.: X | POST OFFICE | REG. NO:

DESCRIPTION: (Must Be Unclassified)
Ltr. stating his objections to a nuclear reactor at Bodega Bay, California.

ENCLOSURES:

REMARKS:

DATE OF DOCUMENT	DATE RECEIVED	NO.:
3/26/63	4/5/63	2484

LTR.	MEMO:	REPORT:	OTHER:
X			

ORIG.: X | CC: | OTHER:

ACTION NECESSARY ☐ | NO ACTION NECESSARY ☐ | CONCURRENCE ☐ | COMMENT ☐ | DATE ANSWERED: | BY:

FILE CODE:

REFERRED TO	DATE	RECEIVED BY	DATE
~~Bryan~~ (Case)	4/5	SN	4/5
Edwards	4/8	ACTION	
Answered by ltr dtd 4/24/63 signed by Eber Price Per Bo.			

U. S. ATOMIC ENERGY COMMISSION MAIL CONTROL FORM FORM AEC-326S (8-60)

☆ U. S. Government Printing Office: 1962 - 637308

OFFICE OF THE CHAIRMAN

4-7
(Date)

TO: [illegible] L+R

___ For Information

Gall For appropriate handling

___ For preparation of reply for Chairman's signature (Refer to Manual Chapter 0240)

___ For discussion at Commissioners' Information Meeting

___ For distribution to other Commissioners

___ Daily Log

REMARKS:

CH

Howard C. Brown, Jr.
For the Chairman