



UNITED STATES
ATOMIC ENERGY COMMISSION

WASHINGTON, D.C. 20545

JUL 18 1964

Mr. John T. Conway
Executive Director
Joint Committee on Atomic Energy
Congress of the United States

Dear Mr. Conway:

This is in response to your letters dated April 14 and 24, 1964, requesting comments on S. J. Res. 167 and H. J. Res. 1003 relating to the Pacific Gas and Electric Company application to construct a nuclear power plant at Bodega Head, California. The joint resolutions, if adopted, would require the Commission to report to the Joint Committee on Atomic Energy with respect to its investigation of the proposed site and to withhold the granting of a construction permit until it could certify to the Congress "the geological adequacy and seismic safety" of the site.

A comprehensive evaluation of the safety aspects of the Bodega Head application by the Commission's Regulatory Staff has been under way for a considerable time. In view of the proximity of the proposed site to the San Andreas Fault, particular attention is being paid to the geological and seismological aspects of the site and to related structural engineering questions. In this connection, the Regulatory Staff has had the assistance of the U. S. Geological Survey of the Department of Interior and the U. S. Coast and Geodetic Survey of the Department of Commerce. Upon completion of its evaluation, the Regulatory Staff will prepare a complete hazards analysis setting forth its position with respect to all the nuclear safety aspects of the application, including the geological and seismological aspects of the proposed site and related structural engineering questions. In addition, an independent review and report will be made by the Commission's Advisory Committee on Reactor Safeguards.

The Regulatory Staff's hazards analysis, the report of the Advisory Committee on Reactor Safeguards, and the reports submitted by the Geological Survey and the Coast and Geodetic Survey will be available for public inspection at the Commission's Public Document Rooms in San Francisco and Washington, D. C.

Following review by the Regulatory Staff and the Advisory Committee on Reactor Safeguards, public hearings are held in cases of this type before atomic safety and licensing boards. At those hearings all nuclear safety aspects of the application are explored and considered. The Commission has previously announced a hearing in the Bodega Head proceeding would be held in Santa Rosa, California. Interested members of the public could participate in the hearing in accordance with the Commission's "Rules of Practice", 10 CFR Part 2, and the proceeding, of course, would be a matter of public record.

Mr. John T. Conway

- 2 -

After a hearing board has issued its initial decision, the proceeding may also be reviewed by the Commissioners, either upon their own motion or upon petition by a party to the proceeding. The initial decision of the atomic safety and licensing board and the Commission's final decision are also matters of public record.

In our opinion the "extent of the Commission's investigation into the public health and safety" which we would be required by the proposed resolutions to report to the Joint Committee will be fully set forth in the public record of the proceeding. Also, as you know, in all power reactor licensing proceedings the Commission routinely transmits to the Joint Committee copies of the Staff's hazards analysis, the report of the Advisory Committee on Reactor Safeguards, the initial decision of the atomic safety and licensing board and any final decision by the Commission. Prior to any construction permit that might be issued in the proceeding the Commission must first make the finding that the issuance of the permit will not, in the opinion of the Commission, be inimical to the health and safety of the public. We believe that this finding would fully satisfy the objective of the certification to the Congress that would be required by the proposed resolutions.

Since the objectives of the proposed resolutions are being met by the Commission's procedures under present law, we do not believe that any useful legislative purpose would be served by the adoption of the resolutions. In addition, we believe it would be undesirable for the Congress to adopt such resolutions with respect to a matter which is under active consideration in a quasi-judicial proceeding.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

(Signed) Harold L. Price

Harold L. Price
Director of Regulation