

NOV 10 1964

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50-205

Adolph J. Ackerman
Consulting Engineer
1250 Sherman Avenue
Madison, Wisconsin

Dear Mr. Ackerman:

This is in reply to your letter of November 9, 1964, regarding the Bodega Head nuclear power plant. I am happy to enclose the complete press release and a copy of the report prepared by Dr. Newmark.

We appreciate your favorable comments on conclusions reached in the hazards study of the Pacific Gas and Electric Company application.

Sincerely yours,

Original Signed By
R.L. Doan

Richard L. Doan
Director
Division of Reactor Licensing

Enclosures
as stated above

OFFICE ▶	DRL	DRL	DRL		
SURNAME ▶	RH Jones	E. G. Case	R. L. Doan		
DATE ▶	11/ /64	11/9/64	11/ /64		

Arnold R. Fritsch
Office of the Chairman

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TO
Dir. of Reg.

DESCRIPTION **Note** Original Copy Other **w/attach.**

transmitting copy of **Editorial Comment POST MORTEM ON BODENGA BAY** from **Electrical World, No. 9, 1964**, for preparation of letter to editor for Chairman's signature.

REMARKS

REFERRED TO	DATE	PREPARE FOR SIGNATURE OF:
H. Price f/action	11/18/64	XXX CHAIRMAN
Cys to: Beck		DIRECTOR OF REGULATION
Mann		(Specify)
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11-17
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TO: DR

- For appropriate handling
- Reply for Chairman's Signature
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- For Information

REMARKS: for preparation of Letter to the Editor for Chairman's signature

Arnold R. Fritsch
For the Chairman

Rec'd Off. Dir. of Reg.
11-18-64
10:45
Beck ✓

Post Mortem on Bodega Bay

The Bodega Bay controversy has ended in a vacuum without the benefit of a clear cut decision on the important issues. The end came when Pacific Gas & Electric Co quite understandably withdrew its application to build the plant after a wrangle broke out within the Atomic Energy Commission over safety of the design.

The affair has terminated in a manner that reflects scant credit on the licensing processes of the Commission and that reveals weakness where strength should prevail. In an unprecedented move the staff of the Division of Reactor Licensing took exception to the report of Commission's tough, blue-ribbon Advisory Committee on Reactor Safeguards. They concluded that the 325-Mw atomic plant couldn't be built safely at Bodega Head because of danger of ground movement from earthquakes.

Thus the industry and the public are treated to the spectacle of a staff division of the AEC impugning the Commission's own committee of experts. Such a situation immensely prejudiced the process of resolving the touchy technical question of whether, in point of fact, the Bodega Bay reactor design could withstand earthquake shock and ground movement and led to PG&E withdrawal.

The areas of difference were these:

- The Division of Reactor Licensing has said that the plant is safe in all respects except its novel method of situating the reactor on a bed or cushion of sand as a guard against shear ground movement from a severe quake. This method, it said, hasn't been and cannot be tested adequately.

- On the other hand the Commission's independent Advisory Committee on Reactor Safeguards drawn from among the nation's leading experts on nuclear safety, claim in their report that "there is reasonable assurance that the proposed reactor can be constructed and operated at the Bodega Head site without undue hazard to the health and safety of the public." The report also said "The Committee believes that the engineering principles and general design are sound. These considerations afford that degree of assurance required for protection of the reactor in the unlikely event of the predicted maximum earthquake."

Under the rules, licensing of Pacific Gas & Electric Co to proceed with construction couldn't be decided until a public hearing had been held by an Atomic Safety & Licensing Board appointed by AEC. The initial finding of this board can be protested to the full Commission by the company, the public, or other interested parties before final action.

As we see it, the issue of whether the Bodega Bay design was safe is a technical one and couldn't be resolved by making it a public issue and the subject of a public hearing. This is a highly technical question calling for the judgment of the industry's best experts. The public and the industry is entitled to a clear-cut unequivocal decision on the technical adequacy of any proposed design from the agency established to render that kind of decision. Moreover, the public is entitled to assurance that its safety and welfare have been protected adequately.

In airing an internal difference of opinion on an issue as technical as this, the AEC has certainly damaged public confidence in its competence. Beyond that, it has permitted its staff to publicly impugn the judgment of its own Advisory Committee and so cast doubt on the Committee's competence to judge future cases.

And last but not least, the airing of this technical wrangle has immeasurably delayed and jeopardized prompt and definitive revision of siting criteria for nuclear plants.

The AEC will be a long time erasing the effects of this sorry affair.

TO Files

50 205-

MAY 21 1964

Dear Sir:

The Commission has read your editorial in ELECTRICAL WORLD, November 9, 1964, under the title of "Post Mortem on Bodega Bay." We feel that you may have some misunderstanding of the regulatory function of the Atomic Energy Commission as laid down by the Congress.

Under the law and Commission regulations, every application for a power reactor construction permit is subjected to three separate and independent safety reviews before a decision can be made by the Commission on whether or not to grant the permit. The application must be reviewed by the Commission's Regulatory Staff, by the statutory Advisory Committee on Reactor Safeguards, and by the statutory Atomic Safety and Licensing Board at a public hearing.

In each of these groups there are qualified experts in the field of reactor technology with many years of experience. Under this system of separate, independent review by three different groups, and finally by the Commission itself, the Commission does not attempt to dictate the opinions of the responsible review bodies, nor to decide the merits of a case prior to the time that it reaches the Commission for final decision. To do so would prejudice the merits of the case without waiting for the record of the public hearing on which the Commission decision must be based.

Although the Commission staff and the ACRS, working closely together as they do, will not often be in disagreement, it is inherent in the system of separate and independent review that this may, on occasion, happen as in the Bodega Bay case. Some technical safety problems involve complex matters of judgment that cannot be reduced to "a clear-cut unequivocal

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Decision. Technical experts can reasonably disagree in their judgment on such matters.

The Advisory Committee on Reactor Safeguards is held in high esteem within the Commission, as is also the capability of our Regulatory Staff. We do not feel that the difference in the judgment arrived at by the ACSS and the Regulatory Staff impugns the judgment of either group. Nor does it cast doubt on the Committee's competence to judge future cases.

We take the view that public confidence in the AEC regulatory function is enhanced by public disclosure of the recommendations of the responsible review bodies, even though they may be in disagreement. This is a strength rather than a weakness in the system of nuclear safety review.

Sincerely yours,

Chairman

The Editor
ELECTRICAL WORLD
McCraw-Hill Building
330 West 42nd Street
New York, New York 10036

- bcc: Chairman
- Cmr. Palfrey
- Cmr. Ramey
- Cmr. Tape
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*Copy received of this letter
Attachment in Jan & H/3
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OK of Mr. Edwards
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MEMO ROUTE SLIP Form REC-93 (Rev. May 14, 1947)		For concurrence For signature	For action
TO (Name and unit) Joe Eschbard, SFS, HQ	INITIALS		
Herold Price, REG, HQ	DATE		
TO (Name and unit) Robert Weinstein, REG, HQ	INITIALS		
Richard Doan, REG, HQ	DATE		
TO (Name and unit) R. W. Smith, Compl. V., SAN	INITIALS		
FROM (Name and unit) Rodney L. Southwick Asst. to the Mgr. for Public Information SAN	DATE 11/23/64		
REMARKS Attached are two Bodega clips from the San Francisco Chronicle, 11/22/64: 1. "After Bodega--A Celebration" 2. "The Lesson of Bodega"			
REMARKS <i>File</i>			
REMARKS			

San Francisco Chronicle 4/22/64

The A-Plant Fight

After Bodega-- A Celebration

Some of the thousands of persons who fought for years against the proposed construction of a nuclear power plant at Bodega Head gathered here last night to celebrate their triumph.

A victory dinner—with 150 persons attending—was held in the Marines' Memorial building, and the speakers included David Pesonen, a key figure in the struggle against the plant.

Pesonen was head of the Society to Preserve Bodega Head and Harbor, which led the fight against the Pacific Gas and Electric Company and its plans for the scenic headland.

And the fight—he told them happily—is not quite over.

"We're still in business. There's still a job to be done in Bodega Bay.

And that, said Pesonen, would be the creation of a State park at the bay.

"Whatever has to be done now," he added, "will be a clench compared to what we've been through."

Pesonen congratulated those attending for the "great deal of courage" they showed—the courage to fight for what seemed to be a lost cause.

He read, also, telegrams of congratulation from San Francisco Congressman Phil...



DAVID PESONEN
The Society to Preserve...
substantial doubt existing as to public safety."

RECEIVED
APR 23 1964
J. S. AT...
THE...
ASSOCIATION

The Lesson of Bodega

By Harold Gilliam

THE LONG battle of Bodega Bay is a symbol that contains within it the whole future of California.

In the face of doubts of the Atomic Energy Commission staff about the safety of a nuclear power plant next to the San Andreas Fault, 50 miles northwest of San Francisco, the Pacific Gas and Electric Company has decided that it will not build the Bodega reactor.

But the deeper issues raised by the three-year controversy remain unresolved and should be pondered by every Californian concerned about maintaining an inhabitable environment here for coming generations.

When PG&E first decided to build on Bodega Head, the high granite point enclosing the bay, it overlooked the fact that both the National Park Service and the State Park Commission had separately recommended that the area be set aside for park purposes as a scenic and historic feature of California's vanishing shoreline. Moreover, the Legislature had authorized the purchase of the head as part of the state park system.

There was a delay by the State in acquiring the land, largely because the cost of the property was greater than anticipated. In addition, Bodega Head had never been designated as a park in the Sonoma County Master Plan—a requirement for any State park.

Meanwhile PG&E began to acquire the property, most of it ultimately by condemnation.

Parks or Power

In 1961 and early 1962 this writer spent many hours with PG&E officials in an attempt to understand how the company could justify its take-over at Bodega.

I found that if I accepted their assumptions about the company's responsibility for a power plant at Bodega, the Bay Area will need vastly increased power to accommodate an unprecedented population explosion. I was especially concerned that regional people who now

need open space for recreation, particularly along the coastline, the PG&E men replied that they were in the business of providing power—not parks. To decide whether any particular area should be a park was beyond their responsibility and jurisdiction.

Parks were a governmental matter. And they pointed out that PG&E's application to build at Bodega would have to be approved by the State Public Utilities Commission.

Nobody's Business

We took the same arguments to the PUC but got the same answer: This is not our affair. The PUC's business is to regulate utilities, not decide how land could best be used. If PG&E could show that Bodega was a good place to produce power, the commission—by its own reasoning—had no choice but to approve the application.

Thereafter the arguments centered around nuclear safety considerations



and it was on this basis that the plan was abandoned—a story that is worth a major novel and cannot be told here. The point to make now is that PG&E is free to build a non-nuclear power plant on the site—or to sell the land for subdivisions.

This lesson of Bodega should be studied from the house-tops. There is no agency in the State of California to protect the people's interest in maintaining open space.

PG&E can condemn open space for power plants. The Division of Highways can condemn open space for freeways. Developers can take over open space for subdivisions, shopping centers or factory sites.

It does not matter whether that land is a historic site or irreplaceable scenery needed by future generations for recreation or irreplaceable farm soil needed for the production of food.

Collapsing Chaos

There is no act in California which

Park Commission can condemn land for park purposes, but even with the new funds made available by the passage of Proposition One at the recent election, the amount of land affected is minuscule compared with the total amount of open land in the State. And there is no one at any level to protect invaluable farmland from destruction.

The result is that thousands of acres of land that will be urgently needed for recreation or breathing space or the production of food for the future millions of Californians is being destroyed every day—paved over, subdivided, industrialized, commercialized.

The consequences can only be described as galloping chaos.

Individually, each single violation of good land use seems unimportant. One Bodega Head industrialized, one Santa Clara Valley orchard plowed under for a freeway or shopping center, one Mendocino redwood grove logged over, a few acres of San Francisco Bay filled in for a subdivision—these seem insignificant in the total picture, but multiplied by a hundred and a thousand they will inevitably spell destruction of California.

P.F.O.S.

Every day more such violations come to light. Recently the city of Alameda gave permission for draining and subdividing a tidal bay shore area on the northeast point of Bay Vista Island, a natural wildlife refuge area, passed in any urban area of the U.S.

In Lake county the Division of Highways is planning to pave over many acres of prime pear orchards between Kelseyville and Lakeport rather than use an alternate route on poorer soils. Lake county farmers, soil scientists and most local civic organizations oppose the highway and are being backed by a new organization called People for Open Space (P.O. Box 468, Orinda).

At King City in the upper Salinas valley, farmers are similarly fighting a freeway route, adopted by the Highway Commission, running east of the Salinas river and cutting through rich farmlands for miles.

The Lesson Of Bodega

Continued from Page 25

ley industrialization is beginning, and factories are occupying some of the best lands in the nation's lettuce bowl.

In San Mateo county just south of San Francisco, the Highway Commission has adopted a freeway route through the valley of scenic Crystal Springs Lakes, although James K. Carr of San Francisco's Public Utilities Commission, which owns the property around the reservoirs, is asking for an alternate route above the valley to the east.

At College Park in the Moraga valley, a superb foothill area that had been scheduled to become a regional park is lost forever, the subdividers' bulldozers got there first.

In all these cases the question is not whether



houses or factories or power plants or freeways should be built; they are necessary and inevitable. The question is where.

As matters now stand, the subdividers, utility officials, industrialists and highway authorities can preempt land without regard to the people's need for the preservation of open space, parks or farm land.

The solution is obvious: Apply to the rural areas of the State the same principles of zoning that now regulate the development of cities.

Nightmare

You can't build a botter works or a slaughter house in an urban area zoned for residences. Similarly, it should be unlawful to build a freeway or a tire factory or a shopping center on prime farm soil or recreation land.

Without a persistent public clamor for zoning of all undeveloped land—and for agencies with the authority to enforce it—there will be thousands of Bodegas all over the State.

Every inch of undeveloped shoreline, every acre of open space will yield to the subdividers' bulldozers.