

Files

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CLIPS ON BODOGA BAY REACTOR APPLICATION
50-205

MI:RLS

Enclosed are clips from various Bay Area and Santa Rosa newspapers on the Bodoga Bay reactor application by PG&E. The Santa Rosa Press Democrat has its story based on the recent presentation to the New York City Council.

Enclosures:

1. Santa Rosa Press Democrat, 6/25
2. S.F. Chronicle, 6/26
3. S.F. Examiner, 6/26

- CC: Harold Price, REG, HQ, w/encls.
/Robert Lowenstein, EL&E, HQ, w/encls.
Howard Shaper, GGC, HQ, w/encls.
R. W. Smith, Compl. V., SAN, w/encls.

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Santa Rosa Press Democrat 6/25/63

Proposed A-Plant Generating Power in New York City, Too

By DON ENGBAHL

Can a state, city or county enact meaningful laws regulating use of nuclear reactors?

That fundamental legal question which has been vigorously raised in Sonoma County, is also a warm topic in New York.

A large nuclear power reactor has been proposed for construction in New York City's Borough of Queens, and from the controversy has come a proposal that the city partly prohibit use of reactors within the city.

The Atomic Energy Commission in a general policy declaration directed to the New York City Council, has said it thinks such laws are not necessary, and raised a "serious legal question" that such legislative action would be void.

The striking parallel comes from the proposed nuclear-fueled power generating plant at Bodega Bay.

Sonoma County Supervisors, who issued a permit to Pacific Gas & Electric Co. for the plant more than three years ago—before it became publicly known that it was to be

nuclear-powered — have since repeatedly refused to hold public hearings on the proposal.

An action in Sonoma County Superior Court was filed earlier this year in an attempt to force a supervisors' hearing. The judge ruled that zoning law required hearings in 1960—they were not held—but the case died with a ruling that the action was filed too late.

If it had continued, the exact question raised by the AEC in the New York City case would have been a major point of argument—whether the county actually has any authority to regulate in the field of nuclear energy.

Similarly, the question of the probable safety of the proposed plant continues to be an issue before the California Public Utilities Commission, which is now considering a petition asking that it re-open hearings on the proposal, largely on the basis of reactor safety.

The AEC's comments on the New York proposal are in a letter signed by AEC Chairman Glenn T. Seaborg, and addressed to council

president Paul R. Screvane.

The initial phase of the argument is that the AEC has Congressionally-imposed responsibility for "licensing and regulating the possession and use of atomic energy materials and nuclear facilities in order to protect the health and safety of the public from radiation hazards."

It is illegal, the letter says, to start construction of a reactor without AEC permission, and illegal to operate one without an AEC license.

The letter outlines in detail the steps through which an applicant must go to establish safety questions.

On the basis of evidence developed by the AEC, the applicant and the public at hearings, the commission must make findings, the letter says, that the applicant will comply with AEC regulations, that the "health and safety of the public will not be endangered," that the applicant has the money and ability to build and operate the reactor, and that licensing the reactor will "not be inimical to

the common defense and security or to the health and safety of the public."

Finally, even after a reactor is built and in operation, the applicant "remains subject to AEC rules and regulations and continuing inspection and review by the AEC."

"We, therefore, believe that prohibitions of the type proposed in the legislation under consideration are unnecessary," Chairman Seaborg wrote.

Moving on to the legal questions, the letter says it is "the first time

to our knowledge, that there have been proposed municipal ordinances of the scope of those now being considered by the City Council as to whether the bills, if enacted, would be valid under the Constitution of the United States."

The Atomic Energy Act of 1954 "establishes a comprehensive system for regulation and control of the uses of atomic energy" and reserves control of radiation hazards to the federal government.

Although there are provisions in law for transfer of "certain regu-

atory responsibility" from federal to state governments, the letter says, Congressional intent is that "licensing and regulation of nuclear reactors, for the purposes of control of radiation hazards, is to remain the exclusive responsibility of the federal government."

"Our position on the proposed local laws is a general one," the letter emphasizes, "and is not related to the merits of any particular reactor case."

The Consolidated Edison proposal for the Queens plant "presents

In Sonoma County, the status of the situation is roughly the same. PG&E has applied to the AEC for the permission to build the \$61 million, 325,000 kilowatt plant on the Bodega Headlands.

The AEC has said hearings will be held in Santa Rosa, but hasn't said when.

SF Chronicle 6/26/63

Brown Uncertain On A-Plant Issue

Sacramento

Governor Edmund G. Brown said yesterday he had been "frightened" by a magazine article about the hazards of locating a controversial nuclear power plant at Bodega Bay, but "I have not been able to reach a conclusion on this . . ."

At his press conference, the Governor explained that he read an article in The Nation entitled "Tragedy on Bodega Head," which pointed out nearness of the nuclear-plant site to a known major earthquake fault.

"I probably shouldn't be reading that magazine, but

I do," he confided.

As a result, he asked the State's atomic energy coordinator Alexander Grendon, about the possible hazards—which Pacific Gas and Electric has denied, and which the Atomic Energy Commission still is pondering.

Grendon believes the "quake danger" very, very remote," Brown added.

The Governor also said that "I've tried to keep my eye on this ball," but added "I've had a lot of balls in the air in the last six months and I haven't had a chance to divert my attention to a lot of other things (such as the power plant issue)."

Our Correspondent

Brown 'Undecided'

On Bodega A-Plant

SACRAMENTO, June 24.—(UPI)—Governor Edmund G. Brown said Tuesday he is still undecided about supporting or opposing construction of an atomic power plant at Bodega Bay.

Brown told his news conference he had been "frightened" by a recent article in "The Nation" magazine en-

titled "Tragedy at Bodega Head." He said the article pointed to dangers of constructing the plant, proposed by the Pacific Gas and Electric Co., near an earthquake fault. Brown said he asked the state's atomic energy coordinator, Alexander Grendon, to prepare a memorandum on the subject.