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January 17, 1963

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CLIPPING FROM SANTA ROSA PRESS DEMOCRAT (JANUARY 6, 1963)

MI:RLS

Attached for your information is a story from the Santa Rosa  
Press Democrat of January 6, 1963, on the AEC procedures for  
reviewing PG&E's application for a license to construct and  
operate a reactor at Bodega Head.

Attachment:  
As stated.

*And a happy New Year.*  
*Rob*

# What Will Be the Ground Rules For AEC's Hearing on Bodega Plant

By DON ENGDAIL

The Atomic Energy Commission probably won't schedule hearings on the controversial nuclear-fueled power plant proposed for Bodega Head until this spring, but an advance look now at the AEC rules gives an idea of how the procedure will go.

The Pacific Gas & Electric Co. application for the construction permit for the plant has been filed with the AEC. The commission said it will hold the hearing in California.

Under relatively-new regulations the AEC can conduct the hearings through an appointed Atomic Safety and Licensing Board.

That's a three-man body, consisting of two technically-qualified members and one qualified in administrative procedures.

The hearing comes after the application is reviewed by the commission's technical staff and a panel of non-commission experts known as the Advisory Committee on Reactor Safeguards.

This, says the AEC, offers "advice and counsel on any reactor safety problem."

## Public Hearing

If the commission staff and the advisory committee agree and report favorably on the application, the procedure then moves to the public hearing stage.

The hearing "provides mechanism whereby interested persons may participate formally in the determination as to whether a construction permit or authorization should be granted and, also, of the safety conditions to be satisfied by the applicant," says the AEC.

From the AEC Rules of Practice, the position of the "interested persons" fall generally into three categories:

1—Party to the proceedings: persons whose interest may be affected by a proceeding and who wish to participate as a party. The petitioner shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by commission action, and the contentions of the petitioner. The presiding officer can permit intervention or deny the petition.

2—Interested party: "A person who is not a party may, in the discretion of the presiding officer, be permitted to make a limited appearance by making oral or written statement of his position on the issues within such limits and on such conditions as may be fixed by the presiding officer..."

3—State participation: "The presiding officer will afford a representative of an interested state which is not a party a reasonable opportunity to participate and to introduce evidence, interrogate witnesses, and advise the commission without requiring the representative to take a position with respect to the issues."

## Issues Outlined

A typical AEC notice of hearing on a construction permit outlines the issues considered:

1—"Whether the applicant has submitted sufficient information

to provide reasonable assurance that a facility of the general type proposed in the application can be constructed and operated at the proposed location without undue risk to the health and safety of the public;"

2—"Whether there is reasonable assurance that the technical information omitted from and required to complete the application will be supplied;"

3—"Whether the applicant is technically qualified to design and construct the proposed facility, and

4—"Whether the issuance of an authorization for construction of the facility will be inimical to the common defense and security or to the health and safety of the public."

## Informal

The hearings, says the AEC, will be conducted "with the maximum degree of informality" where there are "no contested substantial issues..."

A group that has battled the PG&E proposal has indicated its intentions to carry the fight before the AEC, and the hearing may fit into the AEC's category of contested issues and end up a full-dress formal proceeding.

The opponents, banded together as the Northern California Association to Preserve Bodega Head and Harbor, have questioned the

safety of the reactor design and its site on Bodega Head.

## Qualifications

The AEC points out that the construction permit PG&E is after "does not automatically insure the applicant the right to an operating license or authorization."

It is granted on the "basis of reasonable assurance that the proposed facility can be designed, constructed and operated at the proposed site in a manner such that undue hazard to the health and safety of the general public will not result."

Before getting the operating license it remains "for the applicant to prove that the facility has, in fact, been designed and constructed in the proposed manner and that trained personnel, provided with adequate operating and emergency procedures, are prepared for the responsibility of operating the facility in the proposed manner."

Where information in the application for construction permission deals with design and anticipated operating conditions, the final report submitted when the license is requested must deal in detail with the "facility as actually constructed."

It must include, says the AEC, "a body of convincing evidence that operation as proposed will not endanger the health and safety of the general public."

PG&E originally said it would ask the AEC for the construction permit in July of last year and expected to get it in March of this year.

It proposed to submit application for the reactor operating license in July of 1964 and get it in April of 1965 and to ask for the reactor operator's license in July, 1965, and receive it in September, 1965.

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Santa Rosa Press Democrat 1/6/63

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