

*Re: Mr. Kent's letter  
Edward  
D.R.*

Dear Mr. Kent:

This is in response to your letter of August 19, 1963, in which you raise several questions regarding the nuclear power plant proposed to be constructed at Bodega Head, California. The Pacific Gas & Electric Company's application is before the Commission as a regulatory matter and is currently being evaluated by the Commission's regulatory staff. You will understand, therefore, that it would be inappropriate for me to comment at this time on its merits.

As you are undoubtedly aware, at the Commission's request, the U. S. Geological Survey began, early in May, a study of the geology of Bodega Head. When the report on that study has been received from the U. S. Geological Survey, we will be in a better position to complete our analysis of the suitability of the Bodega Head site and to set a date for public hearing on the Company's application. As we announced last January, the public will be given thirty days notice of the date of the hearing, which will be held in Santa Rosa, California, through a notice published in the Federal Register. In addition, a public announcement will be issued. A copy of the notice of hearing and the announcement will be sent directly to you when a date for the hearing has been established. The public hearing will be held before an Atomic Safety and Licensing Board. At the hearing the Pacific Gas & Electric Company must present evidence concerning its proposal from the standpoint of public health and safety and members of the technical staff of the Commission will present their evaluation of the safety aspects of the plant. Evidence concerning the seismology of the area will be of special importance in the hearing.

I am enclosing a copy of the Commission's "Rules of Practice", 10 CFR Part 2. You will note that provision is made under the regulation for participation of members of the public in hearings such as the one to be held at Santa Rosa.

You indicated that you are aware of the limitations of the jurisdiction of the Atomic Energy Commission. You will understand, therefore, that local zoning, conservation and the esthetics of a proposed site

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Mr. Roger Kent

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are matters more properly within state and local jurisdiction and are not within the purview of the Atomic Energy Commission. For that reason, such matters will not be issues which will be considered at the public hearing.

You are correct in your understanding that expenditures which have been made by the Pacific Gas & Electric Company in development of the proposed site are at the Company's risk. The fact that such expenditures have been made will be accorded no weight by the Commission in its determination as to whether a construction permit should be issued. You will note that Section 50.10(b) of the enclosed regulation, 10 CFR Part 50, "Licensing of Production and Utilization Facilities", provides that certain activities relative to site preparation are permissible prior to the obtaining of a construction permit.

A construction permit will not be issued unless the Commission, following the public hearing and decision by the Atomic Safety and Licensing Board and consideration of all factors bearing upon safety, is convinced that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

Sincerely yours,

Chairman

Mr. Roger Kent, Northern Chairman  
California Democratic State Central Committee  
212 Sutter Street  
San Francisco 8, California

bcc: Chairman (2)  
Cong. Lia. (2)  
Secretariat (2)  
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Enclosures:

- 1. 10 CFR Part 2
- 2. 10 CFR Part 50

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