

*Return to Charles Edwards
NLR
Bethesda*

Dear Lt. Governor Anderson:

This replies to your letter of August 13, 1963 in which you expressed concern relative to the proposed construction of a nuclear power reactor at Bodega Bay, California. Your concern was both for the safety of the public and for the natural beauty of Bodega Head.

Since the various technical safety reviews of this application have not yet been completed and the public hearing required by law has, therefore, not yet been held, I am unable to state a position on the merits of the case at the present time. I believe, however, that a brief description of our procedures for reviewing applications of this type may be helpful to you. I am, therefore, enclosing a memorandum prepared by our regulatory staff describing these procedures. Although copies of such notice of hearing as may be issued in this matter will be forwarded to the Coordinator, Office of Atomic Energy Development and Radiation Protection, in Sacramento, I have asked the regulatory staff to address a copy directly to you.

Sincerely yours,

bcc: Chairman (2)
Cong. Lia. (2)
Secretariat (2)
OGC
H. L. Price, REG
E. R. Price, LR
C. T. Edwards
Formal
Supplemental
Document Room (2)

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Chairman

Honorable Glenn M. Anderson
Lieutenant Governor
State of California
Sacramento, California

Enclosure:
Memorandum

*Re-written in
Office 8/27-63
Silva 8/28*

OFFICE ▶ <i>DLK</i>	DLR	OGC	DLR	REG	CONG. LIA.
SURNAME ▶ CTEdwards:bmj	ERPrice	<i>6/6/63</i>	RLowenstein	HLPrice	
DATE ▶		<i>8/29/63</i>		<i>8/29/63</i>	

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MEMORANDUM CONCERNING LT. GOVERNOR ANDERSON'S LETTER
TO CHAIRMAN SEABORG DATED AUGUST 13, 1963

Before the Commission can reach a decision on the issuance of a permit authorizing construction of a power reactor like the one proposed by Pacific Gas & Electric Company, our technical staff must make a comprehensive safety review of the proposed design, location and construction of the plant. In addition, these matters must be reviewed by the Advisory Committee on Reactor Safeguards and the report of the Committee must be made public. The Advisory Committee on Reactor Safeguards was established by Congress to advise the Commission on matters of this kind. It is made up of scientists and engineers who are eminently qualified in the scientific disciplines relating to reactor safety.

After these reviews have been completed, a public hearing must be held before an Atomic Safety and Licensing Board. At such a hearing, the company proposing the plant must present evidence justifying the proposal from the standpoint of public health and safety and members of the technical staff of the Commission present their evaluation of the safety aspects of the plant. In this hearing, members of the public who have an interest in the matter may participate in accordance with the Commission's "Rules of Practice", 10 CFR Part 2, a copy of which is attached. Lt. Governor Anderson may be particularly interested in Section 2.715(c) which provides that 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.

At the conclusion of the public hearing, the Atomic Safety and Licensing Board renders an initial decision and this decision is then subject to review by the Commission at the request of a party or on its own motion.

The purpose of these extensive technical safety reviews and procedures is to assure thorough consideration of all aspects of the proposed plant bearing upon the question of whether it can be constructed and operated at the proposed site without undue risk to the health and safety of the public. A more detailed description of the regulatory review of reactor projects is provided in the attached pamphlet.

In the case of the proposed Bodega Bay site, the proximity of the site to the San Andreas fault is one of the factors to which the staff is giving particular attention in evaluating the application. All technical aspects including the hydrological, meteorological, seismological and geological characteristics of the site are being thoroughly explored in the course of review by the staff and the Advisory Committee on Reactor Safeguards. A copy of a report by that Committee, dated April 18, 1963, concerning the reactor is attached. In addition, the U. S. Geological Survey, at the Commission's request, is conducting a thorough field study of the geology of the site at which the company proposes to construct the reactor. A construction permit will not be issued unless the Commission, following completion of the safety reviews described above, a public hearing and a decision by the Atomic Safety and Licensing Board, and consideration of all factors bearing upon safety, is convinced that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

It should be noted, however, that local zoning and the esthetics of a site are matters more properly within local and state jurisdiction and are not within the purview of the Atomic Energy Commission. Therefore, such matters will not be issues which will be considered at the hearing which will be held in this matter at Santa Rosa on a date as yet undetermined.

Attachments.

1. 10 CFR Part 2
2. Pamphlet
3. ACRS Letter dtd 4/18/63

Aug 29 1963

Dear Mr. Anderson:

This replies to your letter of August 13, 1963 in which you expressed concern relative to the proposed construction of a nuclear power reactor at Bodega Bay, California. Your concern was both for the safety of the public and for the natural beauty of Bodega Head.

Since the various technical safety reviews of this application have not yet been completed and the public hearing required by law has, therefore, not yet been held, I am unable to state a position on the merits of the case at the present time. I believe, however, that a brief description of our procedures for reviewing applications of this type may be helpful to you. I am enclosing a memorandum prepared by our regulatory staff describing these procedures. Although copies of such notice of hearing as may be issued in this matter will be forwarded to the Coordinator, Office of Atomic Energy Development and Radiation Protection, in Sacramento, I have asked the regulatory staff to address a copy directly to you.

Sincerely yours,

(SIGNED) Glenn T. Seaborg

Glenn T. Seaborg

Honorable Glenn M. Anderson
Lieutenant Governor
State of California
Sacramento, California

Enclosure

Rewritten in Chairman's office
August 29, 1963 - ES