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July 13, 1979

Chairman Joseph M. Hendrie
Nuclear Regulatory Commission
Room 1114
1717 H Street N.W.
Washington, D.C. 20555

Dear Chairman Hendrie:

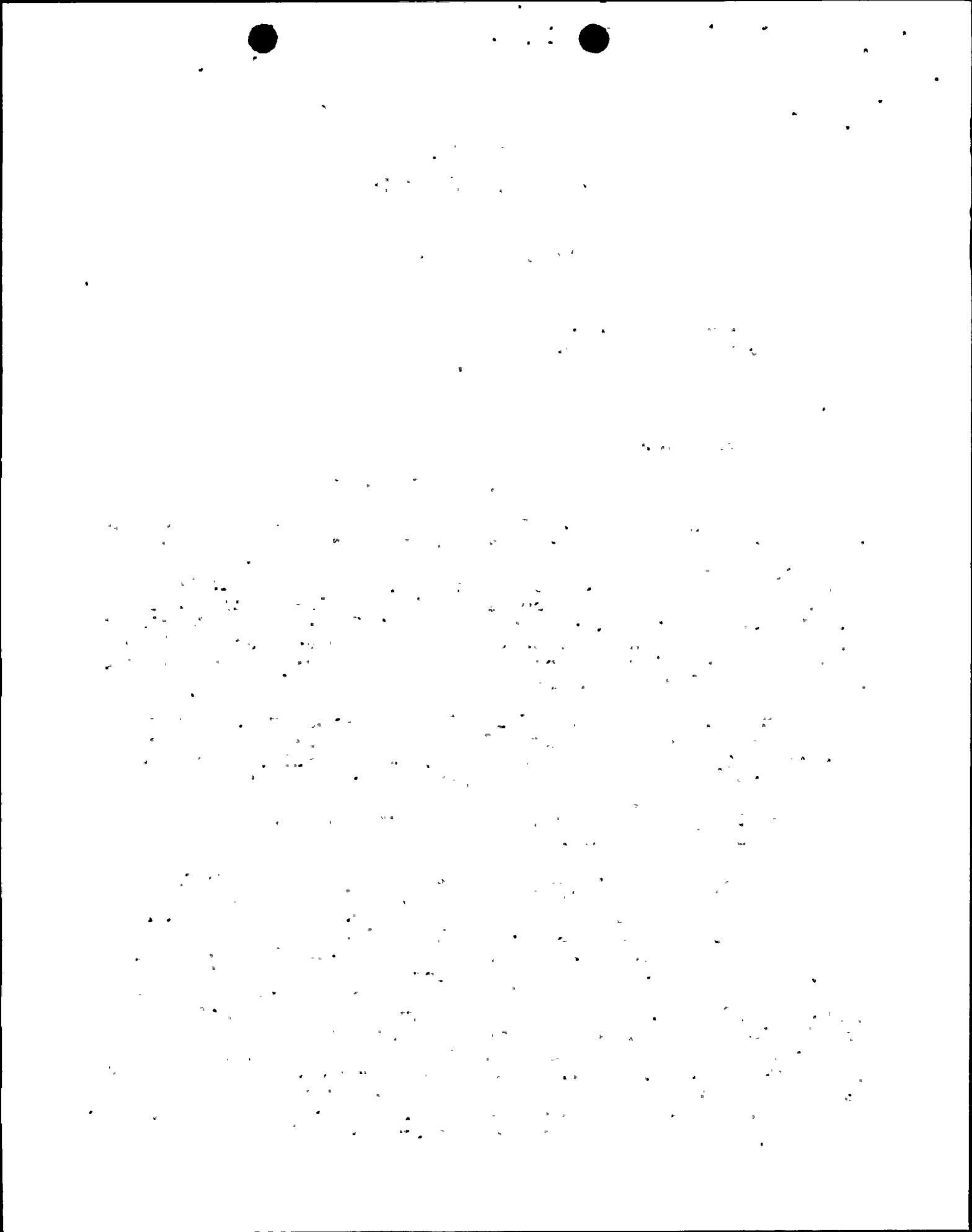
Thank you very much for your letter of June 28.

I appreciate your frank and forthright response to the questions I raised about the accident at Three Mile Island in my March 30 telegram to you. Most welcome of all was the news that the Commission does not expect to license any plants for at least three months, while the Three Mile Island review is completed and that the Commission anticipates the identification of additional remedial actions that must be taken at completed plants before licensing takes place. Clearly, this is an appropriate response to the very serious concerns raised by that accident.

As you know, the licensure of the Diablo Canyon nuclear power plant, Unit 1, is now pending before the Commission. Because this facility is located very near to my district and because most of the persons who are most directly affected by the plant do live within my district, I have a strong interest in questions involving the plant. I would like to raise some of those issues with you now for your consideration.

First, I would like the Commission to reevaluate the emergency evacuation plan for Diablo Canyon or to explain why this is not necessary. Essentially, this kind of review should be an outgrowth of the Commission's Three Mile review. As you know, Three Mile Island did have an approved emergency plan, but the sequence of events during that crisis indicated that the plan did not function adequately, as decisions were made helter-skelter by numerous officials, with no consistency or apparent rationale. In addition, a recent GAO report supports the view that local preparedness for major nuclear accidents is inadequate, while a joint EPA-NRC report on the subject also recommended an overhaul of emergency planning procedures. For this reason, it seems to me entirely appropriate that the Commission review the evacuation plan for Diablo and, in fact, all other proposed plants, before licensing.

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Second, a problem that is unique to Diablo and that is of the utmost concern to me and many of my constituents is the capability of the plant to withstand a 7.5 magnitude earthquake. As you may know, Diablo is situated within ~~two~~ and one half miles of the Hosgri fault line, a fact which was only discovered after construction of the plant was well underway.

While design changes were made in the facility to accomodate a possible earthquake, concerns still linger. One reason for this is the fact that even the Advisory Committee on Reactor Safeguards (ACRS) acknowledged that "design basis and criteria utilized in the seismic reevaluation...are, in certain cases, less conservative than those that would be used for an original design." In addition, there is the fact that two important ACRS seismicity consultants (Drs. Trifunac and Luco) disagreed with the Committee's approval of Diablo's seismicity standards. In sworn testimony at the licensing hearings, each scientist reiterated his view that additional analyses and testing be done before the plant goes critical.

Indeed, the NRC Appeals Board on January 23 of this year noted that the case of Diablo Canyon involves "a post hoc conclusion that the plant is essentially satisfactory as is, but on a theoretical basis, partly untested and previously unused for these purposes."

Going even further back in the history of the plant, public concern also centers around the contents of a January 16, 1977 internal NRC memorandum, which indicates that the NRC licensing staff considered such factors as the 1976 nuclear power initiative in California, the impact of a decision on Diablo on the licensing and operations of other plants and of nuclear power in general, and other issues unrelated to the determination of the ability of the plant to withstand an earthquake.

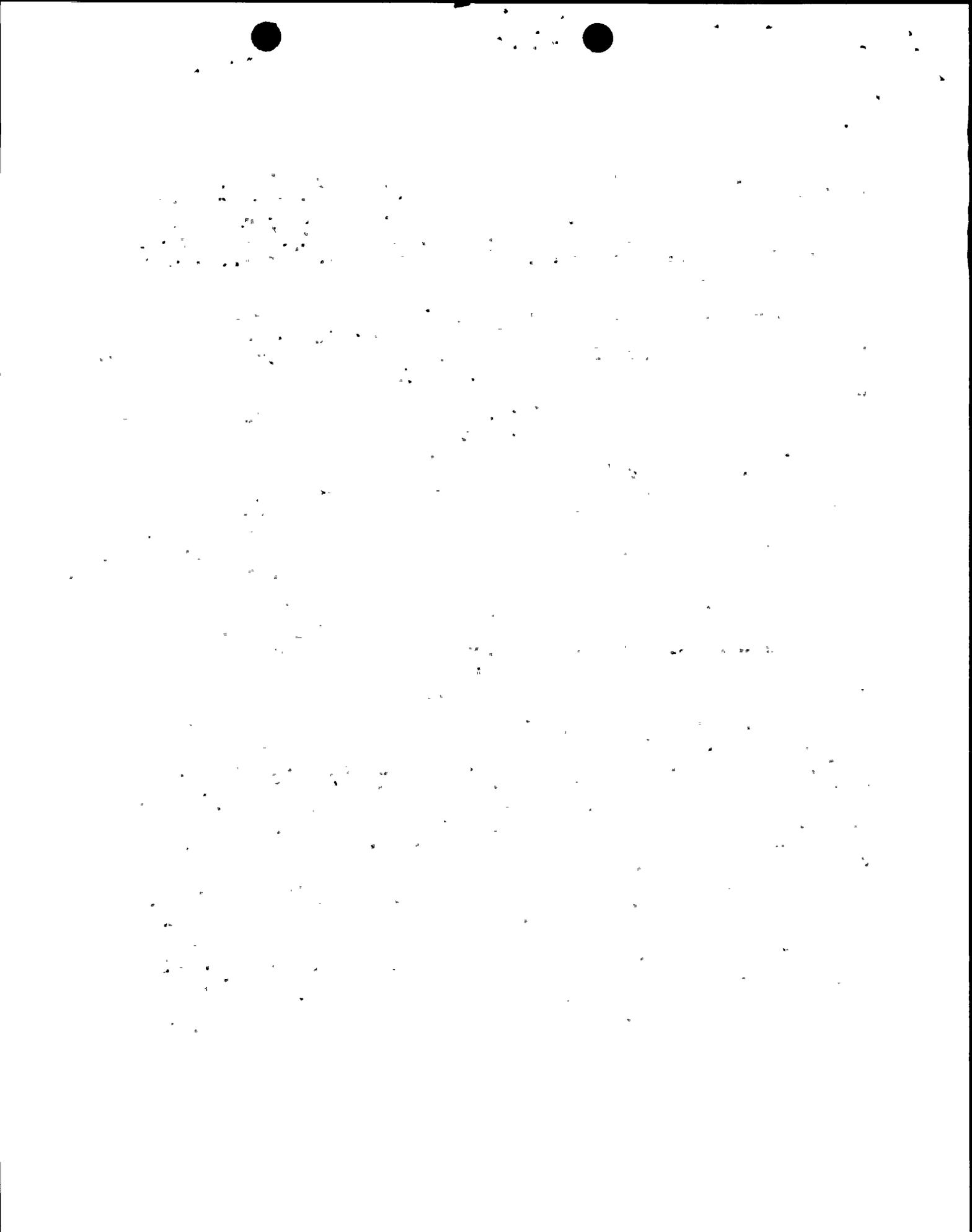
As I think you can easily understand, these comments from within the NRC itself and from its consultants raise grave doubts among many in the community, doubts that I share, that the facility is indeed safe under the earthquake conditions posited by the United States Geological Survey or by Drs. Trifunac and Luco. Therefore, in view of these statements from your own staff and from seismic experts, I would like to ask that you require a reevaluation of Diablo's seismic design, based on the analyses of Trifunac and Luco, or justify the view that no such reevaluation is necessary, or hire another, independent seismicity expert (acceptable to both the Commission and the intervenors) to look at the data compiled to date and comment on it to the ACRS.

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A third issue I would like to raise with you is the study of a Class IX accident at Diablo. Notwithstanding the fact that it may not technically be required under the provisions of the National Environmental Policy Act and the Atomic Energy Act, I believe such an event should be studied prior to the licensing of this plant.

As you know, one of the primary justifications in the past for not doing Class IX impact studies was the alleged improbability of such an event occurring. However, this position is considerably harder to support in the aftermath of Three Mile Island, whether or not it is found to be a Class IX accident. Further, the recent partial repudiation by the NRC of the Rasmussen risk assessment study, which had previously been used to support arguments on the improbability of such an accident, means that there is not now a reliable basis for such a position. Finally, aside from the practical benefits of such a study to those who live in the area, a Class IX impact study is well deserved in the case of Diablo in light of the very fact that it is situated near an earthquake fault. That fact alone raises the probability of such an accident at Diablo above and beyond other plants.

As you indicated in your earlier letter to me, there will be a delay in the licensing of Diablo until the Three Mile Island investigations are completed. This time period would give the Commission an opportunity to begin work on the additional issues I have outlined here.

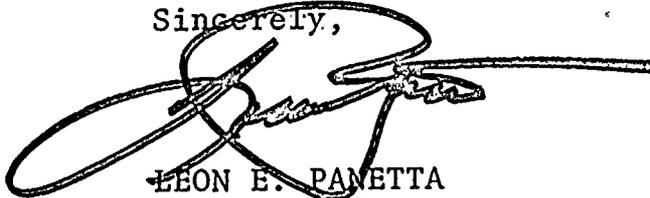
These issues--the relationship between the Three Mile Island accident and the situation at Diablo, the effectiveness of the emergency evacuation plan, the adequacy of the seismic design changes, and the study of the consequences of a Class IX accident--are crucial to the question of whether Diablo should be licensed at all. These are legitimate concerns that deeply affect the residents of the area and others concerned about the safety of the proposed facility. The fact is that the trust of the public in the safety of nuclear power itself will be tested by how the Commission responds to the key issues surrounding the licensing of this first plant since Three Mile Island. The responsibility of the members of the Commission is to thoroughly review every element of safety, endorse or justify the analyses which have been made, or complete the additional reviews requested in a manner that fully establishes the safety of Diablo. If the Commission fails to do this, I can assure



you that the citizens of the communities affected by Diablo, those in the nation who share their concern for safety, and those of us who represent their interests in the Congress will have little alternative but to oppose the licensing of the Diablo nuclear power plant. I recognize the serious energy needs of this country and the substantial economic investment that has been made in nuclear power, but in the end, there is no price tag that can be placed on protecting the safety of the public. That priority must be your first responsibility.

Thank you again for your response of June 28 and for your consideration of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leon E. Panetta', written over a circular flourish.

LEON E. PANETTA
Member of Congress

LEP:mfc

