REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR:8309190244 DOC.DATE: 83/09/15 NOTARIZED: NO DOCKET #
FACIL:50-275 Diablo Canyon Nuclear Power Plant, Unit 1, Pacific Ga 05000275
50-323 Diablo Canyon Nuclear Power Plant, Unit 2, Pacific Ga 05000323
AUTH.NAME AUTHOR AFFILIATION
FLEISCHAKER,D. Fleischaker, D.S.
RECIP.NAME RECIPIENT AFFILIATION
DENTON,H.R. Office of Nuclear Reactor Regulation, Director

SUBJECT: Clarifies Joint Intervenors role as intermediary between NRC & author of eight allegations re util reverification & redesign efforts.Joint Intervenors did not discourage meeting between NRC & informant.Certificate of Svc encl.

DISTRIBUTION CODE: D013S COPIES RECEIVED:LTR 1 ENCL 1 SIZE: 3
TITLE: Diablo Canyon (50-275) Independent Design Verification Program

NOTES:J Hanchett 1cy PDR Documents. 05000275
J Hanchett 1cy PDR Documents. 05000323

	RECIPIENT ID CODE/NAME	COPIES LTTR	COPIES ENCL	RECIPIENT ID CODE/NAME	COPIES LTTR	COPIES ENCL
	NRR LB3 BC	1	0	NRR LB3 LA	1	1
	SCHIERLING,H 06	1	1			
INTERNAL:	ELD/HDS2	1	0	IE/DEPER DIR	1	1
	IE/DEPER/EPB 11	1	1	IE/DQASIP DIR	1	1
	NRR SCHIERLING	1	1	NRR/DE/CEB 12	1	1
	NRR/DE/EQB 13	1	1	NRR/DE/GB 14	1	1
	NRR/DE/MEB 15	2	2	NRR/DE/QAB 16	1	1
	NRR/DE/SGEB	1	1	NRR/DSI/ASB 18	1	1
	NRR/DSI/ICSB	1	1	NRR/DSI/PSB	1	1
	REG FILE 04	1	1	RGN5 08	2	2
	RM/DDAMI/MIB	1	0			
EXTERNAL:	ACRS 19	16	16	LPDR 03	2	2
	NRC PDR 02	1	1	NSIC 05	1	1
	NTIS	1	1			
NOTES:		1	1			

44

TOTAL NUMBER OF COPIES REQUIRED: LTTR 44 ENCL 41

DAVID S. FLEISCHAKER

P.O. BOX 1178
OKLAHOMA CITY, OK 73101
405/235-8444

September 15, 1983

Mr. Harold Denton
Director, Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Pacific Gas & Electric Company, Diablo Canyon Nuclear Power Plant, Unit 1 and Unit 2, Docket # 50-275 & 50-323

Dear Mr. Denton:

We are writing to clarify any possible confusion regarding the Joint Intervenor's role as intermediary between the NRC Staff and the author of the eight allegations regarding PG&E's reverification and redesign efforts. Specifically we are concerned that you left the impression at the September 13, 1983 Commission briefing that the Joint Intervenors, by refusing to arrange a meeting with the anonymous informant, have hamstrung the Staff in its efforts to investigate the eight allegations.

In fact, the Joint Intervenors conveyed twice to the anonymous informant, Darrell Eisenhut's request for a meeting or telephone conversation. In those communications we underscored that such a meeting would assist the Staff's investigation. All of this was plainly spelled out in my earlier correspondence to Mr. Eisenhut.

The truth is that the informant refused to meet with the Staff, not because the Joint Intervenors discouraged it, but because the informant had no confidence that the Staff could (or would) protect his or her anonymity. As for our part, to this day we do not know the informant's identity.

Additionally upon receiving the informant's eight allegations, we immediately provided that information to the Staff.

It is our policy to cooperate fully with the Staff's investigative efforts. We have nothing to gain and too much to loose by playing "hide and seek" with the Staff. Were we to play that game, it is all too likely that the Commission's focus would be on our delay or reluctance to make information available rather than the significance of the information, in which case we loose.

Further, under the law, the Staff has both the authority and duty to look out for our safety. We cannot hide the tools and expect you to do that job.

Very truly yours,

JOEL R. REYNOLDS, ESQ.
JOHN R. PHILLIPS, ESQ.
ERIC HAVIAN, ESQ.
Center for Law in the
Public Interest
10951 W. Pico Boulevard
Los Angeles, California 90064
213/470-3000

DAVID S. FLEISCHAKER, ESQ.
Post Office Box 1178
Oklahoma City, Oklahoma 73101
405/235-8444

By: David S. Fleischaker
David S. Fleischaker

Attorneys for Petitioners

SAN LUIS OBISPO MOTHERS FOR
PEACE
SCENIC SHORELINE PRESERVATION
CONFERENCE, INC.
ECOLOGY ACTION CLUB
SANDRA SILVER
ELIZABETH APFELBERG
JOHN J. FORSTER

cc: Service List

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
PACIFIC GAS AND ELECTRIC COMPANY	)	Docket Nos. 50-275 50-323
(Diablo Canyon Nuclear Power Plant, Unit 1 and Unit 2	)	

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 1983, I have served copies of the foregoing letter, mailing them through the U.S. mails, first class, postage prepaid.

Nunzio Palladino, Chairman
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

James Asselstine, Commissioner
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Frederick M. Bernthal, Commissioner
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Victor Gilinsky, Commissioner
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

John Van De Kamp, Atty. Gen
Andrea Sheridan Ordin, Chief Attorney General
Michael J. Strumwasser, Special Counsel to the Attorney General
State of California
3580 Wilshire Boulevard
Suite 800
Los Angeles, CA 90010

Joel Reynolds, Esq.
John R. Phillips, Esq.
Eric Havian, Esq.
Center for Law in the Public Interest
10951 W. Pico Boulevard
Los Angeles, CA 90064

Richard Hubbard
MHB Technical Associates
1723 Hamilton Ave., Suite K
San Jose, CA 95725

Thomas Roberts, Commissioner
U.S. Nuclear Regulatory
Commission
1717 H Street, N.W.
Washington, D.C. 20555

Mr. Fredrick Eissler
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, CA 93105

Malcolm H. Furbush, Esq.
Vice President & General
Counsel
Philip A. Crane, Esq.
Pacific Gas & Electric Co.
77 Beale Street, #3135
San Francisco, CA 94106

Docket and Service Branch
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Lawrence CHandler, Esq.
Office of the Executive
Legal Director BETH 042
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Janice E. Kerr, Esq.
Lawrence Q. Garcia, Esq.
J. Calvin Simpson, Esq.
California Public Utilities
Commission
5246 McAllister Street
San Francisco, CA 94102

Arthur C. Gehr, Esq.
Snell & Wilmer
3100 Valley Center
Phoenix, Arizona 85073

Bruce Norton, Esq.
Norton, Burke, Berry &
French, P.C.
2002 East Osborn
Phoenix, Arizona 85016

Maurice Axelrad, Esq.
Lowenstein, Newman, Reis &
Axelrad, P.C.
1025 Connecticut Ave., N.W.
Washington, D.C. 20036

Virginia and Gordon Bruno
Pecho Ranch
Post Office Box 6289
Los Osos, CA 93402

Sandra & Gordon Silver
1760 Alisal Street
San Luis Obispo, CA 93401

Nancy Culver
192 Luneta
San Luis Obispo, CA 93402

Carl Neiburger
Telegram Tribune
Post Office Box 112
San Luis Obispo, CA 93402

Betsy Umhoffer
1493 Southwood
San Luis Obispo, CA 93401

David Fleischaker

David S. Fleischaker