

SEP 25 1980

Mr. Byron S. Georgiou  
Deputy Legal Affairs Secretary  
State of California Governor's Office  
Sacramento, California 95814

Dear Byron:

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Thanks for sending along a copy of Mr. Hershey's August 18, 1980 column from The New York Times. It is unfortunate that an article such as this one does give the impression that the NRC is some sort of organization anxious to pump out licenses no matter what the impact may be on health and safety. That is simply not true.

58-27-5  
58-27-3

Diablo represents a very tough and complex licensing decision. Feelings are running high on both sides. The only fair way for the NRC staff to proceed is to adhere scrupulously to the Commission's rules and regulations and make its recommendation based on whether or not the Diablo plant meets those rules and regulations. That is what the staff has been trying to do.

How the Atomic Safety and Licensing Board will come out, we don't know. We can only speculate, and I suppose that is what Mr. Hershey did. But even after the Licensing Board makes its decision, that decision can be appealed to the Appeal Board and beyond that, the full Commission will have to make the ultimate decision. Thus, there is a series of checkpoints that must be passed before a decision can be issued to allow Diablo a license to operate at low power. And at each point in the process the decision can only be based on whether or not the plant meets the approved safety criteria.

It is difficult to deal constantly with charges that we are biased and are ready to advocate licensing unsafe facilities. Such allegations are easy enough to get printed. Our denials never seem to get the same treatment. I appreciate your offer to help. In this area we certainly need it. In the meantime, all we can do is prove that we are neutral by our actions. Those actions can only be based on considerations of public health and safety.

Sincerely,

*(s) Dircks*

William J. Dircks  
Executive Director  
for Operations

L-4-2  
California

Retyped in OEDO 9/22/80. See previous yellow for concurrences

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## REMARKS

Ltr for: Byron S. Georgiou

SUBJ: Response to article appearing in the New York Times portraying NRC staff as advocates of licensing Diablo Canyon to load and test at low power.

no legal objection. would change  
 "Appeals" Board to "Appeal  
 Board"  
 [Signature]

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