

APR 29 1980

The Honorable Leon E. Panetta
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Panetta:

This is in response to your letter of March 31, 1980, recommending that the Commission, in acting upon PG&E's request for a low power testing permit for the Diablo Canyon, use different procedures than the ones used in the Sequoyah and North Anna low power permit decisions. The Commission can assure you that different procedures will be used.

Unlike the Sequoyah and North Anna operating license applications, the Diablo Canyon application is the subject of a contested adjudicatory proceeding and it will probably be several months before these proceedings are completed. An Atomic Safety and Licensing Board has before it issues relating to environmental impacts of radon, and also a request to reopen the hearing to permit presentation of evidence on TMI related safety issues. An Atomic Safety and Licensing Appeal Board recently heard oral argument on seismic issues. Another Appeal Board has initiated evidentiary hearings on the adequacy of Pacific Gas and Electric's proposed physical security plan. The Commission will have the opportunity to review the decisions reached by these boards before making any decision on the Diablo Canyon low power testing request. Under the Commission's Policy Statement of November 9, 1979, in contested adjudicatory proceedings, no license may be issued until the Commission has had the opportunity to review the findings of the Boards.

I have requested the Commission's Executive Director for Operations to respond directly to your request that the Commission delay issuance of a lower power testing permit until a comprehensive study of the feasibility of converting the facility so that it could be operated using an alternative fuel. He will also provide you with a schedule of steps that will be followed in acting upon the license application.

Sincerely,

ls/cr

Carlton C. Kammerer
Director
Office of Congressional Affairs

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