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November 20, 1987

Rules and Procedures Branch
Division of Rules and Records
Office of Administration and Resource Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

LAR 87-08, REVISION OF LICENSE CONDITION 2.C.(7) OF THE
DIABLO CANYON FULL POWER LICENSE, DPR-80
REF: Federal Register Vol. 52, No. 203, p. 39304

The proposed license amendment would permit the applicant, Pacific Gas and Electric Company (PG&E), to delay submission of the final report of the Long Term Seismic Program (LTSP) by one year, from July 31, 1988 to July 31, 1989. The Sierra Club recommends the denial of the proposed amendment.

When the plant operating license was granted, the NRC recognized that the analysis of seismic phenomena at the Diablo Canyon site was significantly deficient. The LTSP was required in order to remedy these deficiencies. Until the LTSP final report is released, the seismic analysis for the plant is seriously incomplete.

After the issuance of the full power license, the licensee requested a license amendment for the reracking of the spent fuel pools at Diablo Canyon. Since the LTSP is incomplete, the seismic analysis of the proposed reracking of the spent fuel pools was also forced to rely on admittedly deficient information.

The LTSP is in the process of developing a "probabilistic risk analysis" (PRA) for the plant. PRAs are considered the "state of the art" in risk assessment analysis and are thought to provide a more realistic determination of risk than the old "design basis" approach. Because the existing data is deficient and because the LTSP approach is expected to provide improved information, it is imperative that the LTSP results be finished and published as soon as possible.

Brookhaven National Laboratory, under contract to the NRC, recently released a study entitled "Severe Accidents in Spent Fuel Pools in Support of Generic Safety Issue 82" (NUREG/CR-4982). This report also used a PRA approach to evaluate seismic hazards (among others) and concluded that the high density racks proposed for Diablo Canyon should not be used for freshly dis-

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charged spent fuel unless a site-specific analysis is able to demonstrate that the probability of catastrophic accident is sufficiently small. The data being developed by the LTSP is precisely the site-specific information required in the analysis recommended by the BNL Report. This information is therefore essential to the proper assessment of seismic hazards at Diablo Canyon and does not exist at the present time.

The applicant has argued (Fed. Reg. 52, No. 203, p. 39304) that the delay is necessitated by the burden placed on its personnel by the Diablo Canyon Rate Case pending before the California Public Utilities Commission (CPUC). Their argument ignores the fact that they have known about the forthcoming CPUC hearings for several years, and, in fact, knew about their projected workload at the time the full power license was granted and the LTSP requirement imposed. The CPUC procedures were, in fact, instigated by the applicant's request for a rate increase. It is unreasonable to further delay necessary scientific work, work which arguably should have been completed before the plant was licensed, because of personnel problems which the applicant should have foreseen.

The agency has proposed a finding of no significant hazards for the present license amendment request. The finding is based on the argument that the matter is a scheduling change only and therefore of no safety significance. By this logic, PG&E could postpone the LTSP indefinitely. The argument must be rejected.

When the plant was licensed, the NRC determined that better seismic information was needed and established a three year deadline for the development of the needed information. This decision was based on reasonable doubts as to the validity and adequacy of the existing seismic information at Diablo Canyon. The applicant has provided no evidence that better data is not needed, and indeed, the proposed reracking of the spent fuel pools at the plant provides proof that the LTSP is needed immediately.

In summary, it is clear that the LTSP should be finished as soon as possible. The existing NRC timetable is reasonable and fair to the licensee and has provided ample time to arrange necessary staffing. The licensee has presented no evidence that the information sought by the LTSP is less important now than it was thought to be when the LTSP requirement was made. On the contrary, analysis of the the proposed reracking of the plant demonstrates its importance. The sole argument proffered in favor of the instant license amendment proposal is for convenience in personnel scheduling. This argument does not provide a sufficient justification for delaying the LTSP.



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The Sierra Club opposes the proposed license amendment to delay the completion of the Long Term Seismic Program at Diablo Canyon.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dr. Richard Ferguson". The signature is written in dark ink and is positioned above the typed name.

Dr. Richard Ferguson, Chairman
Sierra Club -- Santa Lucia
Chapter

