

LEON E. PANETTA
16TH DISTRICT, CALIFORNIA

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LOCKET NUMBER
PROD. & UTIL. FAC. 50-270323

8004290 146

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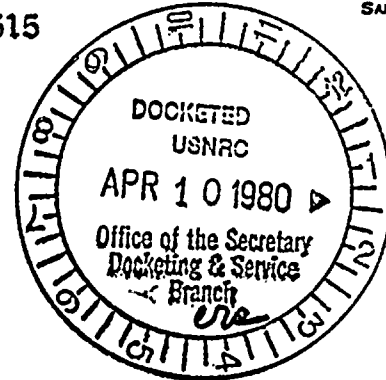
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Congress of the United States
House of Representatives

Washington, D.C. 20515

March 31, 1980



Chairman John F. Ahearne
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D. C. 20555

Dear Mr. Ahearne:

I am writing to advise you of my deep concerns regarding the process which will be utilized in response to PG&E's request for a low power testing permit for the Diablo Canyon nuclear power plant.

There are a number of mitigating circumstances which I believe place Diablo in a different category from the other two plants which are currently awaiting licensing. I believe these circumstances require a different procedure from the one used in the Sequoyah and North Ana low power permit decisions.

The Diablo plant is unique in several respects. It is situated a mere two miles from an active earthquake fault, and has active intervenor involvement in the licensing process. As you know, the Atomic Safety and Licensing Appeal Board will hear oral arguments on seismicity on April 2, 1980, and Appeals Board hearings on the overturned licensing board decision on security will not be scheduled until the week of June 15, 1980. NRC staff informs me that normally, the fact that issues are pending on appeal is not an impediment to the licensing process. Because there are so many outstanding issues which may prove problematical, I am requesting that you delay consideration of a low power testing permit until the issues of seismicity emergency planning, security, and TMI-related issues have been through the hearing and appeal process and been completely resolved.

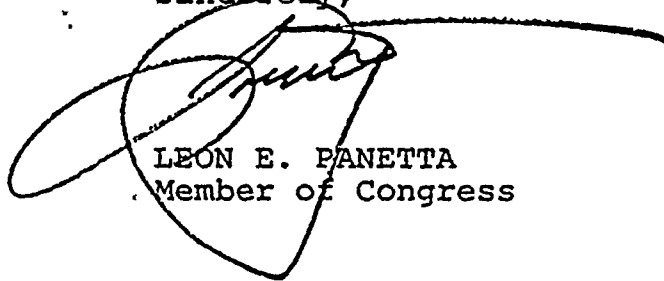
I believe this action is warranted for several reasons. First, it seems most inappropriate to allow the reactor to go critical, even at 5% of power, until the outstanding issues have been resolved. To proceed with low power testing before these issues have been successfully addressed would create a momentum for full power licensing which would be quite difficult to resist even if some safety issues were still outstanding. If these safety considerations could not be successfully resolved, PG&E and the people of California would be faced with the additional expense of decommissioning and decontamination.

Another special circumstance which I would like to bring to your attention is the possibility of converting Diablo to an alternative fuel source. This option is currently under consideration by the California Public Utilities Commission, which is conducting a preliminary, in-house feasibility study. Governor Brown has expressed an interest in examining this option, as have several of the intervenor groups. At least two House Subcommittee Chairmen have indicated their support for a comprehensive study of the feasibility of nuclear power plant conversion. As the low power testing of Diablo would render the plant critical and make conversion a vastly more complicated and expensive, if not impossible task, I am requesting that you delay your consideration of a low power testing permit until a comprehensive conversion study has been completed.

It would also be helpful to me if in responding to my request for a delay in consideration of a low power testing permit for Diablo, you would also include a written schedule of the steps you intend to follow with respect to lower-power and full power licensing for this particular plant.

Thank you for your attention to this request. I will look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Panetta", is written over a large, loopy scribble. The signature is positioned above the typed name and title.

LEON E. PANETTA
Member of Congress

LEP:ton



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

REQUEST FOR REPORTING SERVICE
Work Order No. IV-79-A

3/31/80

OFFICE OF THE
SECRETARY

Proceeding: PACIFIC GAS & ELECTRIC COMPANY (Diablo Canyon)

Docket No.: 50-275, 50-323 (Earthquakes)

Location of: Prehearing

Oral Argument First Floor Courtroom
Veterans Memorial Building
801 Grand Avenue (Grand & Palm Streets)
San Luis Obispo, California 93408
(Contact: Mildred Burns, 805/549-5420)

Meeting _____

Duration: Prehearing _____ Oral Argument One day* Meeting _____

Date of: Prehearing _____ Oral Argument 4-3-80 Meeting _____

Time of: Prehearing _____ Oral Argument 9:30 am** Meeting _____

Service Required: Prehearing _____

Oral Argument Five-day original (Tuesday, April 8)

Meeting _____

Board: Chairman Salzman; Members Buck, Johnson

Type of Proceeding: Oral Argument before an Appeal Board

Copies of the transcript may ~~(may not)~~ be sold.

Date of oral request: 3-28-80

Special Instructions:

Date of confirmation: 3-31-80

*Begin pagination of transcript
with page 1.

By: _____

**Reporter should be available in the
courtroom 1/2 hour before oral
argument begins.

C. R. Stephens
Docketing and Service Branch

bcc: Mr. Salzman
ELD
ASLAP
ALSBP
Ms. Hylton
Ms. Slater
Mr. Fouchard
Rec. Fac. Br.

