

REGULATORY DOCKET FILE COPY

OCT 8 1980

HO/2

The Honorable Marz Garcia
California Senate
Sacramento, California 95814

Dear Mr. Garcia:

Your letter of August 25, 1980 to Chairman Ahearne regarding the licensing of the Diablo Canyon nuclear plants has been referred to me for reply.

Your letter urged that the NRC do all it can to expedite the final licensing of these plants. A brief discussion of our efforts is provided below.

As you no doubt are aware, since docketing of this case in late 1973 major plant improvements were required as the result of a seismic re-evaluation of the facility and more recently, as the result of applying the lessons learned from the Three Mile Island (TMI) accident that occurred last year. In addition, this is a contested licensing action and, under the provisions of the Atomic Energy Act and the Commission's regulations, due regard must be given to the hearing rights of the parties to the proceeding before a license can be issued.

In a June 5, 1980, memorandum from S. Chilk, the Nuclear Regulatory Commission provided guidance to the NRC staff for applicants seeking authorization to load fuel and conduct low power testing. This guidance is stated in NUREG-0694 entitled "TMI Related Requirements for New Operating Licenses". A copy of this document is enclosed.

The hearing record was closed on March 12, 1979 and in September 1979 the Atomic Safety and Licensing Board (ASLB) issued a favorable initial decision on, among other things, the seismic safety issue and on the plant's physical security plan. That decision was appealed by the joint intervenors and during the course of that review, on June 23, 1980 the Atomic Safety and Licensing Appeal Board assigned to review this matter issued a decision to reopen the hearing record to obtain testimony related to a major earthquake which occurred in California's Imperial Valley in October 1979 (shortly after the ASLB decision in September 1979). In a separate decision, it also ruled that it would rehear the security issue. The NRC staff testimony on seismic matters was submitted to the Appeal Board in August 1980 and by Order dated August 28, 1980 the Appeal Board set hearings on the seismic matter for October 20, 1980 and on the security matter for about November 10, 1980, respectively.

To further complete the picture on the hearing process, on July 14, 1980 the applicant filed a motion with the ASLB for a license to load fuel and begin low power testing. On August 6, 1980 the NRC staff responded to the ASLB on this motion and issued a supplemental safety evaluation dealing with TMI accident related safety issues as they apply to fuel loading and low power testing. The Licensing Board is expected to hear these issues in late 1980 or early next year.

GP

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Mr. Garcia

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From the above, while it can be seen that further actions will be required by the Licensing Board, the Appeal Board and the Commission itself, we believe the MRC is working toward the timely resolution of the many safety issues in this extremely complicated case.

I trust that this information is responsive to your request.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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D. Buckley

FROM: Marz Garcia
California State Senate

TO: Chairman Ahearne

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Incoming: Marz Garcia, Ca. State Senator

From: _____

To: Chairman Ahearne x Date 8/25/80

Subject: Urges expeditious licensing of Diablo Canyon

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