

NOV 12 1980

Mr. Harry H. Wrinkle
3315 Turnbridge Drive
Sacramento, California 95823

Dear Mr. Wrinkle:

Your June 16, 1980 letter to Mr. Harold R. Denton on the matters related to licensing of the Diablo Canyon Nuclear Power Plant has been referred to me for a specific reply. I am pleased to make this response.

As you are no doubt aware, since docketing of this case for review in late 1973 there have been major delays to completion of construction which are related to plant modifications that have been made as a result of a seismic re-evaluation of the facility and as a result of the lessons learned from the Three Mile Island (TMI) accident last year.

In addition, this is a contested operating license action, and the Atomic Energy Act and the Commission's regulations require that due regard be given to the hearing rights of the parties to the proceeding. Following hearings held in December 1975 before an Atomic Safety and Licensing Board (ASLB), a fuel storage license was issued at the end of 1975 for Unit 1 and in late 1976 for Unit 2. The environmental portion of the hearings was completed in 1976 and the portion of the hearings on pre-TMI non-seismic safety issues was held in late 1977. Hearings then resumed in December 1978 and were concluded in early 1979. The hearing record was closed on March 12, 1979 and in September 1979 the Board issued a favorable partial 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 addition, it decided to hear additional testimony concerning compliance with the Commission's security regulations. The NRC staff testimony on the seismic issue was submitted to the Appeal Board in August 1980 and the hearings were held starting the week of October 20, 1980. The security hearings are scheduled on or about November 10, 1980.

To further complete the picture of progress 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 will no doubt hear these issues in an expeditious fashion also, probably in early 1981.

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Mr. Harry Wrinkle

-2-

Following the Three Mile Island accident, intervenors moved to reopen the record on Class 9 accidents and emergency planning. On June 5, 1979, the Licensing Board stated that it would not rule on the motion until it receives the NRC staff's report on the effects of TMI-2 related to a full power license for Diablo Canyon. We expect this report to be issued in early 1981. Licensing of the plant for full power operation will follow the completion of the low power testing proceedings mentioned above.

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 (the Commission is required to review the record in each case where a license is to be issued), we believe the NRC is working toward the timely resolution of the many safety issues in this extremely complicated case.

A copy of all of the above cited documents can be found in the Local Public Document Room (LPDR) maintained for Diablo Canyon. This LPDR is located at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

I trust that this information is responsive to your request.

Sincerely,

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Frank J. Miraglia, Acting Chief
Licensing Branch No. 3
Division of Licensing

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