

LEON E. PANETTA
19TH DISTRICT, CALIFORNIA

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MAJORITY REGIONAL WHIP

Congress of the United States
House of Representatives
Washington, D.C. 20515

October 1, 1981

WASHINGTON OFFICE:
431 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2861

DISTRICT OFFICES:
380 ALVARADO STREET
MONTEREY, CALIFORNIA 93940
(408) 649-3555

HOLLISTER, CALIFORNIA
(408) 637-0500

SALINAS, CALIFORNIA
(408) 424-2229

SAN LUIS OBISPO, CALIFORNIA
(805) 543-0134

SANTA CRUZ, CALIFORNIA
(408) 429-1976

Mr. Nunzio Palladino
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Palladino:

I am writing to express my profound concern about the implications of the recent seismic design errors found in the Diablo Canyon nuclear plant.

As you know, many facts have yet to be ascertained in this case, including when and how the discrepancy in plans took place, as well as when and how it was discovered. In addition, significant questions regarding the NRC's role in regulating the plant's construction are raised by this incident.

The NRC's Advisory Committee on Reactor Safeguards stated in its July 14, 1978 report to then-Chairman Hendrie that, "The Applicant's analyses and tests related to the reevaluation of the structural and mechanical components for the Hosgri event have been subjected to an unprecedentedly intensive and comprehensive review by the NRC staff and their consultants." Indeed, the NRC and its boards have assured the public and myself that the plant is capable of withstanding the maximum earthquake which the Hosgri fault could cause, and furthermore that the plant's safety mechanisms for preventing disaster in case of an earthquake are technically sound.

Now, it appears that five crucial safety systems at the Diablo plant are potentially useless - the Safety Injection System, the Component Cooling Water System, the Steam Generator Blowdown System, the Residual Heat Removal System, and the Hydrogen Recombining System. Each of these systems is essential to ensuring the safety of the plant in the event of a seismic incident, or even a routine shut-down. Given the extreme importance of the seismic back-up systems, and the detailed attention which has been given seismic issues surrounding this plant, I am interested in knowing how this mistake escaped the NRC's attention, and what changes you plan to prevent this type of incident from occurring in the future.

In approving a low-power license for Diablo on September 21, the NRC effectively communicated to the public its assurance that issues of

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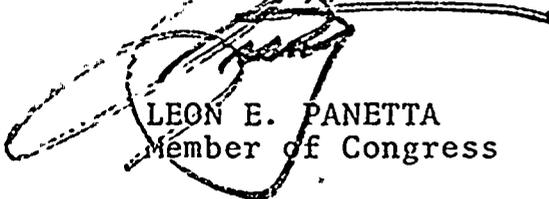
public health and safety, common defense and security were resolved as they relate to fuel-loading and low-power testing. On September 27, notice of the seismic analysis problems was given to the resident inspectors. I feel strongly that this event has severely damaged the public's trust in the NRC licensing process, however justifiable its failure to catch this problem may be. Legitimate questions arise regarding whether further discrepancies exist, since this discovery was made so late in the construction process and after so much review. Therefore, I would appreciate your response to the following questions:

- 1) How, specifically, did this oversight occur in the licensing process?
- 2) What assurance does the public have that further discrepancies or problems do not exist in the Diablo plant?
- 3) Will the NRC now consider undertaking the full Commission review which it decided not to undertake regarding the lower board's positive decision on Diablo's low-power licensing?

I would urge the Commission once again to give every consideration to now conducting such a review. Not only would full review not delay the actual operation of the plant, but it perhaps would restore some of the public's confidence in the NRC's procedures. It is clear that full review of all pertinent safety, seismic, emergency planning and security issues is in fact necessary before issuing a fuel-loading and low-power testing license, and should not be deferred to consideration during full-power licensing decisions.

I would appreciate your attention to the concerns I have outlined, and hope to hear from you shortly regarding these issues. Thank you for your consideration of my comments.

Sincerely,



LEON E. PANETTA
Member of Congress

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

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

Dear Congressman Panetta:

This is in response to your October 1, 1981 letter in which you expressed your concern about the implications of the recent seismic design errors detected at the Diablo Canyon nuclear plant. I share your concern and I assure you that the implications of these errors are under review by the staff.

The timing of the detection of these errors, so soon after authorization for low-power operation, is indeed unfortunate and it is quite understandable that the public's perception of our licensing process is adversely affected. However, it should also be noted that as a result of the licensing process and the requirements of the license, the errors, once detected, were promptly reported and fuel loading and low-power operations were suspended. Since the operability of key safety systems ~~were~~^{was} in question, the technical specifications of the facility license prohibit operation until operability of these systems is confirmed. In addition, fuel load operations will not commence until these matters are resolved to the staff's satisfaction.

I would now like to respond to each of the three questions in your letter.

Question 1: How, specifically, did this oversight occur in the licensing process?

During the licensing process, the NRC staff conducted an extensive evaluation of the seismic design at Diablo Canyon. The primary focus of this review is on the seismic design criteria, models, analytical techniques and design methods.



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The staff concluded that the applicant's design criteria, models, analytical techniques and design methods were reasonable and would assure an adequate seismic design for the facility. The oversight occurred at a point in the seismic design process that was not the subject of explicit review by the staff. This may seem in contrast to the previous statement citing the extensive staff evaluation of seismic design at Diablo Canyon; however, the seismic design process includes activities ranging in complexity from state-of-the-art analyses, that were the focus of NRC staff review and audit, to common engineering practices that must be monitored and controlled by the plant owners to assure adequate implementation of the seismic design criteria. The responsibility for assuring and verifying the design of the facility rests with the applicant/licensee.

Question 2: What assurance does the public have that further discrepancies or problems do not exist in the Diablo plant?

We share your interest and concern in assuring that this occurrence is an isolated one. During the period of October 14-16, 1981, the NRC staff conducted a preliminary review of the licensee's reanalysis efforts, both completed and on-going (a copy of the meeting summary is enclosed for your information). Moreover, a follow-up review will be conducted in the next few weeks to pursue this matter in greater detail. We have requested additional specific information from the Pacific Gas & Electric Company so that our consultant (Brookhaven Laboratory) can independently perform certain structural and piping analyses. The Pacific Gas & Electric Company has also hired a consultant to prepare and



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conduct a seismic re-verification program to assure that there are no other errors associated with safety related buildings and structures at Diablo Canyon. The staff will review the results of this reverification effort, in addition to the utility's re-analysis effort and is presently formulating the scope of our follow up review efforts.

Question 3: Will the NRC now consider undertaking the full Commission review which it decided not to undertake regarding the lower board's positive decision on Diablo's low-power licensing?

The low power license for Diablo Canyon Unit 1 was issued on September 22, 1981. As discussed above, fuel loading and low power testing will not be undertaken until the NRC has given its approval. The NRC has undertaken a more detailed review of the Diablo Canyon hearing record than has been the case with any other operating license review to date. This review includes a complete review of the seismic record and the safety implications of an earthquake of the Hosgri magnitude. The Commission is being kept informed relative to all matters concerning these recently detected errors. I assure you that the decision to permit fuel loading and low power testing and to issue a full power license will not be made until all the significant safety issues have been resolved in accordance with all applicable regulations.

Sincerely,

Nunzio J. Palladino
Chairman



11/13/19