

Congress of the United States
House of Representatives
Washington, DC 20515

February 12, 1987

COMMITTEES:
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AND NUTRITION
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CHAIRMAN
SUBCOMMITTEE ON PERSONNEL AND POLICE
SELECT COMMITTEE ON HUNGER
CHAIRMAN
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DEPUTY MAJORITY WHIP

Honorable Lando W. Zech, Jr.
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing to follow up on my September 30 letter to the Commission regarding the proposed reracking of spent fuel pools at the Diablo Canyon nuclear power plant. In denying my request that a full and independent review of this matter be conducted, the Commission argued that the "extensive objective analyses and review efforts" performed by Commission staff obviated the need for an independent technical analysis.

It has come to my attention that subsequent to its denial of my request, the Commission hired the Brookhaven Nuclear Laboratory to conduct a review of a nearly identical proposal to rerack the spent fuel pools at the Byron Nuclear facility near Rockford, Illinois. As I understand it, Brookhaven has rejected as inadequate the rack manufacturer's analysis performed for Commonwealth Edison, the utility which runs the Byron plant.

I am unaware of any significant difference between the analysis performed for Consolidated Edison and the analysis performed on the Diablo reracking for Pacific Gas and Electric (PG&E). Yet the Commission has chosen to treat these proposals in two completely different ways. Where the Byron analysis was reviewed by a national laboratory and rejected, repeated requests for such a review in the Diablo Canyon case were denied. Instead of conducting the necessary review, the Commission relied on a procedure which was found by the 9th Circuit Court of Appeals to be in violation of its own regulations.

If there is any argument in favor of treating these proposals differently, it is that the Diablo Canyon plant should be accorded a higher standard of review because of its location in the most seismically active area of the country. Instead, the Commission has ignored logic and common sense by granting PG&E the license amendments necessary to proceed with the reracking without considering the new safety hazards which may be raised by the reracking, without holding public hearings and without taking into account Brookhaven's finding that the reracking analysis is inadequate. This action cannot be justified in light of the Commission's handling of the Byron case.

2/27...To EDO to Prepare Response for Signature of the EDO...Date due: Mar 16...Cpys to: RF, OCA to Ack...Please note that detailed information was omitted from the original ltr, so ltr was resubmitted.

REC'D OFF. EDO

EDO --- 002576

Date 3-3-87

Time 1:20 p.

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2 pp.

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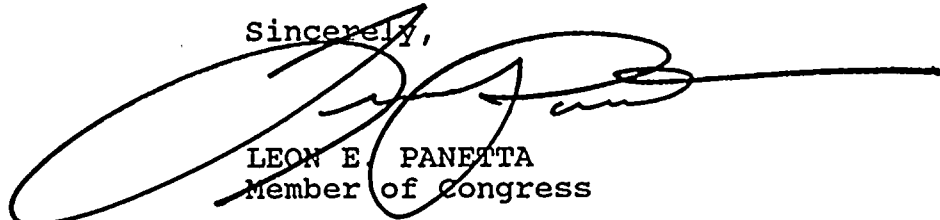
Honorable Lando W. Zech, Jr.
February 12, 1987
Page 2

I repeat my request that a full and independent review of this matter be conducted as expeditiously as possible. The Court has found that the proposed reracking does in fact raise the possibility of new and different hazards than those already considered by the Commission. In addition, the Court has ordered the NRC to conduct the public safety hearings which should have been conducted prior to granting the amendments. In spite of this, the Commission continues to act on its intention to grant the license amendments.

As the U.S. Representative for California's Central Coast area, I resent the Commission's cavalier attitude with respect to the health and safety of those who live and work near Diablo Canyon. This indifference is only magnified by the inconsistencies in the NRC's handling of the Byron and Diablo Canyon cases. The people of San Luis Obispo demand and deserve the highest level of protection and certainty which the Commission is capable of providing.

Thank you for your serious consideration of this request. I look forward to hearing from you in the near future.

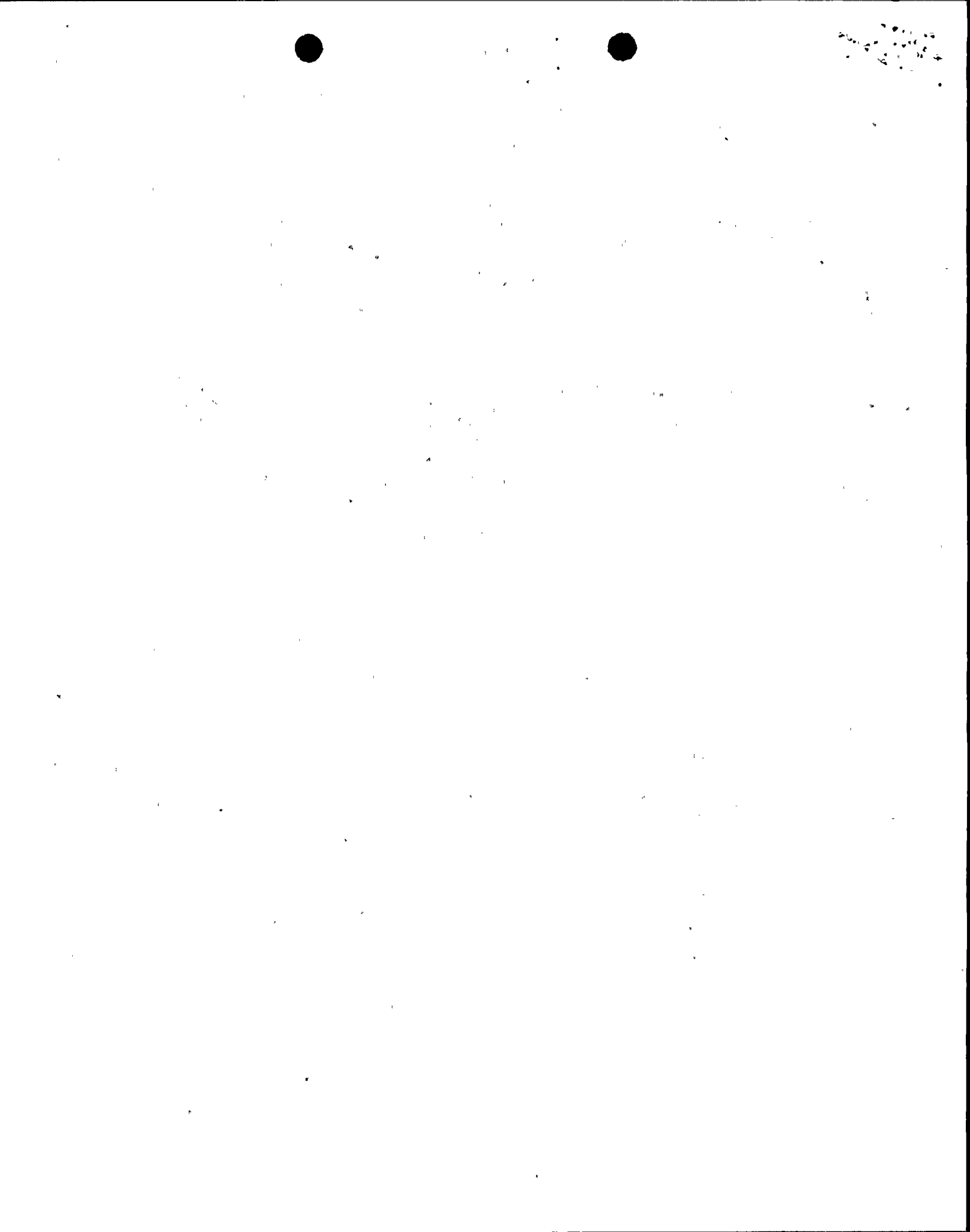
Sincerely,



LEON E. PANETTA
Member of Congress

LEP/pt

cc: Honorable Morris K. Udall
Honorable John D. Dingell
Honorable Philip Sharp
NRC Commissioners



CORRESPONDENCE CONTROL TICKET

SECY NUMBER: 87-0192

OFFICE OF THE SECRETARY

LOGGING DATE 3/2/87

ACTION OFFICE: EDO

AUTHOR: L Panetta

AFFILIATION: 2000--U.S. House of Rep

LETTER DATE: 2/12/87

FILE CODE ID&R-5 Diablo

ADDRESSEE:

SUBJECT: Concerns re pro reracking of spent fuel pools at Diablo Canyon

ACTION: Chairman's Sign...Date due Comm: Mar 16

DISTRIBUTION: RF, OCA to Ack

SPECIAL HANDLING: None

SIGNATURE DATE:

FOR THE COMMISSION BAC

Rec'd Off. EDO

Date 3-4-87Time 1:00

ED 2576

Form 1040

1996

1040

LEON E. PANETTA
18TH DISTRICT, CALIFORNIA

COMMITTEES:
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SUBCOMMITTEE ON DOMESTIC
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AND NUTRITION

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(805) 541-0143

SANTA CRUZ, CA
(408) 429-1976

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Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
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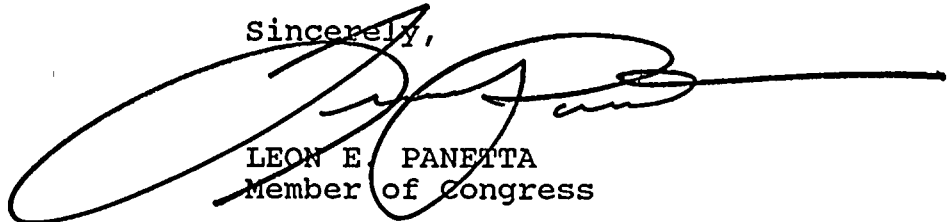
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Thank you for your serious consideration of this request. I look forward to hearing from you in the near future.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Leon E. Panetta', is written over the typed name and title.

LEON E. PANETTA
Member of Congress

LEP/pt

cc: Honorable Morris K. Udall
Honorable John D. Dingell
Honorable Philip Sharp
NRC Commissioners

10/10/1964