

Western Union

Telegram

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TO		Hon. Nunzio J. Palladino Chairman, N.R.C.			DLY. CHARGE	PROD. & LAG.	DLY. CHARGE	NO CHARGE	
ADDRESS		1717 H Street, N.W. Washington			STATE OR COUNTRY	DNE. NUCLEAR REGULATORY COMMISSION		ZIP 20555	



IT HAS COME TO MY ATTENTION THAT THE COMMISSION HAS NOTICED A MEETING ON EXECUTIVE SESSION TOMORROW, FRIDAY THE 17TH OF SEPTEMBER, WITH THE OFFICE OF POLICY EVALUATION TO CONSIDER THE SUBJECT OF DIAULO CANYON NUCLEAR POWER PLANT.

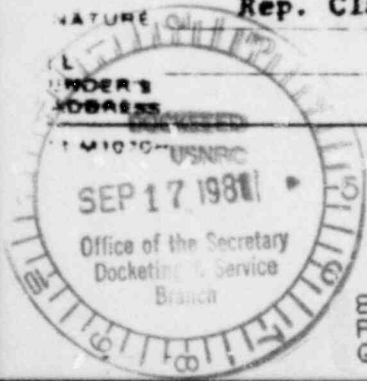
I UNDERSTAND THAT REQUESTS HAVE BEEN MADE FOR AN INDEPENDENT REVIEW OF THE SEISMIC SAFETY ISSUES WHICH HAVE BEEN FULLY RESOLVED THROUGH YOUR COMMISSION'S PROCEDURES. I NOTE THAT THE OFFICE OF POLICY EVALUATION MAY PROVIDE INDEPENDENT TECHNICAL EVALUATION OF SELECTED CASES PRESENTED TO THE COMMISSION FOR ADJUDICATION."

THIS IS TO REMIND THE COMMISSION OF ITS OWN REGULATIONS WHICH CLEARLY ESTABLISH THAT NO TECHNICAL SEISMIC ISSUE INVOLVING DIAULO CANYON HAS BEEN PRESENTED TO THE COMMISSION FOR WHICH IT CAN CALL UPON THE OFFICE OF POLICY EVALUATION TO PROVIDE A TECHNICAL EVALUATION. REGULATION 2.786(4)(11) IS CONTROLLING. IT PROVIDES: "(11) A petition for review of matters of fact will not be granted unless it appears that the Atomic Safety and Licensing Appeal Board has resolved a factual issue necessary for decision in a clearly erroneous manner

(MORE)

NATURE: Rep. Clair W. Burgener
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 IF OTHER SENDER'S NAME: (ICR)HCR1

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contrary to the resolution of that same issue by the Atomic Safety and Licensing Board;"

THE APPEAL BOARD HAS APPROVED IN ALL RESPECTS THE SEISMIC CONCLUSIONS OF FACT MADE BY THE ATOMIC SAFETY AND LICENSING BOARD. THE ABOVE REGULATION SPECIFICALLY PROVIDES THAT IN SUCH CIRCUMSTANCES THE COMMISSION WILL NOT REVIEW THE MATTER.

IN VIEW OF THE EXTRAORDINARY DELAYS ALREADY ENCOUNTERED IN THE GOVERNMENT'S CONSIDERATION OF THE APPLICATION FOR THIS PLANT, AN ADDITIONAL DELAY TO ACCOMMODATE ANY INDEPENDENT REVIEW IN CONTROVENTION OF REGULATION 2.786(4)(11) WOULD BE A SERIOUS BLOW TO THE GOAL OF ELIMINATING THE LICENSING DELAYS WHICH HAVE BEEN THE FOCUS OF ATTENTION BEFORE OUR APPROPRIATIONS SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT.

CLAIR W. BURGNER
MEMBER OF CONGRESS

SIGNATURE Rep. Clair W. Burgener (OR OTHER SENDER'S NAME)

COLL. SENDER'S ADDRESS GWA087964 (OR OTHER SENDER'S NAME)

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