



## ADJUDICATORY ISSUE

(Commission Meeting)

June 29, 1983

SECY-83-260

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For: The Commissioners

From: John E. Zerbe, Director  
Office of Policy Evaluation

Herzel H. E. Plaine  
General Counsel

Subject: DIABLO CANYON -- INTERRELATIONSHIP OF  
ENFORCEMENT AND ADJUDICATORY PROCEEDINGS

Purpose: To present procedural issues requiring  
Commission attention to guide the future  
course of these proceedings.

Discussion: The situation at Diablo Canyon is  
progressing to the point that important  
procedural issues must be resolved  
promptly in order to avoid future  
delays. The low-power license remains  
suspended; the Independent Design  
Verification Program (IDVP) is drawing  
to a close; the Appeal Board has re-  
opened the licensing proceedings on  
design QA and is still considering

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motions to reopen on construction QA.<sup>1</sup> Meanwhile, PG&E requests a Commission decision on lifting the suspension by August 1, 1983 but advises that the plant will not be ready for fuel loading until approximately September 30, 1983.

This paper outlines some of the procedural issues and is intended to serve as a vehicle for the discussion and adoption of guidelines to govern the future course of this proceeding.

In December 1982, the Commission approved the separation of the IDVP into three stages: fuel loading, criticality and low-power testing, and full-power operation. The initial segments of the IDVP final report relative to fuel loading have been submitted to the staff for review. The remainder should be submitted in late June or early July. In late July, the staff will submit to the Commission a Supplemental SER (SSER) evaluating the results of this segment of the IDVP. The SSER will provide the technical basis for the Commission decision whether to lift the suspension to allow fuel loading and cold system

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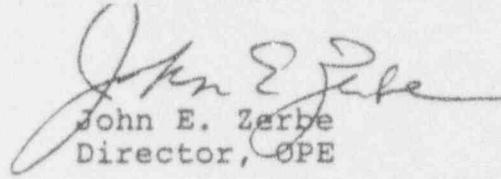
<sup>1</sup>Independent of these developments, the Appeal Board issued ALAB-728 in May 1983 affirming the Licensing Board's low-power decision and rulings on the admissibility of full-power contentions. Joint Intervenors have petitioned for review of ALAB-728. OPE/OGC analysis will be submitted to the Commission in mid-to-late July. These decisions are not relevant to the IDVP and, therefore, our review of ALAB-728 does not affect the matters discussed herein.

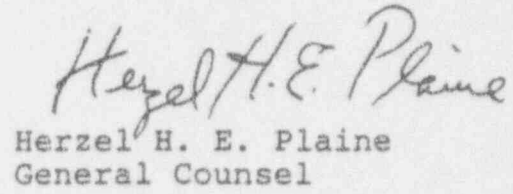
The Appeal Board has scheduled a preliminary hearing on July 19 near Diablo Canyon to probe the basis for the motions to reopen on construction QA.

testing.<sup>2</sup> The staff will present its recommendation to the Commission in a public meeting now scheduled for July 26. This meeting will have to be rescheduled because the staff currently estimates the SSER will be issued on July 27.

There are three procedural questions which the Commission should resolve at this time:

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