

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

DISCUSSION OF DIABLO CANYON
SCHEDULE

Docket No. ⁵⁰⁻275

Location: Washington, D.C.

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Date: Tuesday, September 27, 1983

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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COMMISSION BRIEFING
ON
DIABLO CANYON

- - -

Room 1130
1717 H Street, N.W.
Washington, D.C.

Tuesday, September 27, 1983

The Commission met, pursuant to notice,
at 3:30 p.m.

COMMISSIONERS PRESENT:

- NUNZIO PALLADINO, Chairman of the Commission
- VICTOR GILINSKY, Commissioner
- THOMAS ROBERTS, Commissioner
- JAMES ASSELSTINE, Commissioner
- FREDERICK BERNTHAL, Commissioner

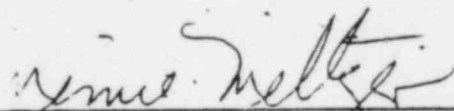
STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

- WILLIAM J. DIRCKS
- HERZEL PLAINE
- MARTIN MALSCH
- DARRELL EISENHUT
- R. PARRISH
- JAMES KNIGHT
- LAWRENCE CHANDLER
- JOHN E. ZERBE

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Jimmie Meltzer, Reporter

P R O C E E D I N G S

CHAIRMAN PALLADINO: Good afternoon, ladies and gentlemen.

The purpose of our meeting this afternoon is to discuss the Diablo Canyon licensing schedule. Specifically, we need to schedule when and where we will hold the public meetings to hear from all parties involved in the licensing proceeding.

In order to schedule the public meetings, several questions must be resolved. The first one, will the Commission have the necessary information within the IDVP and the NRC Staff to decide upon fuel load and low power testing. Secondly, how does the Appeal Board process affect the scheduling of public meetings, specifically we must determine whether or not to hold the meeting before, during, or after the design QA hearing. Furthermore, we must assess how our schedule may be effective until the Appeal Board reopens hearings on construction, 2 May.

The way the Commission will resolve these issues, both OGC and NRC Staff are present today. OGC will outline Commission options regarding the scheduling of the public meeting. We'll then ask for Staff comments and discuss the matter further.

The Commission may wish to discuss some matters which are appropriate for a closed meeting. I'm not sure that

1 will be necessary, but if that does arise, we will have to
2 vote to close the meeting and dismiss the Staff and go into
3 closed session. I will ask Mr. Chilk to advise us regarding
4 the closing of the meeting, if necessary.

5 Do any of my fellow Commissioners have additional
6 comments?

7 COMMISSIONER ASSELSTINE: No.

8 CHAIRMAN PALLADINO: If not, let me turn the meeting
9 over to General Counsel at this point.

10 MR. PLAINE: Mr. Chairman, members of the Commission,
11 we have outlined for you, in that little short paper dated
12 September 21, what seemed to us, at the time, to be five options.
13 I suspect that the first option, A, is probably passed because
14 we are awfully close to completion of the IDVP Final Report,
15 representing option 2. So that you're down to basically four
16 options. Either upon completion of the IDVP Final Report, and
17 in that connection, most of the parties have already seen most
18 of the report. There's just a small bit to be completed by the
19 authors of the report.

20 The second option would be upon issuance of the
21 Staff's SSE or concluding review of open items. And that
22 probable date is around October 25, I understand. The third
23 option, which is listed as D, following the Appeal Board
24 hearings on design quality assurance -- already scheduled.
25 Now those hearings are set for October 24 through November 23.

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1 And the last option, which is E, following the
2 Appeal Board decision, concluding the reopen proceeding,
3 including both design and construction quality assurance.
4 If there should be review of construction quality assurance,
5 which has not yet been determined, I presume.

6 I'm going to ask my colleague, Rick Parrish, to
7 fill you in on any of the details, because he has lived with
8 this matter for quite some time and is thoroughly familiar with
9 it.

10 There is one little matter, that has just come in.
11 Rick, would you describe that letter that has just come in?

12 MR. PARRISH: I think this meeting was convened
13 under the assumption that the Commission would meet with the
14 parties to the proceeding, to hear their comments on the
15 ongoing verification program. We have received today, a
16 letter from the Licensee, Pacific Gas and Electric Company,
17 requesting that the Commission forego this public meeting,
18 based primarily on the degree of participation already provided
19 to the Joint Intervenors and the Governor throughout the ongoing
20 process of the ongoing process of the Independent Design
21 Verification Program.

22 Also before the Commission, is a request from the
23 Joint Intervenors that the public meeting be convened in
24 California, and that other members of the public be allowed
25 to address the Commission at that time. Now the relative

1 advantages of the various scheduling options are, for the most
2 part, self evident. I believe what the Commission will want
3 to take into principal consideration are the level of assurance
4 they wish to have at hand, regarding the results of the review
5 program, the scheduling and logistic difficulties incident on
6 planning this public meeting -- if you intend to hold it --
7 and any unnecessary delay that would be imposed upon the
8 Licensee and scheduling fuel loading.

9 I also believe that currently the Licensee is
10 only requesting step 1 of the verification program conclusion,
11 that authority to load fuel as opposed to load fuel and conduct
12 low power testing be reinstated by the Commission. And they
13 would come back to the Commission, at a later date, when the
14 low power testing elements of the design of the verification
15 program are completed.

16 CHAIRMAN PALLADINO: In your discussion, did you
17 assume that there would be only one SSER that would cover
18 everything up to and including low power operation, more than
19 one SSER?

20 MR. PARRISH: I believe there may be more than one
21 and there certainly will be one for fuel loading. And it may
22 encompass the low power testing elements of the design program.
23 But I believe that would depend somewhat on the Commission's
24 decision today. But there will be certainly be one for fuel
25 loading.

1 CHAIRMAN PALLADINO: Maybe we ought to hear from
2 the Staff. I think we will return to the Staff. It would
3 be helpful if these two questions were answered. When is the
4 plant expected to be able to be ready to load fuel and go
5 to low power? Second, what is the status of the NRC Staff
6 review? When will we receive necessary information -- when
7 will the necessary information for fuel load be completed and
8 load testing and for full power?

9 MR. EISENHUT: I can certainly address that at
10 whatever time it would be most appropriate.

11 CHAIRMAN PALLADINO: Are you ready for Staff comments?

12 MR. PARRISH: I think so.

13 MR. EISENHUT: What we tried to do is to put
14 together the latest update on where we stood with the schedules
15 from the utility, from the IDVP, and from the Staff. We have
16 a handout, that we have passed around. If I could just run
17 through it real quick, I think it will help questions and
18 everything in context. We have supplied a number of copies
19 for the back of the room.

20 The first page here, under the cover page, was --
21 this is just for reference. These are the dates that we
22 presented in the September 13 briefing of the Commission. And
23 at that time, recall that PG&E, their design engineering
24 evaluation package and the IDVP effort was all scheduled to
25 be completed by September 30th. And the utility was proposing

1 that the modifications to support fuel loading would be
2 submitted by September 30th.

3 Following the completions of the modifications for
4 fuel loading, there's about a one week time that it takes to
5 do an as-built walkdown of the modifications by the utility
6 and a spot check sample by the IDVP. And we estimated
7 full security would be in place by 10/10, based on having
8 everything activated by September 10. And the Staff said
9 about three weeks after the last documents came in, we would
10 have an SER.

11 CHAIRMAN PALLADINO: This would be for fuel loading?

12 MR. EISENHUT: Yes. We predicated this page and
13 the rest of the discussion on the fact that the Commission had
14 approved Step 1, Step 2, Step 3, separating each process last
15 year. The utility has stated it preferred to preserve that
16 package, as was discussed earlier, move to fuel load first.
17 So I will give you the other dates at the end of the briefing
18 here. But it is really geared towards fuel load.

19 The next page is a page that was used by Teledyne
20 Engineering in their briefings on the same day, on September
21 13th. And what we simply did was we took their side and we
22 had marked it out based on a discussion we had with Bill Cooper
23 of the IDVP, as of this morning. You will notice that a number
24 of the Rev zeros -- let me take the Rev zeros, first.

25 Rev zeros, the first column of dates there were

1 three dates. Those are the principal piece of the work for
2 the ITRs, Interim Technical Reports. There were three to be
3 completed, all three have been completed, as signified by
4 the little checkmark. They were completed a few days behind
5 schedule, but all of the Rev zeros, at this point -- which is
6 the principal work from the IDVP, has now been completed and
7 submitted to the Staff.

8 We then went to the Rev 1, which are the going out
9 and cleaning up whatever loose ends there are, documenting
10 that in a revised ITR. You will see one of them has a check-
11 mark on it. There is actually one or two others that now are
12 either complete or essentially complete. I know number 56, the
13 September 24th, has been issued, for example. This is in a
14 state of evolving almost daily. I asked Teledyne Engineering
15 today, Bill Cooper specifically, what is the basis of why
16 these dates have revised somewhat. And they said basically,
17 the delays have primarily been due to people being taken off
18 to support the hearing process. There are interrogatory
19 depositions and the beginning of drafting testimony.

20 They wanted to emphasize they have found new technical
21 issues that have surfaced since the meeting they had here on
22 September 13th. They are confident, as of today, that all
23 submittals will be wrapped up now by October the 4th. That
24 is the bottom date you will see on the last issue, which is a
25 soils issue.

1 Now this table, I want to emphasize, is not a
2 table only for fuel load. This is all there is for the IDVP,
3 be it for fuel load, low power, or full power. So the next
4 thing we did was we tried to take the issues that remain and
5 we broke the Staff's 30 remaining issues into those that are
6 needed to support fuel load and those that are needed to
7 support a decision to go to five percent and a decision to go
8 to full power. For example, the remaining soils issue question
9 is not one we needed for fuel load. Issues in the turbine
10 building are not issues we needed for fuel load, et cetera.

11 We broke the 30 Staff open issues down, as you see
12 here. 1413 had three. The IDVP issues largely parallel those
13 because they relate to the various open issues. We have 30
14 items identified in our safety evaluation supplement 18.
15 The utility has responded to all of those open items. He has
16 submitted his evaluation on all of those open items. The
17 IDVP has looked at all of our open items and has concluded that
18 22 fall within their scope and eight of them are actually even
19 beyond what the IDVP is looking at, beyond their scope.

20 The IDVP still intends to submit any information
21 by September 30 in response to the wrap up of these open items.

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M:ki 2:01

1 I would like now to focus on the 14 fuel
2 load items. Of the 14 open items the Staff had under
3 safety evaluation in August for preliminary review, we
4 always call it preliminary until we actually write it,
5 because there's always potential for one issue or another
6 to become unraveled, but as of this point in time we see
7 five basically resolved, three as requiring a limited piece
8 of confirmation or data from the Utility, and six of the
9 14 we are going to have to have additional information,
10 additional clarification, or a meeting from a Utility, and
11 in fact we have set up meetings with the Utility tomorrow
12 to convene and resolve those. And, in fact, we may well be
13 setting up a meeting on Thursday also on one of the systems
14 issues.

15 So we believe that the six additional items
16 there, they are resolvable. We fully well expect them to be
17 resolved. And while they are the kind of issues that we still
18 need to close up some loose ends, I think it's the general
19 consensus of the Staff that they are principally confirmatory,
20 or principally they can be written in closed form, perform
21 some additional verification work. So we view these as
22 issues that are resolvable for fuel load.

23 The next slide gives you the schedule for as the
24 Utility sees it, and then finally we will match our schedule
25 against it. The Utility schedule as of -- I think we received

MM:ki 2:02

1 this informally the 23rd. It's been confirmed in discussions
2 with the Utility today. Fuel load modifications we still
3 projects to be complete by September 30th. These are the
4 proper dates as of today. Fuel load modifications, complete
5 as of September 30th. The walkdown for those by October 7th.
6 Full security had been delayed previously, you recall. This
7 would have been wrapped up by 10/10. Now it's wrapped up
8 by 10/22. That originally was a dating item, that is
9 still a dating item.

10 However, all of the IDVP-related activities are
11 projected to be completed sooner.

12 To answer the chairman's question on when you
13 might expect a decision to go above fuel load, beyond fuel
14 load, the December 21st date, labeled criticality on this
15 chart, is the date on which the Utility would be prepared to
16 go beyond needing a fuel load license.

17 CHAIRMAN PALLADINO: Need your SSER.

18 MR. EISENHUT: He would need the second step in
19 the process. We would expect there would likely be a
20 supplemental safety evaluation supporting fuel load. There
21 will be a second one supporting criticality. And finally,
22 there would likely be another additional one supporting
23 going above 5 percent.

24 If the Staff can certainly sweep in some additional
25 5 percent and full power issues into our fuel load SER, we

MM:ki 2:03

1 would go along with them to do that, but we do not intend to
2 hold up the fuel load SER in order to resolve anything beyond
3 those issues.

4 The last page here tries to put together all the
5 status of these things. The Utility has now responded to the
6 30 or so open issues from the SER. The IDVP has submitted
7 all of the revision zeroes to their -- to all the ITRs. The
8 IDVP told us this morning his last revision to an ITR will be
9 October 4th, and they will be obviously coming in some sequence
10 of time before that.

11 There will be a relatively minor update to the
12 final report on October 10 from the IDVP, which will incorporate
13 the ITR work. The Staff evaluation regarding fuel load will
14 cover both the review of the 14 open items from the safety
15 evaluation that are needed for fuel load, and it will address
16 the review of the ITRs. This stated that the supplement will
17 be issued within three weeks of the last submittal.

18 Since these are coming sequentially, we have been
19 taking a hard look at when we really believe we can issue a
20 supplement addressing fuel load only, and we are internally
21 projecting October 14th.

22 CHAIRMAN PALLADINO: I thought you had October 20th.

23 MR. EISENHUT: That was the previous slide. That
24 was for -- if you recall, I said that was the date from the
25 previous September 13th briefing, and, now I am updating that.

MM;ki 2:04

1 The first slide is there only for a reference from
2 the previous briefing.

3 CHAIRMAN PALLADINO: So you're saying the SSER
4 supplement for fuel load --

5 MR. EISENHUT: Targeted for October 14th.

6 Now we can say that because we are driven by a
7 number of other schedules. Recall that we have now been
8 undergoing interrogatories, depositions, we're drafting
9 testimony for hearing. Testimony for the full power hearing
10 is due to be submitted to the Board on October 7th, I believe.

11 Now, the issues in the hearing, if you recall,
12 are somewhat more focused and in some sense more specific
13 than our SERs, but those issues have to be addressed and
14 we are scheduled to submit those to the Hearing Board on
15 October 7th. The supplement on these open issues for
16 October 14th is a relatively small piece of work. It is
17 really addressing the sign-off on the 14 issues, saying that
18 the submittals we got from the Utility we have reviewed, we
19 have addressed, we looked at them, they adequately address
20 the issues, and the issues are resolved.

21 It also focuses and addresses the ITRs. But I
22 think it's fair to say -- Jim Knight is here with me. He is
23 certainly doing a lot of work, but I think it's fair to say
24 that that SER supplement we envision to be a very small
25 supplement.

M:ki 2:05

1 The one on fuel load we are targeting for
2 October 14th.

3 CHAIRMAN PALLADINO: When would you see an SSER
4 on criticality and operation of the 20 percent -- I was
5 looking at slide 4 where you said criticality may be waved
6 to come first, but I'm not sure what you'll be able to do --

7 MR. EISENHUT: The SSER I would certainly envision
8 well before that. Remember, it turns out in the overall
9 schedule, most of the critical path items were the items
10 associated with the fuel load SER.

11 MR. KNIGHT: I think I would agree with Mr. Eisenhut.
12 As things are now going, I would certainly be prepared to
13 produce an SSER that was timely with respect to that date.

14 MR. EISENHUT: You have to look at the overall
15 factoring of these things together. In fact, we've been
16 having debates on how we assign our priorities internally,
17 because first and most critical, we look at the fuel load;
18 we want to be ready when the Utility is ready for fuel load.
19 We want to have that work completed as our first priority.
20 We want to support the hearing process as a second priority,
21 recognizing it is needed -- on the present package, it is
22 needed for a full power decision, but not for fuel loading.
23 So we've been basically focusing our attention on both,
24 trading them back and forth.

25 But many of the Staff, on the order of probably

MM:ki 2:06

1 a dozen members of the Staff who have been working on this,
2 are going to be tied up in the hearing process from late
3 October to late November. So as we fit that together, we
4 will be making sure that our SER for criticality is not
5 on the critical path. That is basically the overall schedule
6 that we are shooting, to have the Staff's write-off to
7 support fuel load sometime mid-October. We're going to try
8 to address that certainly before we go on and face the
9 broader full power issues in the hearing context late
10 October.

11 CHAIRMAN PALLADINO: Let me see if I understand,
12 and then also make a couple of observations.

13 By October 14th or thereabouts, you expect to have
14 the SSER on fuel load issue. The hearings start, did you
15 say, on the 24th?

16 MR. EISENHUT: I believe it's October 24th.

17 CHAIRMAN PALLADINO: Then the hearings go until
18 November 23rd?

19 MR. EISENHUT: Yes. There's a fine structure to
20 that schedule. I believe they start the 24th, 5th, and 6th.
21 The hearing is in recess the 27th and 28th. Then it comes
22 back again, the full session, on October 31st, and runs
23 until something like just about Thanksgiving.

24 CHAIRMAN PALLADINO: I have open dates on the hearing
25 the 27th-28th of October, 4th and 10th of November, and

M:ki 2:07

1 that's it until the hearing is complete. Is that what you
2 have?

3 MR. CHANDLER: That's correct.

4 CHAIRMAN PALLADINO: So if we wanted to have a
5 public meeting with the parties, the windows would be
6 between the 14th and 24th or one of the days when the hearing
7 is not in process. However, if I look at the practicality
8 of the situation, I question if all the parties would have
9 enough time to participate in the public meeting with the
10 Commission -- I have a question whether it could be done
11 between the 14th to the 24th for two reasons: one, enough
12 time for the people to read -- and the second, I won't be
13 here during that period.

14 However, the Commission could go ahead without
15 me.

16 I think also, trying to slip in a public meeting
17 while hearings are going on with some orientation of the
18 parties, just picking an isolated date such as November 4th,
19 is not going to be a workable scheme.

20 So it would appear to me, if we don't want to
21 interfere with the hearing process, and it looks like a very
22 expedited hearing process, possible date for a meeting would
23 be on the order of December 5th, which would allow time enough
24 for the Commission to issue whatever order it might deem
25 appropriate as far as fuel loading is concerned.

MM:ki 2:08

1 Now, I forgot when they would be ready for fuel
2 load.

3 COMMISSIONER ASSELTINE: October 22nd.

4 CHAIRMAN PALLADINO: So there would be delay if
5 we went to December 12th, but at least by that date there
6 would be enough time for the hearings to be completed, the
7 parties to turn around their thinking and participate in the
8 meeting.

9 Now, whether or not that meeting could also
10 address other items affecting the operation up to 5 percent
11 power may be open to question, because as I understand it,
12 we won't have the SSER on 5 percent power until something
13 just before the 21st of December. Nevertheless, most of
14 the issues, I expect, would have been addressed in the
15 hearing. And so it might be possible to address all the
16 issues without the transmittal of the SSER.

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mm3joyl 1 What issues would be in the 5 percent SSER that are
2 not in the fuel load SSER?

3 MR. KNIGHT: I think the best way to characterize
4 the issues that would remain after we have addressed the fuel
5 load issue would be those that primarily affected structures
6 outside containment and were not of a nature that are perva-
7 sive, if you will. In other words, any question which relates
8 to a fundamental criterion, the application of that criterion
9 we put into the low power box.

10 So there is a likelihood of the necessity to step
11 back, if you will. So when we finish with the low power SSER,
12 as I said, we would have primarily those issues which affect
13 structures and systems or components outside containment and
14 are not of the nature which could because of their general
15 application reflect back.

16 CHAIRMAN PALLADINO: (Inaudible) What I am asking,
17 are these structures that you have to deal with before you sign
18 off on criticality and operation of the 5 percent?

19 MR. KNIGHT: I'm afraid I still missed the thrust
20 of your question.

21 CHAIRMAN PALLADINO: What I'm trying to find out is
22 what is going to be covered in the SSER that you will issue
23 on operation up to 5 percent power? What would be in that
24 that won't be in the fuel load?

25 MR. KNIGHT: Principally it will be those items, if

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1 you will, in the facility that are outside containment. That
2 is, there are questions on the auxiliary building, and
3 basically these are implementation of criterion in the
4 general sense. We have seen through our audit that the work
5 is being done in a manner we would consider appropriate, but
6 there is a detail here and a detail there where the information
7 we now have on the record we don't really think reflects
8 adequately the work that was done and we will be seeking
9 that information, evaluating it and addressing it in the SSER
10 that would follow sometime, hopefully, mid-December.

11 CHAIRMAN PALLADINO: These structures outside con-
12 tainment, might they be addressed after you have gone to 5
13 percent?

14 MR. KNIGHT: The only item there after 5 percent
15 would be structures such as the turbine building and the intake
16 structure if there were areas remaining, questions remaining.

17 MR. EISENHUT: Right. Another way to look at it,
18 it is not the distinction between the fuel load and criticality
19 as much as it is fuel load and 5 percent power, because it's
20 the criticality and 5 percent. So in that second step you
21 would add in items related to the auxiliary building, items
22 relating to the fuel handling building, some items related to
23 the turbine building, some items relating to the intake
24 structure. There would be items that you don't need for fuel
25 load items, but they would be items that you need for 5 percent

3joy3

1 power and also for full power, but they are required for 5
2 percent. So those are the kinds of issues that you pick
3 up actually at the criticality step.

4 So even though you don't need them, strictly speak-
5 ing, for criticality, you certainly do as you go up to power
6 at 5 percent. But we didn't make that kind of a fine
7 structure.

8 Maybe that gives a little better flavor of the kinds
9 of issues we are looking at, fuel handling, buildings, intake
10 structure, which you don't need on certain issues for fuel
11 load only.

12 CHAIRMAN PALLADINO: I guess what I was getting at,
13 if we were to target, to have a public meeting with the Commission
14 for, let's say, December 5th, if we limited it to fuel load
15 alone, we have all the information that we need except for
16 the Board decision. If we don't cover the additional items
17 needed up to 5 percent power at that meeting, we might be
18 faced with having another meeting later, and I was trying to
19 determine whether or not those additional items could be also
20 covered on December 5th.

21 MR. EISENHUT: They may well be. The only -- the
22 reason we haven't really committed to it is because, as I
23 mentioned earlier, when we go into the hearing process we are
24 going to be basically terminating -- obviously we will be
25 terminating some work back here, and we just don't know how

3joy4 1 close to resolution of those additional 13 items we will be.
2 Remember, we had 14 issues needed for fuel load, 13 additional
3 for low power, and from looking at it, we know that probably
4 a couple are already resolved. So it is a matter of whether
5 we focus our attention on that or not. We may well have that
6 wrapped up in time also for these. It is just too early to
7 tell at this point.

8 CHAIRMAN PALLADINO: Just trying to avoid having
9 to hold two such meetings, and yet I was trying to see what
10 we could do to come as close as possible to accommodate the
11 needed date for fuel loading. So I was trying to focus on a
12 proposal that could meet all the constraints I see, and
13 December 5th would certainly be a possible date for a public
14 meeting with the Commission on matters affecting fuel load and,
15 I would like to add, an operation up to 5 percent power.

16 MR. EISENHUT: That may very well be workable.
17 Certainly the PG&E activities and the IDVP to support it will
18 probably be well completed by then. We just didn't go out
19 to specifically look around and see whether it is or not.

20 CHAIRMAN PALLADINO: One of the reasons to try to
21 pick a date is if the Board decides to reopen the construction
22 QA matter, at least they would know we are planning to have a
23 meeting on the 5th and they could schedule around that. I
24 would propose the December 5th date even if there is a reopen-
25 ing of the hearing on construction QA.

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1 I believe all the matters will have been discussed
2 in the hearing and will have been covered by the IDVP, and
3 hopefully the SSER.

4 MR. DIRCKS: Darrell, when you say cleared up
5 by December 5th, you are talking about producing an SSER on
6 December 5th?

7 MR. EISENHUT: Yes. Certainly, I said, I am quite
8 confident that PG&E and the IDVP would be completed with those
9 activities by December 5th. I don't know whether or not the
10 Staff would have its SSER by December 5th.

11 MR. DIRCKS: But this would put you in the same
12 box as you are -- you wouldn't have time to review that
13 December 5th SSER before that public meeting. You have got
14 that problem.

15 CHAIRMAN PALLADINO: An alternative is to delay
16 that public meeting until we get the SSER, but that would
17 delay fuel loading, and that alternative is to have a meeting
18 on the 5th and then we will decide later if we want another
19 meeting on going up to 5 percent power. That we could decide
20 later.

21 Let me try your proposal to see if it would be
22 workable: that we would target for the public meeting on
23 December 5th; and we would target it to hear issues affecting
24 fuel load; however, we would necessarily limit it to that if
25 parties want to comment on going up to 5 percent power.

3joy6

1 Whether or not we would have another public meeting would have
2 to be decided by the Commission after it sees the SSER on
3 going up to 5 percent power.

4 One question I might ask since I have Mr. Rosenthal
5 here. I might ask him whether he has any feel on the firmness
6 of the hearing completio.. date, which is given as November
7 23rd, on the design QA, and any other comments you want to
8 make.

9 MR. ROSENTHAL: Mr. Chairman, as firm as one can be
10 in the adjudicatory arena. As you know, sometimes there are
11 unpleasant surprises, but the Board is quite confident on the
12 basis of what it knows today that that hearing will be
13 completed by the 23rd of November. I think if there is --
14 there is a very minimum possibility of slippage. In any case,
15 I am sure that slippage would not extend anywhere close to
16 December 5. That is the date that you are considering for
17 your open meeting.

18 CHAIRMAN PALLADINO: One other question one might
19 ask is what would be the impact if we wanted to interject
20 the public meeting while the hearings are going on? I didn't
21 raise it because I didn't think it was a desirable thing to
22 do, but maybe others have comments they would like to make
23 on that question?

24 (No response)

25 Well, then, let me repeat the proposal and see if

3joy7
1 we have concurrence. Is Commissioner Gilinsky going to be
2 here so we can get his input?

3 I wonder if I might ask another question while we
4 are waiting. If the Licensee does not load fuel until
5 sometime in December, how will this impinge on the projected
6 date for commercial operation? That is, is there enough
7 slack in the schedule?

8 MR. EISENHUT: I believe the schedule, starting from
9 the point of fuel load, is one to one. I think it is a one-to-
10 one schedule. I do know if you chose the utility's present
11 date, the senior vice president has worked on this.

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END 3

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M:ki 4:01

1 CHAIRMAN PALLADINO: We had a proposal I was going
2 to offer. If you'd like to be here when we decide, the
3 proposal is the target for December 5th as the date for the
4 public meeting with the Commission, and that that meeting
5 be concerned with items affecting fuel load. However, we
6 would not preclude parties bringing up matters that would
7 affect operation up to 5 percent power. At a later time we
8 would determine whether or not we needed another public
9 meeting on going up to 5 percent power, after we see what is
10 in the SSER on that subject.

11 This would permit the hearings to go on unimpeded.
12 It would give parties enough time to get the fuel load
13 SSER, and to prepare for the meeting. It would also give us
14 an opportunity to get an order out shortly after the 5th,
15 assuming that there is a Commission decision warranting such
16 an order.

17 COMMISSIONER ROBERTS: Let me ask a question. What's the
18 undesirability of having a public meeting while the hearing
19 is going on?

20 CHAIRMAN PALLADINO: As I understand it, the
21 parties would have to leave the hearing to come to such a
22 meeting, so that would interrupt that hearing. Also, it
23 would take them some time to orient their attention to the
24 meeting we're going to have and prepare for it, and then go
25 back and reorient. So there would be some delay over and above

MM:ki 4:02

1 the one day that we might have involved with others in the
2 hearing. We might ask Mr. Rosenthal to give us his opinion.

3 MR. ROSENTHAL: The Appeal Board is extremely
4 anxious that the Commission not schedule a meeting on one
5 of the dates that the Appeal Board has its hearing scheduled
6 for. The Appeal Board has encountered an enormous problem
7 in pursuing the Commission general policy of holding evidentiary
8 hearings at or close to the reactor sites. I will not bore
9 the Commission with the problems it has encountered, but
10 there simply is not very much available space in the
11 San Luis Obispo area. As it is, the hearing is being held
12 in two different locations, and the break on the 27th and 28th
13 of October is not for the purpose of allowing the Board or
14 the participants to sun themselves on the California beaches,
15 but rather it's because on those particular days neither of
16 the hearing locations which they have were available.

17 So any kind of intrusion, if I may put it that
18 way, on the hearing dates that the Board now has would have
19 in my judgment and in the judgment of the Diablo Canyon
20 Appeal Board, a very unhappy effect upon the ability of the
21 Board to conduct this hearing and get it over with by the
22 23rd of November.

23 Now, in terms of sandwiching the hearing in --
24 the Commission's meeting in, rather, on a date that the Board
25 is not meeting -- I don't know about this November 4th date.

M:ki 4:03

1 It was not one which I understood the hearings were going
2 to be in recess. I was also informed, perhaps incorrectly,
3 that the layover day in November was the 11th, not the 10th,
4 but that is something I'm going to have to check. The 11th
5 is a federal holiday, I might add, which is why I thought it
6 was the 11th and was told it was the 11th. I have to check
7 that out.

8 But in any case, the 10th or the 11th, as the
9 case may be, that is one day, and I think that the chairman's
10 concerns in terms of the parties being able to both prepare
11 for that meeting and also discharge their responsibilities in
12 the hearings is a justifiable concern. I think the two-day
13 break in October, the 27th and 28th, there is that problem
14 as well as far as the Appeal Board is concerned, even though
15 it's up, really, to the Commission to decide whether it
16 wishes to take advantage of those very brief breaks in the
17 hearing schedule.

18 Our only concern is that there not be interference
19 with the hearing schedule itself, for the reasons that I
20 indicated.

21 COMMISSIONER GILINSKY: How many days of hearing
22 are there going to be altogether?

23 MR. ROSENTHAL: I didn't count them up. My
24 schedule showed -- I guess Monday through Friday. I guess
25 this is Monday through Friday -- Mr. Chandler says it's 19

MM:ki 4:04 1 days. Now, it is quite possible, of course, that the hearing
2 will not extend that long. When the Board set the 23rd
3 as the concluding date, that was based upon its best estimate
4 of the longest that hearing might run. But as you well know,
5 it's very difficult to predict in advance precise length of
6 an adjudicatory hearing which, obviously, depends in part
7 upon the length of cross examination and the like.

8 CHAIRMAN PALLADINO: Any other questions? Were
9 you thinking in terms of trying to use one of these open
10 dates for --

11 COMMISSIONER GILINSKY: Or one of the hearing
12 days.

13 MR. EISENHUT: We also have to recognize that if
14 you delay the fuel loading decision, the hearing is not on
15 the critical path based on the present schedule, because
16 the hearing schedule is laid out to be completed in time for
17 a decision in January, approximately sometime in January.

18 CHAIRMAN PALLADINO: Which decision?

19 MR. EISENHUT: The hearing decision from the
20 Hearing Board, which would be about the same kind of day
21 that was being talked for when the plant would be ready to
22 go above 5 percent. The context of the hearing has been
23 billed as a hearing in support of decision prior to going
24 above 5 percent.

25 So if, in fact, the fuel load decision date

M:ki 4:05

1 extends beyond the October time frame, then in fact the
2 hearing becomes not on the critical path, and certainly
3 a day probably would not have an impact on the fuel load
4 decision.

5 MR. ROSENTHAL: It might not, but again there's
6 a logistics problem. I think that the Board is entitled to
7 some consideration on that score. I can't stress again the
8 difficulties that this Board has had in arranging for space.
9 I'm not certain at this point whether the space that they
10 have would be available past the 23rd of November.

11 This has been a serious problem. I am candid to
12 state that I encouraged that Board chairman when he ran
13 into these serious logistic problems, to take that hearing
14 to Los Angeles or San Francisco, understanding the Commission's
15 general policy. They made the college try. They have got
16 space there, and I strenuously urge the Commission not to
17 interfere with the hearing dates. If the Commission again
18 wants to put this meeting on an open date, that's another
19 matter.

20 The question then is to whether it's putting an
21 unfair or difficult burden upon the parties to satisfy both
22 their hearing responsibilities and their responsibilities
23 in preparation for the meeting.

24 CHAIRMAN PALLADINO: One possibility that the
25 Commission may want to consider is having the meeting on the

MM:ki 4:06

1 27th or 28th of October.

2 COMMISSIONER ROBERTS: I think that's a reasonable
3 suggestion. You've got two weeks after the Staff SER for
4 comment on it.

5 MR. PLAINES: Mr. Chairman, you have to take into
6 account travel time, unless you are prepared to go to
7 California.

8 CHAIRMAN PALLADINO: Suppose one took the 28th.

9 COMMISSIONER ROBERTS: The 28th and the 27th.

10 COMMISSIONER ASSELTINE: Is there a hearing in
11 session on Saturday, the 29th?

12 MR. EISENHUT: It reconvenes on the 31st.

13 MR. CHANDLER: Space simply was not available on
14 those two days.

15 COMMISSIONER ASSELTINE: If we did the 28th, that
16 would give them a chance to get back here and also get back
17 in time for the hearing on Monday.

18 COMMISSIONER ROBERTS: That's reasonable.

19 CHAIRMAN PALLADINO: The only question is whether
20 or not there's enough time for them to direct their attention
21 to the matters that we are going to address. Do you propose
22 to substitute the 28th?

23 COMMISSIONER ROBERTS: Yes.

24 CHAIRMAN PALLADINO: The 28th of October?

25 COMMISSIONER ROBERTS: Yes.

MM:ki 4:07

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CHAIRMAN PALLADINO: Any comment on that?

COMMISSIONER ASSELTINE: Darrell, you say the SSER that will come out at about the 14th is going to be a fairly small document?

MR. EISENHUT: As we envision it, yes. It will be basically addressing the 14 or so issues relating to fuel load, and it basically -- we're looking at the answers we're getting from PG&E. It will also be a review of the ITRs, additional ITRs that are coming in. So the way we envision it right now, it will be a small document.

MR. KNIGHT: If I may, just for a point of clarification, I think we agree on this. When we say the ITRs, we're referring to those ITRs germane to the fuel load issue.

COMMISSIONER ASSELTINE: I gather all those will be in no later than October 4th?

MR. EISENHUT: Yes. In fact, the point I was making earlier, the October 4th latest ITR does not relate to fuel load, so it will all be in somewhat earlier than that.

That's the only reason we think we can make it October 14th.

CHAIRMAN PALLADINO: Excepting for travel, it looks like an open date. Then let me try the proposal, substituting October 28th for December 5th.

COMMISSIONER ROBERTS: Aye.

CHAIRMAN PALLADINO: Any comments? We are going

MM:ki 4:08

1 to vote on that date, so you have to decide whether it impacts
2 on your wishes.

3 COMMISSIONER GILINSKY: I will not hold up the
4 work of the Commission. Is November 4th an impractical
5 date?

6 COMMISSIONER ASSELTINE: That's a Friday.

7 CHAIRMAN PALLADINO: We have a problem with
8 travel.

9 COMMISSIONER GILINSKY: Why don't you go forward?

10 CHAIRMAN PALLADINO: So the question before us,
11 then, is the plan is for -- and I would like to get a vote --
12 for the Commission to hold a public hearing on the Diablo
13 Canyon matter -- a public meeting on the Diablo Canyon matter
14 with the Commission on October 28th, with focus on fuel load
15 items. But we would not preclude parties bringing up other
16 items relating to operation up to 5 percent.

17 All those in favor, indicate by saying "Aye."

18 COMMISSIONER ROBERTS: Aye.

19 COMMISSIONER BERNTHAL: Aye.

20 COMMISSIONER ASSELTINE: Aye.

21 COMMISSIONER GILINSKY: I guess it's obvious I
22 can't vote on it.

23 CHAIRMAN PALLADINO: We have four votes on it and
24 one abstention.

25 Another question is where would the meeting be

MM:ki 4:09

1 held? I shall make a proposal and see if it leads to an
2 answer. I would propose that it be in Washington, D.C.,
3 particularly because of the logistics of all our people
4 flying out there. And also, if the Hearing Board is having
5 trouble finding a place, we, presumably could have comparable
6 trouble.

7 COMMISSIONER ASSELTINE: I guess I would have
8 accommodated the request that we have it out there, but I
9 suspect that you are right. The logistical problem would
10 be the same for us as for them, and on balance I would prefer
11 to honor the request that we received to hold the meeting
12 out there.

13 CHAIRMAN PALLADINO: Well, recognizing we selected
14 the date of the 28th, would you vote for a meeting in
15 Washington?

16 COMMISSIONER ASSELTINE: Yes, I would.

17 COMMISSIONER ROBERTS: Yes.

18 COMMISSIONER BERNTHAL: Yes.

19 CHAIRMAN PALLADINO: Can we get an official vote
20 on that? We hold the meeting on November -- on October 28th
21 on Diablo Canyon here in Washington, D.C.

22 COMMISSIONER ASSELTINE: Aye.

23 COMMISSIONER ROBERTS: Aye.

24 COMMISSIONER BERNTHAL: Aye.

25 CHAIRMAN PALLADINO: Do you abstain?

M:ki 4:10

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COMMISSIONER GILINSKY: I abstain.

2

CHAIRMAN PALLADINO: Is there anything more that
you wish to discuss on this issue at this time?

4

(No response.)

5

If not, thank you. We are adjourned.

6

(Whereupon, at 4:30 p.m. the hearing was adjourned.)

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CERTIFICATE OF PROCEEDINGS

1
2
3 This is to certify that the attached proceedings before the
4 NRC COMMISSION

5 In the matter of: Diablo Canyon

6 Date of Proceeding: 9/27/83

7 Place of Proceeding: 1717 H St.NW, Room 1130, Washing
8 D.C.

9 were held as herein appears, and that this is the original
10 transcript for the file of the Commission.

11 Mimie Meltzer
12 Official Reporter - Typed

13 
14 Official Reporter - Signature

COMMISSION BRIEFING
ON
DIABLO CANYON
SEPTEMBER 27, 1983

STAFF'S FUEL LOAD ESTIMATES FROM
SEPTEMBER 13, 1983 BRIEFING

1. PG&E DESIGN/ENGINEERING/ANALYSIS COMPLETE 9/30/83

2. IDVP EVALUATION COMPLETE
ITR REV. 0 AND REV. 1 SUBMITTED 9/30/83

3. FUEL LOAD
MODIFICATIONS COMPLETE 9/30/83
AS BUILT WALK DOWN COMPLETE 10/07/83
FULL SECURITY IN PLACE 10/10/83

4. STAFF REVIEW
ADDITIONAL SER SUPPLEMENT FOR FUEL LOAD
WITHIN ABOUT 3 WEEKS AFTER ITEM 2 10/20/83

SLIDE 1
9/27/83

Commission Briefing 09-13-83

TABLE 1
ITR COMPLETION SCHEDULE

<u>ITR-</u>	<u>SUBJECT</u>	<u>SCHEDULED ISSUE DATE</u>	
		<u>REV 0</u>	<u>REV 1</u>
51	CONTAINMENT ANNULUS		0916 09-21 ✓
54	CONTAINMENT STRUCTURE		0930 10-01
55	AUXILIARY BUILDING		0930
56	TURBINE BUILDING	0915 09-20 ✓	0923 09-24
58	INTAKE STRUCTURE		0915 09-30
59	LARGE-BORE PIPE		0916 09-24
60	PIPE SUPPORTS		0916 09-29
61	SMALL-BORE PIPE		0916 09-30
63	MISCELLANEOUS (HVAC DUCTS AND SUPPORTS, RACEWAYS, INSTRUMENT TUBING, AND SUPPORTS)		0916 10-02
65	RUPTURE RESTRAINTS (OUTSIDE CONTAINMENT)	0916 09-19 ✓	0930 10-02
68	SOILS	0917 09-22 ✓	0926 10-04

✓ completed

09-27-83
~~SLIDE 10~~
Slide 2

STAFF OPEN ITEMS IN SSER 18 .

- ° TOTAL 30
- RESOLUTION NEEDED PRIOR TO:
 - 1. FUEL LOAD 14
 - 2. CRITICALITY/LOW POWER 13
 - 3. FULL POWER 3

- ° UTILITY RESPONSE SUBMITTED FOR ALL OPEN ITEMS

- ° IDVP CONSIDERS 22 OPEN ITEMS WITHIN ITS SCOPE,
8 OPEN ITEMS BEYOND ITS SCOPE

- ° IDVP WILL SUBMIT RESPONSES BY 09/30/83

SLIDE 3A
09/27/83

FUEL LOAD OPEN ITEMS IN SSER 18

TOTAL OPEN ITEMS	14
STAFF PRELIMINARY REVIEW	
° RESOLVED	5
° LIMITED CONFIRMATION OF DATA NEEDED	3
° ADDITIONAL INFORMATION NEEDED (MEETING AND/OR ADDITIONAL SUBMITTAL)	6

PLANT STATUS AND SCHEDULE
(PG&E ESTIMATE OF 9/23/83)

FUEL LOAD MODIFICATIONS COMPLETE	09/30/83
AS BUILT WALK DOWN COMPLETE	10/07/83
FULL SECURITY IMPLEMENTED	09/23/83
UTILITY READY FOR FUEL LOAD (SECURITY PLUS 30 DAYS)	10/22/83
REACTOR COOLANT SYSTEM HEATUP	12/07/83
CRITICALITY	12/21/83
POWER ASCENSION (ABOVE 5%)	01/22/83

SLIDE 4
9/27/83

OVERALL STATUS FOR
FUEL LOAD ONLY
(09/27/83)

- ° PG&E HAS RESPONDED TO STAFF SSER 18 OPEN ITEMS
- ° IDVP HAS SUBMITTED REV. 0 TO ALL ITRs
- ° IDVP WILL SUBMIT LAST REVISION TO ITRs BY OCTOBER 4
- ° IDVP WILL UPDATE ITS FINAL REPORT ON OCTOBER 10
BY INCLUDING RESULTS OF ALL ITRs
- ° STAFF EVALUATION REGARDING FUEL LOAD IN ADDITIONAL
SSER SUPPLEMENT WILL COVER
 - ° 14 OPEN ITEMS
 - ° REVIEW OF ITRs
- ° SSER SUPPLEMENT WILL BE ISSUED WITHIN 3 WEEKS OF
LAST SUBMITTAL

SLIDE 5

09/27/83

DAVID S. FLEISCHAKER

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DOCKETED
USNRC

'83 SEP 16 P3:02

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

September 15, 1983

Nunzio Palladino, Chairman
James Asselstine, Commissioner
Frederick M. Bernthal, Commissioner
Victor Gilinsky, Commissioner
Thomas Roberts, Commissioner
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Re: Pacific Gas and Electric
Company, Diablo Canyon
Nuclear Power Plant
Unit 1 and Unit 2,
Docket # 50-275 & 50-323

Gentlemen:

The Commission has deferred indefinitely its meeting to hear the views of the parties to the Diablo Canyon licensing proceeding on reinstatement of the low power test license. When that meeting is rescheduled, we request that it be held in San Luis Obispo, California, the location of the plant, and that the public be provided an opportunity to address the Commission.

We believe that all parties -- and particularly the Commission -- have much to gain by granting this request. In the first place, a local hearing will increase public understanding of the Commission's deliberative process. Usually all that the public sees is the final product of the Commission's deliberations, an edict issued by faceless bureaucrats living far from the plant. However, if the public is provided the opportunity to hear the arguments

first hand, (instead of through second hand, abbreviated news reports) and to see the Commission consider those arguments, then they are likely to have a greater appreciation for the decision making process. Moreover, if they believe in the strength of their case, PG&E, Teledyne and the Staff should welcome the opportunity to present them to the public.

Secondly, presenting the public an opportunity to express their views to the Commissioners demonstrates that this matter is receiving the high degree of concern that it merits.

The events of the last two years have taken their toll on public confidence. First, in an unprecedented act, the Commission, in November 1981, was compelled to reverse its safety finding and suspend the Diablo Canyon operating license issued only two months earlier. Since that time repeated disclosures of major design and construction errors has further eroded public confidence in the plant's safety. And most recently the public learned that PG&E (1) withheld documents reporting major deficiencies in the quality assurance program of a major construction contractor, and (2) misled the Appeal Board on this matter in sworn testimony at the July, 1983 "mini hearing,"*/ a disclosure that cast suspicion on the reliability of the Diablo Canyon Project's recent assurance that the plant is now safe.

Under these unusual circumstances, the Commission should take every step to permit public participation and

*/ Joint Intervenors Supplement to Motion to Reopen the Record on the Issue of Construction Quality Assurance Dated September 9, 1983

September 15, 1983
Page Three

increase public appreciation for its decision making process. Granting this request is a step in that direction.

Very truly yours,

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

_____))
In the Matter of))
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275
) 50-323
(Diablo Canyon Nuclear Power))
Plant, Unit 1 and Unit 2))
_____)

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 1983, I have served copies of the foregoing letter, mailing them through the U.S. mails, first class, postage prepaid.

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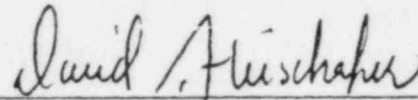
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David S. Fleischaker

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

September 21, 1983

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: *HHEP* Herzel H. E. Plaine
General Counsel

SUBJECT: DIABLO CANYON SCHEDULE

The Commission now needs to establish a schedule to consider reinstating the fuel loading and/or low-power testing license for Diablo Canyon. We assume the Commission still intends to hear the comments of PG&E, Joint Intervenors, and Governor Deukmejian at a public meeting before deciding whether to lift the suspension. By letter dated September 15, 1983, Joint Intervenors requested the Commission to convene this meeting in the vicinity of the plant (San Luis Obispo, California) and that the public be provided an opportunity to address the Commission. The Commission should respond to this request when it announces a schedule for the public meeting. The Commission has the following options regarding the timing of the public meeting:

- a. As soon as possible;
- b. Upon completion of the IDVP final report;
- c. Upon issuance of the staff's SSER concluding review of open items;
- d. Following the Appeal Board hearings on design QA, already scheduled;
- e. Following the Appeal Board decision concluding the reopened proceeding (including both design and construction QA).

In considering when to schedule the meeting, the Commission should be aware of previous commitments regarding who would authorize various stages of operation. In a February 17, 1983 letter to Congressman Udall and at a March 8, 1983 hearing before the Subcommittee on Energy and the Environment, Chairman Palladino described the decisionmaking

CONTACT:
Richard A. Parrish, GC, 43224

process in terms that probably left Mr. Udall with the impression that the Commission itself intended to decide whether to lift the suspension, as opposed to delegating that decision to the staff (repeated references to "we" will authorize, require, etc., contrasted with "the NRC staff" will review and evaluate). Also, at a public Commission meeting held on December 8, 1982, it was clearly, if not enthusiastically, stated that the Commission would decide all three stages of authorization (fuel load, criticality and low-power testing, full-power operation). Transcript at 15-16. Whether to modify this commitment by now delegating some decision authority to the staff, or combining decision stages if appropriate, is a policy decision available to the Commission.

Relative advantages of the several scheduling options are for the most part self-evident. Generally, the following factors should be considered in selecting a schedule option: (1) the degree of completion of IDVP, staff, and Appeal Board review of these matters and consequent availability of information for the parties to address at the meeting; (2) scheduling and logistic difficulties; and (3) unnecessary delay to the applicant.

a. As soon as possible.

This option revives the schedule only recently modified by the Commission to allow completion of more of the IDVP. The staff appears to prefer a meeting as soon as possible to avoid the potential for unnecessary delay to the licensee or interference with the Appeal Board hearings. PG&E prefers a meeting as soon as possible for the same reasons. As a practical matter, we could not easily reschedule the meeting before issuance of the final IDVP report, projected for early October (final Interim Technical Reports due 9/30). In addition, Governor Deukmejian has scheduled a series of depositions between September 19 and 28.

b. Following issuance of final IDVP report for fuel load.

This option responds to staff and licensee concerns for a prompt meeting but provides for the completion of the IDVP and more time in which to schedule the meeting. The IDVP input would be complete in early October and a meeting could be scheduled before the Appeal Board hearings convene. The final staff analysis would not yet be available. Thus, the Commission should consider providing an additional opportunity to comment, at least in writing, on the final staff analysis and conclusions if this option is adopted.

c. Following issuance of final staff SSER.

This option would be consistent with past practice in this proceeding which provided the parties a chance to comment orally and in writing at the completion of staff review and recommendations (independent contractor, program plan, 3-stage decision). However, it presents the possibility of significant delay beyond the date the licensee expects to be ready to load fuel (October 10 -- because of the open items before the Appeal Board, it is uncertain whether or how this would affect the schedule for commercial operation). The staff projects issuance of the SSER for October 20-25. If the Commission prefers to meet with the parties after issuance of the SSER, the meeting would have to be scheduled during or following the Appeal Board hearings on design QA which begin in California on October 24 and are projected to run, with several open days, through November 23. The Appeal Board has expressed its strong concern that a Commission meeting not interfere with the scheduled hearings on design QA, the result of a great deal of planning by the Board and parties. Though several open days (October 27, 28, November 4, and 10) are available during the Appeal Board hearings, travel requirements and preparation time required for both the Commission meeting and Appeal Board hearings would make it difficult to schedule the Commission meeting in the middle of the Appeal Board hearings. If the Commission is interested in pursuing this option, it should give serious consideration to holding the meeting in California.

Though his position is difficult to discern, Governor Deukmejian appears to prefer awaiting the completion of the staff review of the IDVP at a minimum, and perhaps the Appeal Board hearings, before the Commission considers the staff recommendations.

d. Following Appeal Board hearings on design QA.

This option is presented primarily to offer additional assurance through development of a more complete record that no further problems exist and to avoid scheduling a meeting during the Appeal Board hearings. If the Appeal Board reopens on construction QA, those separate hearings would probably not convene until at least January 1984.

- e. Following the Appeal Board decision on design QA, and perhaps construction QA.

Joint Intervenors believe the reopened hearings should be completed and decided prior to a decision on lifting the suspension to provide maximum assurances of a properly designed and constructed plant. An Appeal Board decision on design QA cannot be expected before late January 1984. Meanwhile, the Appeal Board has not yet decided whether to reopen on construction QA.

Joint Intervenors' have submitted to the Commission two separate requests for hearings, one on lifting the suspension (September 6, 1983) and one on PG&E's requested license amendment extending the term of the low-power license (August 29, 1983). OGC's analysis of these requests will be submitted shortly.

The Commission should promptly establish the schedule for meeting with the parties to facilitate planning by all concerned. If the meeting is held before issuance of the SSER, we recommend providing the parties an additional opportunity to comment on the staff's final analysis and recommendation. Depending upon the significance of any last-minute staff analysis, written comments would probably suffice. OGC and OPE are available to discuss the details of this scheduling matter at your convenience.

cc: OPE (2)
SECY (2)

PACIFIC GAS AND ELECTRIC COMPANY

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USNRC

PG&E +

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September 27, 1983

Chairman Nunzio J. Palladino
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, DC 20555

Commissioner James K. Asselsti
Commissioner Frederick M. Bernthal
Commissioner Victor Gilinsky
Commissioner Thomas M. Roberts

Dear Mr. Chairman and Commissioners:

This letter is to respectfully request that the Commission restore at the earliest possible time Pacific Gas and Electric Company's low-power license for Diablo Canyon Power Plant in accordance with the three-step licensing process approved by the Commission on December 8, 1982. PG&E has complied fully with all requirements imposed by the Commission for loading fuel and proceeding with Step 1 of the three-step licensing process.

As you know, PG&E, in conjunction with Bechtel Power Corporation, has been engaged in a massive verification of the design of Diablo Canyon. This effort has involved the expenditure of over 1100 man years of intensive technical review. Additionally, the Independent Design Verification Program (IDVP) has expended over 125 man years in the performance of its verification activities.

Throughout this program, the Commission and the Staff have afforded intervenors the opportunity to file comments, participate in meetings and briefings, and otherwise become involved in the process. Furthermore, they have received copies of all significant documents generated by the verification program including Interim Technical Reports (ITR's), Final Reports and Staff SER's. In short, they have participated in and provided input to the verification process.

Chairman Nunzio J. Palladino
September 27, 1983
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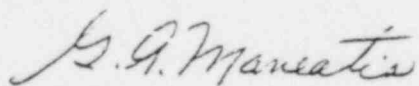
On September 13, 1983, the Commission was briefed by the Staff and the IDVP on the status of the verification effort. During its presentation, the Staff recommended that the Commission restore the license subject to certain enumerated conditions. We concur with that recommendation. At this time, all of the IDVP analytical work has been completed. All that remains is for the IDVP to verify that the committed work has been completed and issue Revisions to the applicable ITR's documenting completion of this work. The last of the ITR's are scheduled to be issued on October 4, 1983.

We do not believe that an additional comment period by the parties is warranted as a condition for reinstatement of our license and for completion of Step 1 of the three-step licensing process. In approving the three-step licensing process, the Commission clearly indicated that fuel loading and cold system-testing could occur before all activities of the verification program were completed.

Accordingly, we request that the Commission restore, in accordance with the Staff recommendation, our authority to load fuel and allow us to proceed with the test activities authorized in Step 1 of the three-step licensing process. We expect that the plant will be ready for fuel load on or before October 22, 1983. We will, of course, not proceed with fuel loading until we are satisfied that the plant is ready in all respects for fuel loading.

A timely decision in this matter would be greatly appreciated.

Sincerely,



G.A. Maneatis
Executive Vice President
Facilities & Electric
Resources Development

GAM:gdb

cc: Service List

12/82

TRANSMITTAL TO: Document Control Desk, 016 Phillips

ADVANCED COPY TO: The Public Document Room

DATE: 9/28/83

cc: OPS File

FROM: SECY OPS BRANCH

C&R (Natalie)

Attached are copies of a Commission meeting transcript(s) and related meeting document(s). They are being forwarded for entry on the Daily Accession List and placement in the Public Document Room. No other distribution is requested or required. Existing DCS identification numbers are listed on the individual documents wherever known.

Meeting Title: Discussion of Diablo Canyon Schedule

Meeting Date: 9/27/83 Open Closed

DCS Copies
(1 of each checked)

Item Description:	Copies Advanced To PDR	*	Original Document	May be Dup*	Duplicate Copy*
1. TRANSCRIPT When checked, DCS should send a copy of this transcript to the LPDR for: <u>w/ Viewgraphs.</u>	1	*	1	—	—
2. <u>Letter from D. Fluschaker to Commissioners dated 9/15/83</u>	1	*	1	—	—
3. <u>Memorandum from H. Plaine to Commissioners dated 9/21/83</u>	1	*	1	—	—
4. <u>Letter from F. Co. E. to Commissioners dated 9/27/83.</u>	—	*	—	—	—

(PDR is advanced one copy of each document, two of each SECY paper.)

*Verify if in DCS, and Change to "PDR Available."