



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

RECEIVED AUG 10 1984

August 13, 1984

OFFICE OF THE
SECRETARY

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MEMORANDUM FOR: Parties (Docket Nos. 50-275/923-01) OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
FROM: *WLC* William L. Clements, Chief, Docketing and Service Branch
SUBJECT: COMMISSIONER BERNTHAL'S REVISED VIEWS TO CLI-84-12

Attached are Commissioner Bernthal's Revised Additional Views dated August 13, 1984 to CLI-84-12 (August 10, 1984).

cc: ASLBP
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COMMISSIONER BERNTHAL'S ADDITIONAL VIEWS

The Commission has been remiss in not dealing with this issue earlier, as it had indicated three years ago it would. Be that as it may, the question today is how best to proceed, in a manner that assures adequate protection of public health and safety, and is equitable and fair to the parties concerned.

My support of the Commission's order rests on a massive record compiled by the Licensing and Appeal Boards. That record includes the technical judgment of the best seismologists in this country. Their judgment is that the seismic design basis of this facility is adequate to prevent a radiological release from the most severe earthquake that could reasonably be postulated in the vicinity of Diablo Canyon. The complex basis for this conclusion is entirely consistent with the simple, factual, 200-year recorded history of seismic activity in the vicinity of the plant.

As for the probability of a random simultaneous occurrence of 1) an earthquake which could disrupt emergency planning and, 2) an accident severe enough to result in a radiological release from other causes, the comments of the parties in response to CLI-84-4 provided no basis for the notion that such an eventuality ought to be taken into account in emergency planning either generically or for Diablo Canyon specifically. My judgment in this regard is

actual record of seismic activity in the vicinity of Diablo Canyon, at least, convinces me that earthquakes need not be similarly treated in this case. Nor do I find, from all of the information before me at the present time, any basis to reconsider the San Onofre decision.

The hazards of earthquakes, tornados, hurricanes, and fogs rarely choose to conform themselves to state boundaries. California has no monopoly on seismic activity. Three of the four most severe earthquakes ever recorded in the continental United States occurred in the eastern half of the country. Further, there may be reasoned arguments which are possible, but which have not been made by the parties to the Diablo Canyon proceeding, to support the specific consideration of seismic effects on emergency planning in the areas surrounding nuclear facilities. Therefore, out of an abundance of caution, I have agreed that the Commission should get on with the generic proceeding it committed to initiate in the San Onofre decision so that this issue may finally be laid to rest.