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CHAIRMAN

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

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The Honorable Jerry Patterson  
United States House of Representatives  
Washington, D. C. 20515

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Dear Congressman Patterson:

This letter is in response to Congressman Panetta's and your letter of October 5, 1984, concerning issues you believe the Commission should consider at Diablo Canyon. As you mention in your letter, Commissioner Asselstine has recommended several actions which might be taken given the stay of Diablo Canyon's Full Power License. The Commission carefully considered these suggestions.

The Commission has decided that the hearing record should not be reopened to permit litigation of the complicating effects of earthquakes on emergency planning. The Commission found that the frequency of severe earthquakes is sufficiently low that the chance of one occurring at the particular time of a reactor emergency is very small, unless the earthquake is itself the cause of the emergency. The Commission has made extraordinary efforts to prevent earthquakes from causing reactor emergencies. On the basis of these factors and the other considerations set forth in the Commission's Order of August 10, 1984 (CLI-84-12), the Commission believes its decision is reasonable and is fully supported by the record.

The Commission also found that another analysis of the seismic design and quality assurance issues at Diablo Canyon was not necessary, given the history of this plant. Pacific Gas and Electric Company spent almost two years conducting a design verification program. The Appeal Board, after a full adjudicatory hearing, found that this program had adequately resolved the design QA deficiencies at Diablo Canyon. A peer review panel was convened to look into Mr. Yin's concerns, and the NRC's independent Advisory Committee on Reactor Safeguards also studied this issue. Both concluded that PG&E's response to Mr. Yin's concerns was satisfactory. Thus the Commission believes its determination is based on the clear weight of the information that the design QA requirements for Diablo Canyon have been met.

Commissioner Bernthal agreed with the suggestion of Commissioner Asselstine that it would be desirable for Mr. Yin to lend his expertise to further review of the small and large bore piping seismic design adequacy, in an effort to resolve the engineering difference of opinion that exists on this

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matter, provided only that such further review would be substantive, and could be carried out in a way that would not be disruptive. Commissioner Bernthal notes that while it may not always prove possible to find professional consensus in such matters, it is an objective that is worth striving to achieve.

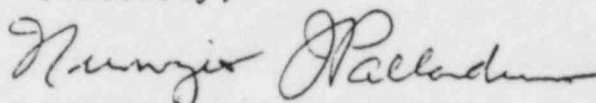
The Office of Inspector and Auditor will be conducting a review of the administrative management of allegations, and the Region V staff's performance in handling Diablo Canyon allegations will be addressed in that study.

We hope this letter is responsive to your concerns.

Commissioner Asselstine has the following comments:

"Following the Subcommittee's August 30 hearing, I sent a memorandum to my colleagues to follow up on the suggestions I made in my testimony. A copy of my memorandum is enclosed. Unfortunately, a majority of the Commission did not approve my suggestions. I continue to believe that the actions I suggested would do much to address the public concerns that have been raised regarding the Commission's full-power licensing decision for the Diablo Canyon plant and would minimize the potential for further delay in this case."

Sincerely,



Nunzio J. Palladino

Enclosure:  
9/7/84 Memo from  
Commissioner Asselstine  
to the Commissioners

Identical Letter sent to:

The Honorable Leon E. Panetta  
United States House of Representatives  
Washington, D. C. 20515