



OFFICE OF THE
COMMISSIONER

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

9/21
COMJA-84-7

September 7, 1984

MEMORANDUM FOR: Chairman Palladino
Commissioner Roberts
Commissioner Bernthal
Commissioner Zech

FROM: James K. Asselstine *[Signature]*

SUBJECT: DIABLO CANYON

During the course of the Congressional hearing last week on Diablo Canyon, I suggested several actions the Commission could take to minimize the potential for delay in the Diablo Canyon case. I would like you to consider those suggestions:

1. The Commission should reopen the hearing record to permit litigation of the complicating effects of earthquakes on emergency planning.
2. The Commission should establish a further special review of the small and large bore piping seismic design adequacy. This review should be under the direction of NRC staff members who have not been directly involved in the previous design review efforts and should have as its objective achieving a consensus resolution of the concerns identified by Isa Yin and of the allegations relating to the seismic design work at the plant. Mr. Yin should have a significant role in this review effort.
3. The Commission should reopen the OIA investigation of staff's conduct. Such an investigation should include interviews with those who submitted allegations to assure that we have all the facts.
4. The Commission should consider carefully the need to reopen the record of this proceeding on other design and construction QA issues and decide whether the Appeal Board rulings are correct.

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PDR COMMS NRCC
CORRESPONDENCE PDR

We should make good use of the next few months while the stay is in place rather than just sitting back and hoping that some court eventually rules in our favor. Doing any one or all four of these things will help to minimize the potential for delay should the court ultimately rule against the NRC. These are some of the more likely grounds upon which a court would reverse the agency's licensing decision. Authorization of a license would more than likely have to await the completion of whatever action the court would require to correct flaws in the Commission's decision. Further, clearing up these flaws in the Commission's decision can only help to increase the public's confidence in our decision.

I would like SECY to track responses to this memo.

cc: SECY
OPE
OGC