

# Congress of the United States

Washington, D.C. 20515

October 5, 1984

Honorable Nunzio Palladino  
Chairman  
Nuclear Regulatory Commission  
1717 "H" Street, N.W.  
Washington, D.C. 20555

Dear Mr. Chairman:

Thank you for your assistance in making Messrs. Richard Vollmer, John Martin, Isa Yin, and Thomas Bishop of the NRC staff available for the House Subcommittee on Energy and the Environment's Diablo Canyon oversight hearing in San Luis Obispo, California on August 30. We sincerely appreciate the Commission's compliance with Congressional requests of this kind and are especially grateful that Commissioner Asselstine took time out of his busy schedule to testify at the Subcommittee hearing.

At the August 30 hearing, Commissioner Asselstine identified three issues associated with the licensing of Diablo Canyon which he feels demand additional consideration by the Commission. He noted that the stay of Diablo's Full Power Operation License by the U.S. Court of Appeals for the District of Columbia provides the Commission with ample opportunity to further pursue these issues and to minimize the potential for further delays in the Diablo licensing process.

Specifically, Commissioner Asselstine recommended: 1) that the Commission provide parties to the Diablo proceeding with the opportunity to litigate the complicating effects of earthquakes on emergency planning for this facility; 2) that the Commission allow Mr. Yin to conduct a special review of the adequacy of Diablo's small and large bore piping support systems; and 3) that the Commission reopen the investigation into allegations of NRC staff misconduct during Commission meetings held prior to the issuance of Diablo's low power license. We believe Commissioner Asselstine's recommendations should be followed and would urge the Commission to take them under serious consideration.

In our view, the additional time provided by the Court's stay of the Diablo license should be used productively to address Commissioner Asselstine's concerns. Because proper seismic design is critical to the safety of the Diablo facility, we are especially eager to see this issue resolved.

8411050460 841031  
PDR COMMS NRCC  
CORRESPONSE PDR

Page Two  
October 5, 1984

Thus, we would again like to outline our views in this area, with the hope that you will reconsider your decision not to authorize design review.

In our letter to you dated July 30, we expressed concern about the handling of the seismic design control issues raised by Mr. Yin before the Commission on March 26. At the August 30 hearing, Mr. Yin and Commissioner Asselstine outlined the implications these seismic design problems have for the overall quality assurance program at Diablo Canyon. As Commissioner Asselstine pointed out:

The record of this (licensing) proceeding, allegations filed by former workers at the site and subsequent NRC inspections, including those performed by NRC inspector Isa Yin, all document a widespread quality assurance breakdown in the seismic design work for small bore piping in the plant. This quality assurance breakdown raises serious questions regarding both the adequacy of quality assurance for other design activities for the plant and the adequacy of the Independent Design Verification Program (IDVP).... Based upon the continuing concerns expressed by Mr. Yin regarding the adequacy of the (NRC) staff's verification efforts and the extent of the seismic design quality assurance breakdown in the case, I am not yet satisfied that the Commission has the information needed to conclude, with a high degree of confidence, that all significant seismic design errors for this plant have been identified and corrected.

The conclusions of the NRC Peer Review Group (PRG) and the Advisory Committee on Reactor Safeguards (ACRS) notwithstanding, Commissioner Asselstine's comments lead us to question whether a "high level of confidence" in the full power operability of the Diablo facility can exist at this time. Given the special significance of seismic design for Diablo and the extent of past quality assurance breakdowns in this area, we feel it imperative that the NRC staff now achieve a consensus resolution of the concerns identified by Mr. Yin. It is particularly important for Mr. Yin to be satisfied with any design reverification effort, since it was he alone who was able to identify substantive design problems which had gone unnoticed by previous NRC staff inspections and the IDVP.

Therefore, after careful consideration, we again respectfully request that you provide Mr. Yin with the additional time and organizational freedom necessary to undertake a thorough analysis of the seismic design and quality assurance issues at Diablo which he and Commissioner Asselstine feel have not been adequately addressed.


Page Three  
October 5, 1984

We believe now would be an appropriate time to initiate this review, especially given the full Court of Appeals' October 2 decision not to lift the stay on Diablo's full power license. Commissioner Fred Bernthal stated at the August 2 Commission hearing that he "would have no problem" with such a review, and Mr. Yin has repeatedly stated that this effort could be completed in only three to five weeks. Such a review would help assure the public and the Courts that every step is being taken to provide for the safety of the Diablo facility.

Thank you for considering our views. We hope to receive a response from you as soon as possible.

Sincerely,

  
JEFF PATTERSON  
Member of Congress

  
LEON E. PANETTA  
Member of Congress

cc: Commissioner Asselstine  
Commissioner Roberts  
Commissioner Bernthal  
Commissioner Zech