



OFFICE OF THE  
COMMISSIONER

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

May 9, 1980

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

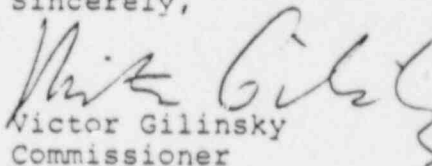
Dear Congressman Panetta:

Thank you for your letter of March 31st concerning the procedures and timing of the Diablo Canyon low power testing proceeding. I apologize for taking rather a long time to respond, but the President's Reorganization Plan has caused me to fall behind in my correspondence.

The procedures for the Diablo Canyon proceeding will differ from those used in the Sequoyah, North Anna and Salem cases as Diablo Canyon is a contested adjudicatory proceeding. I understand that the Commission's Executive Director for Operations is responding directly to you on the issue of delaying low power testing until completion of California Public Utilities Commission study of the feasibility of conversion to an alternative fuel and that he will provide you with a schedule for the Diablo Canyon license proceeding.

Please let me know if I can provide you with any further information on this matter.

Sincerely,

  
Victor Gilinsky  
Commissioner

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

Dear Congressman Panetta:

This is in response to your letter of March 31, 1980, recommending that the Commission, in acting upon PG&E's request for a low power testing permit for the Diablo Canyon, use different procedures than the ones used in the Sequoyah and North Anna low power permit decisions. The Commission can assure you that different procedures will be used.

Unlike the Sequoyah and North Anna operating license applications, the Diablo Canyon application is the subject of a contested adjudicatory proceeding and it will probably be several months before these proceedings are completed. An Atomic Safety and Licensing Board has before it issues relating to environmental impacts of radon, and also a request to reopen the hearing to permit presentation of evidence on TMI related safety issues. An Atomic Safety and Licensing Appeal Board recently heard oral argument on seismic issues. Another Appeal Board has initiated evidentiary hearings on the adequacy of Pacific Gas and Electric's proposed physical security plan. The Commission will have the opportunity to review the decisions reached by these boards before making any decision on the Diablo Canyon low power testing request. Under the Commission's Policy Statement of November 9, 1979, in contested adjudicatory proceedings, no license may be issued until the Commission has had the opportunity to review the findings of the Boards.

I have requested the Commission's Executive Director for Operations to respond directly to your request that the Commission delay issuance of a lower power testing permit until a comprehensive study of the feasibility of converting the facility so that it could be operated using an alternative fuel. He will also provide you with a schedule of steps that will be followed in acting upon the license application.

Sincerely,

IS/CK

Carlton C. Kammerer  
Director  
Office of Congressional Affairs

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