

LEON E. PANETTA  
18TH DISTRICT, CALIFORNIA

COMMITTEES:  
BUDGET  
AGRICULTURE  
HOUSE ADMINISTRATION  
(ON LEAVE)

431 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-2861

**Congress of the United States**  
**House of Representatives**  
Washington, D.C. 20515

March 31, 1980

DISTRICT OFFICES:  
380 ALVARADO STREET  
MONTEREY, CALIFORNIA 93940  
(408) 648-3554  
HOLLISTER, CALIFORNIA  
(408) 637-0500  
SALINAS, CALIFORNIA  
(408) 424-2229  
SAN LUIS OBISPO, CALIFORNIA  
(805) 543-0134  
SANTA CRUZ, CALIFORNIA  
(408) 429-1978

*File to  
Bureau  
H1*

*WM*

Commissioner Victor Gilinsky  
Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D. C. 20555

Dear Mr. Gilinsky:

I am writing to advise you of my deep concerns regarding the process which will be utilized in response to PG&E's request for a low power testing permit for the Diablo Canyon nuclear power plant.

There are a number of mitigating circumstances which I believe place Diablo in a different category from the other two plants which are currently awaiting licensing. I believe these circumstances require a different procedure from the one used in the Sequoyah and North Ana low power permit decisions.

The Diablo plant is unique in several respects. It is situated a mere two miles from an active earthquake fault, and has active intervenor involvement in the licensing process. As you know, the Atomic Safety and Licensing Appeal Board will hear oral arguments on seismicity on April 2, 1980, and Appeals Board hearings on the overturned licensing board decision on security will not be scheduled until the week of June 15, 1980. NRC staff informs me that normally, the fact that issues are pending on appeal is not an impediment to the licensing process. Because there are so many outstanding issues which may prove problematical, I am requesting that you delay consideration of a low power testing permit until the issues of seismicity, emergency planning, security, and TMI-related issues have been through the hearing and appeal process and been completely resolved.

I believe this action is warranted for several reasons. First, it seems most inappropriate to allow the reactor to go critical, even at 5% of power, until the outstanding issues have been resolved. To proceed with low power testing before these issues have been successfully addressed would create a momentum for full power licensing which would be quite difficult to resist even if some safety issues were still outstanding. If these safety considerations could not be successfully resolved, PG&E and the people of California would be faced with the additional expense of decommissioning and decontamination.

8805090095 880418  
PDR FOIA  
HAMLINB7-444 PDR

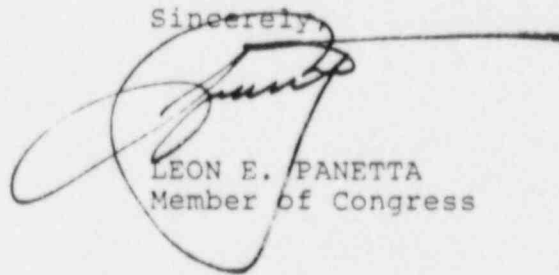
Page Two

Another special circumstance which I would like to bring to your attention is the possibility of converting Diablo to an alternative fuel source. This option is currently under consideration by the California Public Utilities Commission, which is conducting a preliminary, in-house feasibility study. Governor Brown has expressed an interest in examining this option, as have several of the intervenor groups. At least two House Subcommittee Chairmen have indicated their support for a comprehensive study of the feasibility of nuclear power plant conversion. As the low power testing of Diablo would render the plant critical and make conversion a vastly more complicated and expensive, if not impossible task, I am requesting that you delay your consideration of a low power testing permit until a comprehensive conversion study has been completed.

It would also be helpful to me if in responding to my request for a delay in consideration of a low power testing permit for Diablo, you would also include a written schedule of the steps you intend to follow with respect to lower-power and full power licensing for this particular plant.

Thank you for your attention to this request. I will look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Panetta', with a long horizontal flourish extending to the right.

LEON E. PANETTA  
Member of Congress

LEP:ton