



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

April 20, 1982

OFFICE OF THE  
COMMISSIONER

MEMORANDUM FOR: Secretary  
FROM: John Ahearne *JA Ahearne*  
SUBJECT: DIABLO CANYON PHYSICAL  
SECURITY ORDER  
(SECY 82-70)

Attached are my additional views on  
Secy 82-70.

Attachment

cc: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Roberts  
OGC

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Act, exemptions 5  
FOIA: 87-441

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OFFICE OF THE  
COMMISSIONER

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

April 9, 1984

MEMORANDUM FOR SAMUEL J. CHILK, SECRETARY

Please send the attached memorandum from the General Counsel on "Licensed Reactor Operator Examinations" to the parties to the Diablo Canyon and Shoreham operating license proceedings. I would also like this memorandum to be sent to the parties in the other pending operating license cases, as well as to the applicants in uncontested operating license cases.

Victor Gilinsky

Attachment:  
4/6/84 OGC Memo

cc: Chairman Palladino  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal  
OGC

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D/B

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

July 30, 1984

Information in this record was deleted  
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Act, exemptions 5  
FOIA 87-441

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 Isa Yin of the NRC Region III staff available for a briefing on the Diablo Canyon nuclear facility on July 25. We sincerely appreciate your help in complying with Congressional requests of this kind, and hope this spirit of cooperation will continue.

We initially requested the briefing with Mr. Yin out of concern about his resignation from and lack of confidence in the investigation conducted by the NRC Peer Review Group (PRG) into the design control and quality assurance issues raised by Mr. Yin before the Commission on March 26. As you know, the PRG was organized to review and evaluate the Diablo licensee's compliance with seven License Conditions attached to the low power test Operation License issued by the Commission on April 13.

At the July 25 briefing Mr. Yin outlined his concerns about the inadequate scope and improper documentation of the PRG's efforts, and conveyed his belief that additional measures were necessary to ensure compliance with the seven License Conditions. Specifically, Mr. Yin discussed: 1) the necessity of properly documenting and performing additional analysis of small bore piping support computer calculations, 2) the need to more closely analyze the spacing and shimming of closely-spaced rigid support structures, 3) the importance of examining design assumptions relative to the placement of snubbers close to rigid restraints, and 4) the need to perform additional theoretical and on-site analysis of potential main stem pipe contact with structural and electrical interference objects.

Mr. Yin also detailed his continuing concerns about the improper use of "quick fix" design changes at Diablo and possible inadequacies in the Independent Design Verification Program. He believes these problems point to a substantial quality assurance breakdown in the areas of small and large bore piping design control. Mr. Yin also discussed his findings of inadequate personnel training and the improper control of critical documents relative to the On-Site Project Engineering Group.

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Honorable Nuncio Palladino  
July 30, 1984  
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We are particularly concerned that while it was Mr. Yin who raised the issues which led to the License Conditions, he was not considered essential to the PRG's effort to ensure the licensee's compliance with them. Mr. Yin said that many of the PRG's meetings and on-site investigations were conducted while he had other commitments, and that he was denied access to critical documents when he requested them later. Mr. Yin also indicated that the PRG examined the various issues related to the License Conditions simultaneously, and as a result, he was unable to participate in many staff sessions.

Most important, Mr. Yin believes that the scope of the PRG's review was inadequate, and that many of the original design-related problems at Diablo may persist. As he states in testimony prepared for the Commission's August 2 Full Power Operations License hearing, "Subsequent review of the Peer Review Team reports contained in the draft SSER revealed that they contain mostly undocumented reviews and casual observations. There were cases where the inspection sample selected was extremely small, where problems originally identified continued to exist, where review criteria were compromised without technical justification, and where Team failed to address the specific program deficiency issues."

Last year, Mr. Yin was able to step into the Diablo licensing process and identify substantive design and quality assurance problems which had gone unnoticed by the NRC staff and on-site inspectors. In short, while he was largely responsible for the imposition of the seven License Conditions, he is far from satisfied that they have been complied with. In fact, Mr. Yin responded to us in the negative when asked directly if he believed Diablo should be given a full power license at this time. In this connection, we are very concerned by the issues he raised with us, and feel he is uniquely qualified to evaluate the licensee's compliance with the seven License Conditions.

Therefore, we respectfully request that you provide Mr. Yin with the additional time and organizational freedom necessary to undertake a thorough analysis of the critical design and quality assurance issues at Diablo which he feels have not been adequately addressed. We feel that such an investigation should be conducted prior to the Commission's consideration of a full power Operation License for the Diablo facility.

Mr. Yin indicated to us that such a review could be accomplished in only three to five weeks, after which time he could report his findings directly to the Commissioners. While this additional analysis may mean a short delay in the licensing process, such action is clearly warranted given Mr. Yin's experience and continuing concern. Mr. Yin is viewed in the local community and by Members of Congress as a man of great personal integrity and substantial technical expertise, and such a review would go far toward assuring the public that every step has been taken to provide for the safety of the Diablo facility.

Honorable Nuntio Palladino  
July 30, 1984  
Page Three

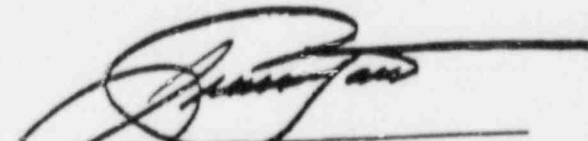
In your February 17, 1983 letter to Representative Morris K. Udall, Chairman of the House Committee on Interior and Insular Affairs, you stated that "We will require a high level of confidence that no significant design or construction deficiencies affecting safety at any authorized level of operation exist at the facility before reaching a decision to authorize that level of operation."

Given that Mr. Yin has serious doubts about the resolution of issues which he himself first brought to the Commission's attention, we do not believe that a "high level of confidence" in the full power operability of the plant can exist at this time. Accordingly, we urge you to consider authorizing a full and independent investigation of these issues by Mr. Yin in the interest of ensuring compliance with the Commission's high licensing standards.

Thank you very much for your consideration of our views.

Sincerely,

  
JERRY M. PATTERSON  
Member of Congress

  
LEON E. PANETTA  
Member of Congress



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

JAN 23 1981

MEMORANDUM FOR: Cha. Mari Ahearne  
FROM: Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
THRU: Executive Director for Operations *TMR for W. J. P.*  
SUBJECT: DIABLO CANYON SCHEDULING ESTIMATES

As you requested during a discussion of the monthly report to Congress, NRR and OELD have prepared an anticipated schedule for the Diablo Canyon proceeding which reflects comments from the Chairman of the ASLBP.

The enclosed schedule is based on the time provisions of the Commission's Rules of Practice in 10 CFR Part and an estimate of the procedural rulings which could be made by the licensing board pursuant to the Commission's Revised Policy Statement on TMI-Related Requirements. A definitive schedule is expected to be established in the Board's prehearing conference order (Item 2 on the enclosure).

The schedule does not reflect the possibility that the Commission might exercise its right under Appendix B to Part 2 to step in at an earlier stage of the proceeding to review the record on its own motion.

*Harold Denton*

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosure:  
Schedule

cc: Commissioner Gilinsky  
Commissioner Hendrie  
Commissioner Bradford  
B. P. Cotter, ASLBP  
A. S. Rosenthal, ASLAP  
H. K. Shapar, ELD  
SECY  
OGC  
OPE  
OCA

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Diablo Canyon Scheduling Considerations  
for Low Power Test Authorization

- |   |                    |
|---|--------------------|
| 1. Prehearing Conference  | January 28         |
| 2. Prehearing Conference Order  | February 13        |
| 3. (Staff SER on full power scheduled for issuance)   | March 31           |
| 4. Discovery Completed  | April 10           |
| Discovery opened<br>(minimum time - 10 days following service of<br>interrogatories (5 days) to file; 14 days<br>following service (5 days) to respond = 34 days) | April 10           |
| 5. Motions for Summary Disposition due by March 2<br>followed by 45 days to earliest hearing - (Response<br>due by March 27, 1980)                                | April 26, 1981     |
| 6. Hearing on Contentions (if required)   | May 4 - 29, 1981   |
| 7. Record closes  | May 29, 1981       |
| 8. Applicant's Findings due   | June 18, 1981      |
| 9. Joint Intervenors' - Governors' findings due   | June 29, 1981      |
| 10. Staff findings due  | July 9, 1981       |
| 11. Applicant's reply findings  | July 20, 1981      |
| 12. Licensing Board decision  | September 14, 1981 |
| 13. Exceptions to Initial Decision due and Stay request<br>due  | September 29, 1981 |
| 14. Responses to Stay request due   | October 14, 1981   |
| 15. Brief on Appeal due from appellant  | October 29, 1981   |
| 16. Appeal Board decision on whether Initial Decision<br>should be stayed   | November 13, 1981  |

17. Commission decision on whether Initial Decision should be stayed December 3, 1981
- \*\*\*18. Estimated date for issuing low power test authorization if no stay of initial decision December 3, 1981
19. Response briefs or Appeal due December 3, 1981
20. Staff response on Appeal due December 14, 1981
21. Oral argument on Appeal January 14, 1982
22. Appeal Board decision February 19, 1982
23. Petitions for Commission Review March 11, 1982
24. Responses to petition for review April 5, 1982
25. Commission decision on whether to review April 20, 1982
- \*\*\*26. If no review by Commission but a stay was issued estimated low power authorization is: April 20, 1982
27. If Commission review is undertaken briefing schedule as follows:
28. Briefs on issues designated by Commission May 20, 1982
29. Decision by Commission if no argument is scheduled June 14, 1982
30. Decision by Commission if argument scheduled July 14, 1982
- \*\*\*31. Estimated low power test authorization where stay is granted and Commission review ensues If argument scheduled: June 14, 1982  
July 14, 1982





CLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

September 21, 1984

The Honorable Edward Markey, Chairman  
Subcommittee on Oversight and Investigations  
Committee on Interior and Insular Affairs  
United States House of Representatives

Dear Mr. Chairman:

This is in response to your September 17, 1984 letter repeating a request for three transcripts of closed Commission meetings and SECY-84-291. These documents deal with litigation of a contested issue--earthquakes and emergency preparedness--in the Diablo Canyon case.

We are transmitting these documents under the agreement which you expressed to me by telephone on September 21, 1984 that you and your staff would preserve the confidentiality of these documents and limit them to internal Subcommittee use.

I very much appreciate your desire to develop improved working relationships between the Subcommittee and the Commission, and I will work with you toward that end.

Sincerely,

Nunzio J. Palladino

Enclosures:  
As stated

cc: Rep. Ron Marlenee

Information in this record was deleted  
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Act, exemptions 5  
FOIA-8744

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# COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

September 17, 1984

STANLEY SCOVILLE  
STAFF DIRECTOR  
AND COUNSEL

ROY JONES  
ASSOCIATE STAFF DIR

LEE MELVAIN  
GENERAL COUNSEL

TIMOTHY W. GLIDDEN  
REPUBLICAN COUNSEL

The Honorable Nunzio J. Palladino  
 Chairman  
 U.S. Nuclear Regulatory Commission  
 1717 H Street, N.W.  
 Washington, D.C. 20555

Dear Mr. Chairman:

The Commission's response to the Subcommittee's August 9, 1984 request for documents concerning the complicating effects of earthquakes on emergency preparedness is unacceptable. Your August 13, 1984 letter states that the Commission majority has decided to refuse the Subcommittee's lawful request.

The Commission's proposal to provide the documents during an Executive Session of the full Committee is without merit. As Commissioner Asselstine has stated, the Commission is obligated by law to provide the documents in question without such a cumbersome process.

I repeat my request for the three transcripts of the closed Commission meetings and SECY 84-291. I would like these documents to be provided to the Subcommittee by 12:00 noon, Friday, September 21, 1984. In the event they have not been received, as of that time, the Subcommittee will then consider and pursue other options.

Sincerely,

EDWARD J. MARKEY  
 Chairman, Subcommittee on  
 Oversight and Investigations

EJM/tru

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