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U.S. NUCLEAR REGULATORY
COMMISSION

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NRC BHDA

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PMS MON NUNZIO PALLADINO

CHAIRMAN NUCLEAR REGULATORY COMMISSION

WASHINGTON DC 20555

DEAR CHAIRMAN PALLADINO:

IN YOUR RECENT RESPONSE TO MY LETTERS OF JUNE 9 AND JULY 10, YOU STATED THAT THE TIME LIMITS FOR REVIEWING LOW POWER DECISIONS ARE "ESTABLISHED AS A GOAL..AND MAY BE EXCEEDED IF NECESSARY." IT IS NECESSARY AND IMPERATIVE THAT THE NRC NOW UNDERTAKE A FULL REVIEW OF THE ISSUES SURROUNDING THE LOW POWER LICENSING OF THE DIABLO CANYON NUCLEAR PLANT. TO ALLOW THE LICENSING BOARD'S APPROVAL OF A LOW POWER LICENSE TO BE IMMEDIATELY EFFECTIVE WOULD DENY THE CITIZENS IN THE AFFECTED AREA THE CONFIDENCE IN DIABLO'S SAFETY WHICH IS SO NECESSARY TO ITS SUCCESSFUL OPERATION. THE NRC HAS THE RESPONSIBILITY TO THOROUGHLY REVIEW AND RESOLVE THE OUTSTANDING ISSUES SURROUNDING DIAELO, PARTICULARLY THE SEISMIC AND EMERGENCY PLANNING QUESTIONS WHICH HAVE NOT BEEN FULLY RESOLVED TO DATE, BEFORE A LOW POWER LICENSE IS GRANTED.

FULL COMMISSION REVIEW COULD BE IMPLEMENTED WITH LITTLE NEGATIVE EFFECT ON THE TIME-FRAME FOR A LICENSING DECISION. INDEED, THE LITIGATION WHICH COULD RESULT FROM THE NRC NOT UNDERTAKING A FULL REVIEW COULD DELAY THE LICENSING OF DIABLO CANYON MORE THAN WOULD THE COMMISSION'S RESOLUTION OF THE SUBSTANTIVE ISSUES SURROUNDING THE PLANT'S LICENSING ITSELF.

I WOULD URGE THE COMMISSION TO UTILIZE THE PROCEDURES IT IMPLEMENTED AFTER THE ACCIDENT AT THREE MILE ISLAND IN REVIEWING THIS DECISION, DUE TO DIABLO CANYON'S UNIQUE HISTORY, ITS PROXIMITY TO AN ACTIVE EARTHQUAKE FAULT, THE ACKNOWLEDGED LACK OF AN ADEQUATE EMERGENCY PLAN, AND THE HIGH LEVEL OF CONCERN IN THE COMMUNITY. I APPRECIATE YOUR CONSIDERATION OF THIS REQUEST, AND LOOK FORWARD TO BEING INFORMED OF YOUR DECISION IN THIS MATTER AT THE EARLIEST POSSIBLE OPPORTUNITY.

SINCERELY,

LEON E PANETTA MEMBER OF CONGRESS

1104 EST

1124 EST

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