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GOVERNMENT ACCOUNTABILITY PROJECT

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Frederick Bernthal, Commissioner
United States Nuclear Regulatory Commission
1717 H Street, Northwest
Washington, D.C. 20555

BY HAND,
A.M. 4/12/84

Re: Diablo Canyon Nuclear Power Plant, Units 1 and 2
Docket Numbers 50-275 and 50-323

Dear Commissioners:

On behalf of the San Luis Obispo, California, Mothers for Peace, the Government Accountability Project (GAP) submits this disclosure of misleading or false statements by the Nuclear Regulatory Commission staff with respect to the Diablo Canyon nuclear power plant. The statements involve material issues for the Diablo Canyon low-power license decision. The record before the Commission was distorted by the NRC staff with respect to evidence received from "whistleblowers" -- including both what the witnesses told the staff, and how the staff responded. Examples of this misconduct occurred during staff briefings of the Commission on March 19, 26 and 27, 1984, and in Supplemental Safety Evaluation Report 22, NUREG-0675 (March 1984) ("SSER-22").

If the Commission had voted on a low-power operating license on March 26, its decision would have been based upon a highly inaccurate and incomplete record. The staff's misconduct suggests that its briefing will be equally deficient at the April 13, 1984 Commission meeting and possible vote. The staff's bias may also neutralize any Commission-imposed corrective action programs during low-power testing at Diablo Canyon. In light of the staff's admitted uncertainty about the condition of the plant, these possibilities must be eliminated prior to any licensing decision.

For these reasons, pursuant to 10 CFR 2.206, the Mothers for Peace petition the Commission to institute the following relief prior to any low-power licensing decision:

- 1) provision for the joint intervenors to brief the Commission on April 13, along with the staff;

Between April 3 and 13, 1984, interviews have been scheduled between the staff and nine whistleblowers represented by GAP.* The interviews will result in thousands of pages of transcripts from a court reporter. These

* Two other whistleblowers who previously agreed to speak with the staff changed their minds, due in one case to loss of confidence in the staff's ability to maintain witness confidentiality, and in the other to a loss of confidence in the staff's integrity.

interviews already have disclosed highly significant new evidence both of potential safety hazards, and of misleading and false statements by the Pacific Gas and Electric Company (PG&E), that even continued to occur during PG&E's April 2, 1984 briefing of the NRC staff. Examples of the issues discussed during the last week are enclosed as Attachments 1 and 2.

Due to the staff's previous deception, the Mothers for Peace have no confidence that the staff will summarize the additional evidence in good faith. These witnesses all waited for more than a month to have an opportunity to tell their stories to the NRC. Despite growing mistrust, the witnesses agreed to meet with the staff due to their unanimous belief that Diablo Canyon is not ready to go critical. To make a difference in the decision, however, their message must be heard by the Commissioners. Under the circumstances, only the joint intervenors can be trusted to speak for the whistleblowers.

- 2) assumption of responsibility by the Commission to engage in further fact finding on an expedited basis and to oversee ongoing corrective action;

The Commission must assure an objective evaluation of the evidence, free from conflicts of interest. The allegations below suggest that Region V and certain other officials have misrepresented the record. If the charges are correct, the responsible officials have disqualified themselves from ongoing responsibilities at Diablo Canyon. In addition, the staff's judgment is compromised by a serious conflict of interest. Region V is in large part responsible for the condition of Diablo Canyon. In order to support the whistleblowers now, Region V would have to repudiate its own regulatory performance dating from the mid-1970's through February 1984. For example, during the past week Region V inspectors Dennis Kirsch and Gonzalo Hernandez listened to whistleblowers disclose evidence of generic Pullman Power quality assurance (QA) deficiencies that also revealed basic errors in IE Report 83-37, which Messrs. Kirsch and Hernandez co-authored.** The conflict of interest may explain why the NRC inspectors appeared to pay more attention to a penknife and a paperclip, respectively, than to Mr. Harold Hudson, Pullman's former auditor, during his interview. It may explain why the great majority of interview questions on specific violations and locations of deficiencies have come from GAP rather than from the NRC inspectors who need the specifics. In short, there must be definitive resolution of the issues raised by whistleblowers at Diablo Canyon. The current staff has an inherent credibility gap.

- 3) Board Notification of transcripts of whistleblower interviews;

The whistleblowers have spent hours detailing specific QA violations, deficient hardware and material false statements that illustrate a generic program breakdown. On April 6, 1984 the Office of Investigations Region V director, Owen Shackleton, announced that the transcripts would not be released

** Region V rejected the intervenors' request that due to complaints from whistleblowers, Messrs. Kirsch and Hernandez be replaced with "fresh faces."

publicly until completion of OI's work, which could take months. But the extensive evidence presented to the NRC staff could well be decisive for the intervenor's motions for design and construction quality assurance hearings.

For these reasons, the Commission should direct the staff to honor its previous policy of disclosing interview transcripts to the Atomic Safety and Licensing Appeal Board as Board Notifications. That policy was followed for Mr. Stokes' January 25 interview transcript. OI deleted portions of the transcript that could compromise pending or planned investigations. Region V and GAP reviewed the transcript to delete information that could identify confidential witnesses. If necessary, the transcripts could even be provided to the Appeal Board in camera.

4) Investigation by Office of Inspector and Auditor.

The Office of Inspector and Auditor (OIA) should conduct an investigation to determine a) whether there have been misleading or material false statements by the NRC staff to the Commission during the March 19, 26 or 27 briefings, or in Supplemental Safety Evaluation Reports SSER-21 (December 1983) or SSER-22 (March 1984), and b) the causes of the QA breakdown within the NRC staff responsible for Diablo Canyon.

* * *

A sampling of the basis for the relief requested above is discussed below.

MISLEADING OR FALSE STATEMENTS BY THE NRC STAFF TO THE COMMISSION.

The point of the allegations below is that the record is inaccurate. In some cases the statements are false; in others they are merely misleading. The Mothers for Peace do not seek to question the staff's motives. But regardless of intentions, the granting of a license cannot be based upon misleading and false statements of material fact, whether from the licensee or the staff. The allegations discussed below are illustrative, not comprehensive.

A. METHODOLOGY

1. Notice

At the Monday, March 19 Commission briefing, the Director of the Office of Nuclear Reactor Regulation, Mr. Harold Denton, stated that it was on Friday, March 16 that GAP notified Mr. Knight of material false statements in PG&E submittals. That statement is highly misleading because it conceals the fact that as early as March 5, through Mr. Devine, GAP began attempting to schedule whistleblower interviews through the office of Mr. Bishop of Region V, to disclose PG&E's material false statements to the NRC. GAP did so because Mr. Bishop was administering the Commission's Diablo Canyon whistleblower "allegation management program." Mr. Dennis Kirsch took that call. On March 8, Mr. Clewett spoke with Region V counsel Lewis Shollenberger about scheduling interviews with these

witnesses. (See Attachment 3 to March 23, 1984 letter from Thomas Devine and John Clewett to U.S. Nuclear Regulatory Commission ("March 23 disclosure")). On March 9 Mr. Devine left a message for Mr. Yin and Dr. Hartzman of NRR in an attempt to schedule interviews on design issues. On Monday, March 12 Mr. Devine spoke with Mr. Yin and separately with Mr. Hartzman to describe the relevant issues. Also on Monday, March 12, Mr. Clewett spoke again to Mr. Shollenberger in the attempt to schedule interviews with the witnesses. On Tuesday, March 13, both GAP attorneys and four whistleblowers met with Office of Investigations (OI) Director Ben Hayes and three OI investigators to summarize evidence of material false statements connected with design and construction quality assurance. On March 14 Mr. Clewett again called Mr. Shollenberger about Region V meeting with the witnesses. Also on March 14 Mr. Devine explained to Mr. Knight that certain of PG&E's responses were "inaccurate," represented "false statements," and were "bluffs" and "mush." On Thursday, March 15 and Friday, March 16, Mr. Devine spoke with Messrs. Bishop and Shollenberger to emphasize the urgency of the evidence and the necessity of avoiding a licensing decision based upon false statements. On Thursday, March 15, Mr. Bishop called Mr. Clewett to ask if Mr. Clewett had any personal knowledge of material false statements, to which he replied that it was not he, but the whistleblowers with whom Region V was effectively refusing to meet, who had the specific facts to prove that certain of PG&E's assertions were material false statements. On Friday, March 16, 1984, Mr. Devine called Mr. Knight again. This final attempt was the only communication, out of some twelve, at least five of which specifically referred to material false statements by PG&E, which Mr. Denton disclosed to the Commission. None of the communications led to any result.

2. Identity of the whistleblowers.

On March 19 Region V Administrator Jack Martin explained to the Commission that the "new allegations are, by and large, the same people who had the old allegations." (March 19 transcript, p. 64). In fact, of 17 witnesses who disclosed allegations through GAP petitions, 11 had not spoken to the NRC as of March 19, 1984. (A twelfth witness agreed to speak to the NRC staff about a gag order instituted by the Bechtel Corporation in January 1984 but did not provide a statement).

3. Nature of the issues.

On March 19 and 25 Messrs. Martin and Bishop explained that new allegations essentially represented mere "wrinkles" on the same issues that had already been examined in depth through SSER-21 and SSER-22. (March 19 transcript, at 7, 9-10, and 61; and March 26 transcript at 59). In one sense that statement is accurate. All the charges involved alleged quality assurance (QA) violations, retaliation against workers who report serious safety or quality problems, design flaws or breakdowns in management integrity and competence. Beyond this generalized common ground, however, the staff's report was inaccurate for numerous, highly significant, specific issues. To illustrate, the following allegations in the March 1, 1984 petition were not discussed in SSER-22, which was not released

until after the March 19, 1984 Commission meeting:

- * inaccurate Operation Valve Identification Diagrams (OVID) for use by the reactor operators, which include such serious discrepancies as valves on the wrong side of other components. (March 1 petition, p. 42). This problem is particularly significant, since there is no dissent within the Commission that reactor operators should "know the plant cold." (March 27 transcript at 213, statement of Chairman Palladino).
- * a generic breakdown in design control through the quick fix program, in which major design changes were approved on-the-spot to accommodate construction plans, without normal engineering review and supporting analysis. (March 1 petition, pp. 19-21).
- * pressure by the Bechtel Corporation that employees who resigned should sign a statement that they were not aware of any design, professional code, or quality assurance violations -- despite common knowledge to the contrary. This left honest employees in an illegal "Catch-22" at a critical period: either they could lie to the Government or risk industry blacklisting. (March 1 petition, p. 41).
- * knowingly false statements in licensee responses to previous employee allegations, illustrated by PG&E's February 7 assertion to the NRC that the lack of consistent weld symbols to guide personnel had no safety significance. (March 1 petition, p. 28). Instead of investigating this new "wrinkle," the staff accepted at face value the licensee's alleged false statement as a basis to "resolve" the original weld symbols issue.
- * December 28, 1983 procedural changes that denied inspectors the ability to reject welding on pipe supports, even when a weld that was required by the design did not even exist. (March 1 petition, p. 6).

The March 23 disclosure also contained more than mere "wrinkles." For example, one affidavit revealed a continuing "mirror image" problem with electrical installations by the Foley Corporation. In January 1983, supervisors called an employees meeting to try to resolve the issue. Unfortunately, the meeting broke up when the supervisors could not agree among themselves what was forward and what was backward. (March 23 disclosure, Attachment 12, p. 4).

4. Follow-up interviews.

The staff has made a mockery of its written policy and verbal commitments that allegations would not be closed out without follow-up interviews to insure accurate resolution of the issues. The staff also misled the Commission on this issue. To illustrate, on March 27 Mr. Martin said that it was "just not a true statement" that Region V had failed to schedule follow-up interviews. He referred to Region V's communications with Mr. Hudson, Pullman's former internal auditor:

"we had talked with him for at least nine hours involving several people at several different times." (March 27 transcript, p. 271).

Mr. Martin neglected to inform the Commission that these were all initial interviews, not follow-up meetings to check the accuracy of PG&E's answers or the staff's resolution. As Mr. Hudson stated in a March 22, 1984 affidavit:

I also want to emphasize that the NRC staff never had any followup meetings with me to clarify the issues I raised, or to test whether PG&E's defenses were bluffs. That is odd, since I disclosed over 80 pages of my own single-spaced reports and affidavits to summarize over a thousand pages of documentation. I only learned of some of PG&E's answers, because GAP xeroxed them and gave me copies. The NRC staff complimented highly the analysis in my reports, but they never got back to me. I disclosed approx[imately] 80 allegations to the NRC, out of the 170 in a January 31 [sic. Reference is to February 2 petition] legal petition. Any statement that the NRC staff followed up with me personally after I first raised my charges would be totally false. I have no idea what the NRC staff did to resolve my allegations, other than to have PG&E respond to somein letters.

(March 23 disclosure, Attachment 2, pp. 2-3).

In some cases the inaccuracies may well be due to ignorance, rather than to bad faith. Unfortunately, the record is equally inaccurate on important matters -- whether due to sloppiness or deception. For example, the reliability of hydrostatic test results is highly significant to determine Diablo Canyon is ready for low-power testing. On March 26, Mr. Bishop reported that Region V had not yet received documentation on that issue, to his knowledge. (March 26 transcript, p. 13). In fact, the documentation to which Mr. Bishop referred was sent via Express Mail to Mr. Bishop himself, on March 2, 1984. A copy of the cover letter to GAP's submission of documents on this issue is enclosed as attachment 3 (the specific materials referred to by Mr. Bishop are identified in attachment 3 as "Exhibit 4 to Attachment 2" [to the February 2 petition]). To date Region V has not discussed this evidence with the allegor, Mr. Hudson.

Even if Mr. Bishop's statement were accurate, it would not constitute an excuse to ignore the issue. Region V took no initiative whatsoever to obtain the relevant records either from the allegor or from counsel.

B. EVIDENCE OF QUALITY ASSURANCE VIOLATIONS

1. Disclosure of Yin inspection findings

Prior to Mr. Yin's March 26 Commission statement, the staff did not provide the Commission with an adequate record for an imminent licensing decision. The staff's briefings contrasted sharply with, and failed to disclose from, Mr. Yin's draft inspection report on issues material to the decision.

April 3, 1984 memorandum from Darrell Eisenhut to the Commission, Board Notification No. 84-071. As a result, the Mothers for Peace believe that the staff engaged in material false statements by omission.

On March 19 NRR representative James Knight characterized the resolution of allegations on design control and verification:

And we found that the design quality assurance implementation was not as good as it should have been. I can only cast that as a somewhat disappointing finding.

(March 19 transcript, p. 37.) By contrast, on March 26, Mr. Yin presented an accurate summary of the staff's inspection findings:

Based on the many assessed violations against the 10 CFR 50 Appendix B criteria resulting from followup on these allegations and the independent overview inspections, it was concluded that there had been apparent QA program breakdowns in the areas of small bore and large bore piping design control.

* * *

[T]he lack of licensee large bore and small bore piping system design control that had resulted in an alarmingly large number of calculation errors and deficiencies that had slipped through various review and checking stages, is indicative of the failure of the Corrective Action Program conducted by the Diablo Canyon Project group in the past two years.

* * *

At the time of the [December 15, 1983 NRC licensee] meeting, none of the issues was considered to be a problem by the Diablo Canyon Project. However, during follow-up inspections, all the above items have resulted in staff assessment of violation items. The event reflected Diablo Canyon Project's lack of concern for establishment and implementation of a sound design control QA program.

In particular, Mr. Knight's presentation did not reveal serious problems with design verification for large-bore piping, which Mr. Yin described as follows on March 27:

Furthermore, if you review the IDVP on the large bore support and piping analysis, they are full of deficiencies and pages and pages of deficiencies. How can we assure that the rest of it would not have the same problem. . . . [?]

(March 27 transcript, p. 251.) Mr. Yin assessed the nature of unresolved questions about large-bore piping on the design as "a different ballgame," (id., p. 254), as compared to the small-bore issues which previously had dominated the staff's presentation.

Similarly, on March 19 Mr. Knight did not inform the Commission of the serious questions from widespread, uncontrolled design changes in the "Quick Fix" program. At a March 28 public meeting, Mr. Yin characterized the effect of the Quick Fix on design control for larger bore pipe supports as follows:

It is a breakdown to me because right now you have thousands of thousands of those TCs, so-called, and the stuff that I review is not really tolerance clarification. The stuff that I have reviewed really is a complete change of the support, design and it was kind of accepted right at the spot without any given review and consideration and it was just based on the fact if it doesn't meet the requirement we will turn it down. It is kind of taking a chances approach rather than following the procedures approach that we consider the system breakdown.

Right now you have got more than 30 books of those little things.

(March 28, 1984 Memorandum from Darrell Eisenhut to the Commission, Board Notification No. 84-068, pp. 63-4.) As Mr. Yin emphasized to PG&E on March 28: "But don't forget the quick fixes, which is the biggest problem." (Id., p. 77.)

Mr. Knight should have disclosed it. Nor does SSER 22 address the issue. The omission is inexcusable. In the aftermath of Quick Fix, there is no assurance how much of the approved, verified design still exists at Diablo Canyon.

On March 19, Mr. Knight did not disclose an undocumented Westinghouse management policy that Mr. Yin discovered during his review of 1982-83 Independent Design Verification Program (IDVP) audits. As he explained on March 28, "[T]he original audit checklist findings/records had been systematically destroyed in accordance with Westinghouse management policies . . . This is very, very different from the normal practice." (Id., p. 108). The Mothers submit that systematic destruction of records for QA oversight of the IDVP is a significant finding which the staff was obligated to disclose and explain prior to any recommendation for a license.

It appears that Mr. Knight had adequate notice of the findings. On March 27 Mr. Yin explained,

So it is a short iteration of asking that information that caused the element of surprise. As a matter of fact, I have been providing the inspection inputs,

January, February and March. So every time I have inspection problem findings, I always communicate in a timely manner with Mr. Jim Knight and it was kind of surprising, there was no discussion at all.

(March 27 transcript, pp. 249-50.)

In short, the Mothers believe that Mr. Knight should have informed the Commission of these and other, equally serious violations at the March 19 briefing. The belated disclosure materially affected the decisionmaking process. Mr. Knight was not alone, however. His presentation on March 19 reflects the incomplete disclosure in SSER 22 of Mr. Yin's analysis. The Mothers believe that Mr. Knight's inaccurate briefing represented an organizational breakdown. They further believe that accountability must be established. It is unacceptable that full disclosures such as Mr. Yin's represent the exception, rather than the rule.

2. Corrective Action for QA Violations.

On March 19, 1984, Mr. Martin informed the Commission that "when there have been lapses they seem to have corrected themselves. . . [T]here were problems that tended to get found by the quality and management systems that are set up to do that sort of thing." (March 19 transcript, p. 12.) Indeed, on March 19 when Commissioner Gilinsky reminded the staff that problems must be resolved as well as identified, Mr. Martin replied, with respect to Pullman welding: "And in every case it appears to be resolved." (March 19 transcript, p. 25.)

The staff was on notice that this essential conclusion was inaccurate both with respect to design (*supra*, p. 7) and construction assurance. Mr. Hudson's March 22, 1984 affidavit summarized his January 1984 disclosure to the staff on that same issue: "I also told the staff that I had tried to implement corrective action. I also told the staff that management refused to permit necessary corrective action." (March 23 disclosure, Attachment 2, p. 2.) The issues discussed below illustrate the evidence behind Mr. Hudson's charges. The staff has received or reviewed all referenced documents. At a minimum, both sides of the story should have been presented for the staff to honor its obligations to fully and objectively brief the Commission.

3. Compliance with 10 CFR 50, Appendix B.

The staff's failure to discuss this issue in IE Report 83-37 is a material false statement by omission. Region V ignored Criterion II, Finding No. 1 in the 1977 Nuclear Services Corporation (NSC) audit reviewed by Report 83-37: "While a written Quality Assurance Program exists, the program does not meet the requirements of 10 CFR 50, Appendix B. . . ." (February 2 petition, Attachment 1, p. 10.) This issue could not be ignored, since it is the cornerstone of NRC licensing requirements for quality assurance.

The omission also masks inaccuracies in a September 21, 1983 PG&E licensing brief. The licensee stated that Pullman's QA program commitment for piping, pipe supports and pipe rupture restraints incorporated the ASME Section III 1971 Edition requirements. The licensee concluded, "These commitments are

consistent with the requirements of 10 CFR 50, Appendix B and became part of the program manual." (PG&E's Answer to Joint Intervenor's Supplement to Motion to Reopen the Record on the Issue of Construction Quality Assurance, Docket Nos. 50-275 and 30-323 (September 21, 1983), p. 7.)

Prior to the February 17 release of Report 83-37, the staff received notice that this statement was inaccurate. Mr. Hudson's February 1, 1983 affidavit disclosed that as late as January 28, 1983 Pullman's QA manager denied any commitment to 10 CFR 50, Appendix B. (February 2 petition, Attachment p. 24.)

Prior to the March 26 briefing, Region V received further notice. In his March 22 affidavit Mr. Hudson explained that ASME Section III (1971 Edition) did not cover pipe supports and rupture restraints. He referenced the Pullman NSC audit file to demonstrate that as of 1977 Pullman had not even attempted to comply with 10 CFR 50, Appendix B. (March 23 disclosure, Attachment 2, and exhibits referenced therein.)

4. Qualifications of Nondestructive Examination Personnel.

Criterion IX, NSC Audit No. 3 stated: "The qualification and certification program for NDE and inspection personnel has been inadequate." (February 2 petition, Attachment 1, p. 21.) On March 26 Messrs. Martin and Bishop asserted that NSC mistakenly assumed a Pullman commitment to American National Standards Institute (ANSI) on 45.2.6, when a lesser standard was applicable. Mr. Martin added that "the very same allegor [Mr. Hudson] includes in the package later, a letter from him saying they were adequately qualified to that one. So this issue that we feel is adequately resolved at this point." (March 26 transcript, p. 21.)

In fact, the "letter" did not purport to represent Mr. Hudson's views. The "letter" was the minutes of a meeting for which Mr. Hudson acted as secretary. (March 23 disclosure, Attachment 2, Exhibit 9, p. 1.) Further, the staff's 1984 version of program requirements is not the same as the AEC's position a decade ago, the period covered by NSC. Again, Mr. Hudson already had disclosed in a December 12, 1974 Pullman (Kellogg) corporate memorandum that Pullman had already committed itself in the corporate QA manual to ANSI N45.2.6 because the AEC "had begun to require qualification of inspection and testing personnel in addition to non-destructive personnel all in accordance with ANSI N45.2.6 . . ." Failure in the field to "accomodate this requirement . . ." led to "the AEC breathing down our necks in one or two places." The Pullman official recommended that Pullman's program on the issue be implemented "immediately." (Id., Exhibit 8.) As Mr. Hudson further documented, it wasn't. (Id., Exhibits 9-16.)

5. Qualifications of Welding Inspectors.

Although the staff confirmed the NSC finding on this issue, it failed to inform the Commission that the problem continued at least until July 30, 1982. This is contrary to Mr. Martin's assertion that in every case the problems appear to have been resolved. In Report 83-37 (at 15), the staff found that procedures were revised in 1973 or 1974 "to reflect the requirements of ANSI N45.2.6, just published." By contrast, in 1982 the QA manager still refused to recognize the requirement: "PG&E has not stated in writing that Pullman

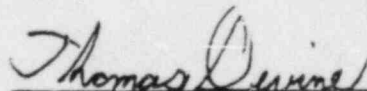
must comply with ANSI N45.2.6. (Ref: 8711) We are not in violation of PG&E spec on our procedures EDS 235 and 237." (March 23 disclosure, Attachment 2, Exhibit 9.) Mr. Martin clearly had read the documents; it is the same "letter" Mr. Martin used to inaccurately assert that Mr. Hudson was contradicting himself on NDE qualifications. (Supra, p. .)

Conclusion

The staff's bias is clear from its recommendation to go critical, in spite of the assessed condition of the plant. This recommendation is indefensible under the Atomic Energy Act. The staff's claim is that the condition of the plant is uncertain; that dangerous effects on the hardware have not yet been verified. That is a rose-tinted way of saying the quality is indeterminate. Until now, a nuclear power plant has not been considered innocent until proven guilty. Under 10 CFR 50.57 the licensee must be able to document the facility's safe structure. At Zimmer, a quality indeterminate status meant that construction had to be suspended. At Diablo Canyon, the staff is recommending that the same assessment meets the requirements for criticality. The Commission should carefully consider before approving a landmark determination of QA licensing requirements under the Atomic Energy Act.

It is even premature to reliably conclude that the quality of hardware is uncertain. Last night Region V agreed to let three whistleblowers point out specific examples of poor welding in Units I and II. In eight cases out of nine, the witnesses confirmed that eight out of nine alleged welding deficiencies remain uncorrected. Although the staff refused to take pictures of the welding deficiencies, Region V did record the observations. The Commission should study the findings before making any licensing decision. The Mothers requested presentation to the Commission on Friday, April 13 would review the technical significance if the welding deficiencies are representative rather than exceptions. Under these circumstances, the Commission must resolve the "uncertainty" about Diablo Canyon's hardware, rather than surrendering to it.

Respectfully submitted,



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