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# GOVERNMENT ACCOUNTABILITY PROJECT

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BRANCH

Nunzio J. Palladino, Chairman  
Thomas Roberts, Commissioner  
James Asselstine, Commissioner  
Frederick Bernthal, Commissioner  
Lando Zech, Commissioner  
1717 H Street, N.W.  
Washington, D.C. 20555

Re: Diablo Canyon Nuclear Power Plant, Units 1 and 2  
Docket Numbers 50-275 and 50-323 (2.206)

Dear Commissioners:

This letter is to clarify and supplement the July 16, 1984 petition of the San Luis Obispo, California Mothers for Peace (Mothers). Initially, it is necessary to clarify item six (6) of the petition, where the Mothers requested that the Commission "order a public report from the staff explaining the basis and significance of its decision to permit postponement for approximately a year of PG&E compliance with some 6,000 licensing commitments." The intent of this request is to seek the staff's assessment of the combined effect of postponing compliance with these 6,000 minimum conditions for the license, as well as the staff's basis for that specific conclusion.

The Mothers recognize that the staff already has, or should have, engaged in this exercise on a case-by-case level. They fear, however, that the effect on public safety from waiving one licensing condition may be underestimated, if the staff considered it in isolation and failed to weigh the impact of the other 5,999 waivers.

Through this submission, the Mothers also supplement the July 16, 1984 petition with two additional items, as follows:

(7) permit public participation in the scheduled July 26, 1984 plant tour of Commissioner Zech, by permitting a Diablo Canyon whistleblower and counsel to identify alleged hardware deficiencies for Commissioner Zech's observation.

In the history of the Nuclear Regulatory Commission (NRC), no issue has so severely polarized the staff from the whistleblowers as the quality of construction at Diablo Canyon. Similarly, a 1977 Nuclear Services Corporation (NSC) audit found that the quality assurance (QA) program did not comply with the minimum requirements of 10 CFR 50, Appendix B. The Commission has been troubled by the implications of the program violations for the plant's hardware. (See #8, infra.)

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By permitting meaningful public participation in Commissioner Zech's plant tour, the Commission can take a major step toward resolving both disputes. The witness could identify to Commissioner Zech the type of deficiencies that have been brushed aside by the staff. Further, the witness could identify the significant hardware effects from the ongoing QA program breakdown first identified in 1977.

(8) provide for public comment, and serious Commission consideration of any submissions, in response to the written answers of Quadrex President Naemark to Commission inquiries about the 1977 Nuclear Services Corporation audit. Comments should be due seven (7) days after public receipt of Mr. Naemark's answers, with at least seven (7) additional days reserved for Commission evaluation and further action based on review of the public comments.

Mr. Naemark's response to the debate on the NSC audit has been long-sought, since before the April 13, 1984 low-power test vote. He was scheduled to brief the Commission on Tuesday, July 24, on this issue, with provision for public comment afterward. This would have provided an expeditious opportunity for effective public participation. On Friday, July 20, counsel received notice that the July 24 briefing was cancelled, and that Mr. Naemark's written analysis would be provided to the Mothers.

Thorough this request, the Mothers seek to preserve the opportunity for meaningful public participation in resolution of an issue material to the license. Whistleblowers who have submitted affidavits through the Mothers have a detailed knowledge of -- 1) the contents and basis for the NSC audit, beyond the public record compiled by NSC; and 2) the extent and effectiveness of corrective action in response to the NSC audit. In some cases, they have sought relevant corrective action literally for years.

In order to obtain a reliable record, the NRC must provide these and any other public witnesses reasonable time to comment on Mr. Naemark's current conclusions, and provide serious Commission consideration of the comments.

Respectfully submitted,

*Thomas Devine*

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