



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

June 11, 1984

Misc.

*Noted
7/9/84 L/11*

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: Carlton Kammerer, Director
Office of Congressional Affairs

SUBJECT: DRAFT TESTIMONY - DIABLO CANYON

Attached for your review is a draft copy of the testimony to be presented by the Chairman before the Subcommittee on Energy and the Environment, House Committee on Interior and Insular Affairs, on June 14, 1984 on Diablo Canyon Licensing Concerns.

cc: EDO
OPE
OGC
SECY

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PDR FOIA
DEVINEB4-740 PDR

TESTIMONY
OF
NUNZIO J. PALLADINO
CHAIRMAN
U.S. NUCLEAR REGULATORY COMMISSION
BEFORE THE
SUBCOMMITTEE ON ENERGY AND THE ENVIRONMENT
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
DIABLO CANYON LICENSING CONCERNS
JUNE 14, 1984

MR. CHAIRMAN, WE ARE PLEASED TO BE HERE TODAY TO ADDRESS THE MATTERS STATED IN YOUR LETTER OF MAY 23 REGARDING THE DIABLO CANYON NUCLEAR POWER PLANT AND TO RESPOND TO YOUR QUESTIONS. I AM ACCOMPANIED BY MY FELLOW COMMISSIONERS. AS YOU REQUESTED, WE ALSO HAVE PRESENT OUR PRINCIPAL STAFF INVOLVED IN THE SAFETY REVIEW AND LICENSING DECISIONS ON THE DIABLO CANYON PLANT. I WILL BRIEFLY SUMMARIZE EVENTS AND ACTIONS SINCE WE LAST MET WITH YOU ON THIS TOPIC IN JANUARY OF THIS YEAR AND THEN ASK HAROLD DENTON, DIRECTOR OF THE OFFICE OF NUCLEAR REACTOR REGULATION, TO COMMENT MORE FULLY.

AS YOU WILL RECALL, ON NOVEMBER 8, 1983 THE COMMISSION REINSTATED THE PACIFIC GAS AND ELECTRIC'S AUTHORITY TO LOAD FUEL AND CONDUCT COLD SYSTEM TESTING. ON JANUARY 25 OF THIS YEAR WE AUTHORIZED HOT SYSTEM TESTING. THIS WAS FOLLOWED BY COMMISSION

MEETINGS ON MARCH 26 AND 27 TO HEAR FROM THE STAFF ON THE STATUS OF DIABLO CANYON UNIT 1 AND, IN PARTICULAR, TO DECIDE WHETHER TO REINSTATE THE LOW-POWER LICENSE TO ALLOW CRITICALITY AND TESTING AT LEVELS UP TO 5 PERCENT OF RATED POWER.

AT THAT TIME, A MEMBER OF THE NRC STAFF, MR. ISA YIN, INFORMED THE COMMISSION THAT, BASED ON HIS FINDINGS FROM HIS INSPECTION ACTIVITIES, HE COULD NOT RECOMMEND TO US THAT THE LOW POWER LICENSE BE REINSTATED. AFTER A THOROUGH EVALUATION OF THESE CONCERNS BY A SPECIALLY ASSIGNED REVIEW GROUP (APPOINTED BY THE EXECUTIVE DIRECTOR FOR OPERATIONS) AND THE ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, THE COMMISSION REINSTATED THE LOW-POWER LICENSE ON APRIL 13, 1984.

THE DIABLO CANYON REACTOR SUBSEQUENTLY WENT CRITICAL ON APRIL

29. LOW-POWER TESTING WAS [SUCCESSFULLY] COMPLETED ON MAY 23.

PC & E informed us on June 8 that the plant will be ready for power ascension by June 19, 1984
 THAT ESSENTIALLY SUMMARIZES EVENTS UNTIL THE RECEIPT OF YOUR MAY

23 LETTER OF INVITATION. A NUMBER OF ISSUES REMAIN TO BE RESOLVED BEFORE ANY COMMISSION DECISION ON WHETHER TO PERMIT

FULL POWER OPERATION OF THE DIABLO CANYON PLANT, BECAUSE FULL
POWER OPERATION IS A MATTER WHICH THE COMMISSION MUST STILL
REVIEW IN ITS ADJUDICATORY CAPACITY AND OUGHT NOT TO APPEAR TO
HAVE PREJUDGED IN ANY WAY, I HAVE ASKED MR. DENTON ON BEHALF OF
THE STAFF TO REPORT BRIEFLY ON THE STATUS OF THESE REMAINING
ISSUES. FOLLOWING HIS PRESENTATION, ~~WE~~ WOULD BE HAPPY TO ANSWER
QUESTIONS.

(the Commission, or
the staff
where
appropriate,

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

September 13, 1984

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-740

Rec'd 9-17-84

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, files, graphs, engineering analyses, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any other records relevant to and/or generated in connection with the June 12, 1984 Congressional briefing on Diablo Canyon including but not limited to any practice sessions, rehearsals or previews of possible questions that could be raised at the hearing, as well as any communication concerning the June 12 briefing after the June 12 briefing was concluded.

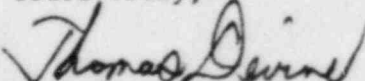
If any of the materials covered by this request has been destroyed and/or removed, please provide all surrounding documentation, including but not limited to a description of the action(s) taken, relevant date(s), and justification(s) for the action(s).

GAP requests that fees be waived, because "findings information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the project promotes whistleblowers as agents of government accountability. We are requesting the above information as part of an on-going monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

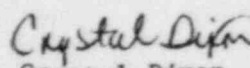
For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portion of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d. 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Yours truly,



Thomas Devine
Legal Director



Crystal Dixon
Legal Intern