

# Secret data basis for PG&E vote

The Nuclear Regulatory Commission used a secret report on the Diablo Canyon nuclear power plant when deciding against reviewing the plant's seismic safety criteria.

The propriety of the commission using the report without making it public or seeking comment from parties in the licensing proceeding drew questions Monday and today from plant opponents and congressional sources.

David S. Fleischaker, a lawyer for plant opponents, said he filed a Freedom of Information act request today demanding the report and the names of consultants hired by the commission to prepare it.

Rep. Leon E. Panetta, D-Calif., also asked the NRC to make the report public. Staff members of the House Interior Committee, which monitors the NRC, were reportedly looking into the matter.

The 89-page report was produced by the NRC Office of Policy Evaluation, a think-tank operation that reports directly to the five presidentially appointed commissioners.

A commission official confirmed that seismic safety experts were retained by the Office of Policy Evaluation to help review earthquake testimony on the Diablo plant and prepare the secret document.

The report is confidential, the official said, because it gave the commission legal advice on what to do in the Diablo case.

The problem, Fleischaker said, is that the outside experts may have expressed their own opinions in the report. "We had no opportunity to comment on this," he said. "We had no opportunity to cross-examine the consultants."

The commission official, however, said similar reports are prepared in all cases where the commission considered reviewing a decision by one of its subsidiary boards, though not all involve outside consultants.