

NRC slows on quake planning

By Carl Neiburger
Telegram-Tribune

Now that a federal court has approved licensing of the Diablo Canyon nuclear power plant, the Nuclear Regulatory Commission is no longer rushing to enact new regulations on earthquakes and emergency planning, an NRC lawyer said Wednesday.

William Olmstead said the commission extended a public comment period on regulations that would bar consideration of how earthquakes could affect nuclear emergency plans. The deadline now is Feb. 27.

The original comment period expired Jan. 22; it was for 30 days rather than the 60 days usually allowed for proposed regulations.

The original regulations, though dated Dec. 21, were not delivered by mail in San Luis Obispo County until mid-January.

Olmstead said, "At the time (the 30-day period was set), the commission was rushing around. ... They were being told that they would probably have to act on the rule to deal with some case-related problems."

He said the case was the lawsuit filed by Mothers for Peace that challenged the commission's vote

last summer to license Pacific Gas and Electric Co.'s Diablo Canyon plant.

The commission said in its 3-1 decision that it considered the possibility of an earthquake causing an accident at Diablo Canyon too remote to be considered in the plant's emergency plans.

The U.S. Circuit Court of Appeals in Washington ruled Dec. 31, 1984, that the commission had acted properly.

Commissioner James K. Asselstine, who cast the only vote against licensing Diablo Canyon, accused his fellow commissioners of sham in seeking public advice on the proposed rule:

"I had ... hoped that the information gathered in the rulemaking would convince the commission that a rule excluding ... consideration of earthquakes was not a wise thing to do," he wrote in a commentary distributed in mid-January along with the proposed rule.

"The commission is instead intent merely on codifying its Diablo Canyon decision and is going through with rulemaking procedures only to say that it is allowing comment on the issue, no matter how meaningless that opportunity for comment turns out to be," Asselstine wrote.

Commission Chairman Nunzio Palladino said in a rebuttal that the request for comment was made in good faith: "I believe the commission has plainly indicated its desire to obtain and consider all pertinent comments and facts."

PG&E urged the commission to adopt the proposed rule, saying that the Diablo plant is already designed to withstand a major earthquake, and therefore emergency plans do not need to take earthquakes into account.

In a letter to the NRC, Warren A. Raymond of PG&E wrote that Diablo emergency plans are already designed to deal with problems like fog, rain and high winds.

"Since the plans must be flexible enough to deal with such potential complications, ... they are sufficiently flexible to accommodate similar disruptions caused by an earthquake."

Mothers for Peace has not yet prepared comments on the proposed rule, said Sandy Silver, a representative of the group.

Those who wish to submit comments may mail them to the Docketing and Service Branch, Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555.