NRC majority must answer on Diablo quake plan issue

A majority of Nuclear Regulatory Commission members have decided they don't have to be accountable to the public.

We hope Congress persuades them to change their minds.


The hearings will deal with the commission's decision last August not to order a review of how an earthquake would affect emergency plans for the Diablo Canyon nuclear power plant.

The commission ruled on the issue behind closed doors. Commissioner James K. Asselstine, who cast the only vote against licensing Diablo, and former Rep. Richard Ottinger, Markey's predecessor as chairman of the subcommittee, have charged that the commission acted improperly and perhaps illegally during the closed-door session.

They say the commissioners reviewed a report not introduced as evidence in the Diablo case and acted against the advice of their lawyers, who told them hearings on the earthquake-emergency issue were required.

Asselstine said the commission majority decided against hearings to avoid delays in licensing the nuclear plant.

The other commissioners have stubbornly refused to take Asselstine's criticisms seriously.

NRC Chairman Nunzio Palladino, speaking for the commission, criticized Asselstine's "attacks on the integrity of those with differing views."

He noted that a U.S. Court of Appeals, which elected not to review transcripts of the closed-door sessions, upheld the commission's decision to license Diablo.

He also asserted that the commission has a right to ignore the advice of its lawyers.

In offering these arguments, Palladino suggests that all the excitement concerns armchair opinions rendered by five men in Washington, D.C.

The real issue is the health and safety of all of us who live near Diablo Canyon and must depend on having a reliable plan if there is an accident.

The commission didn't order hearings to evaluate the facts. Instead it decided without evidence that there was no need to worry about how an earthquake might affect emergency plans.

We applaud Congressman Markey for scheduling hearings to probe the NRC's handling of this issue. We urge him to demand more serious answers than Palladino has offered thus far.