

10/26/79

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION



In the Matter of:

PACIFIC GAS & ELECTRIC
COMPANY
(Diablo Canyon Nuclear
Power Plant, Units 1 & 2)

Docket Nos. 50-275 OL
50-323 OL

JOINT INTERVENORS' REQUEST TO
INSTITUTE PROCEEDINGS ON THE
QUALIFICATION OF COMMISSIONER
RICHARD T. KENNEDY TO CONSIDER
THE OPERATING LICENSE APPLICATION
FOR THE DIABLO CANYON
NUCLEAR POWER PLANT

The Joint Intervenors have information that, on October 19, 1979, Richard T. Kennedy, Commissioner, Nuclear Regulatory Commission (Commission) met privately with officials from Pacific Gas & Electric Company (PG&E) at the utility's instigation and discussed matters relating to the operating license application of the Diablo Canyon Nuclear Power Plant (DCNPP). That application is the subject of a contested proceeding on the record currently pending before the Commission. The Joint Intervenors, a party to the contested proceeding, were not advised of the meeting and were not present at the meeting.

If Commissioner Kennedy willingly entertained discussions with PG&E officials regarding the merits of the Diablo Canyon

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license application, substantial questions regarding his qualification to participate further in this proceeding are raised. Accordingly, Joint Intervenors request the Commission to determine whether the alleged meeting took place and, if so, to institute a proceeding, complete with the rights of discovery and cross-examination, to determine whether Commissioner Richard T. Kennedy should be disqualified from any further participation in this matter.

Respectfully submitted,

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OCTOBER 26, 1979



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:

PACIFIC GAS & ELECTRIC
COMPANY
(Diablo Canyon Nuclear
Power Plant, Units 1 & 2)

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 1979, I have served copies of the foregoing JOINT INTERVENORS' REQUEST TO INSTITUTE PROCEEDINGS ON THE QUALIFICATION OF COMMISSIONER RICHARD T. KENNEDY TO CONSIDER THE OPERATING LICENSE APPLICATION FOR THE DIABLO CANYON NUCLEAR POWER PLANT; and POINTS AND AUTHORITIES TO JOINT INTERVENORS' REQUEST TO INSTITUTE PROCEEDINGS ON THE QUALIFICATION OF COMMISSIONER RICHARD T. KENNEDY TO CONSIDER THE OPERATING LICENSE APPLICATION FOR THE DIABLO CANYON NUCLEAR POWER PLANT, mailing them through the U.S. Mails, first-class, postage prepaid.

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

October 26, 1979

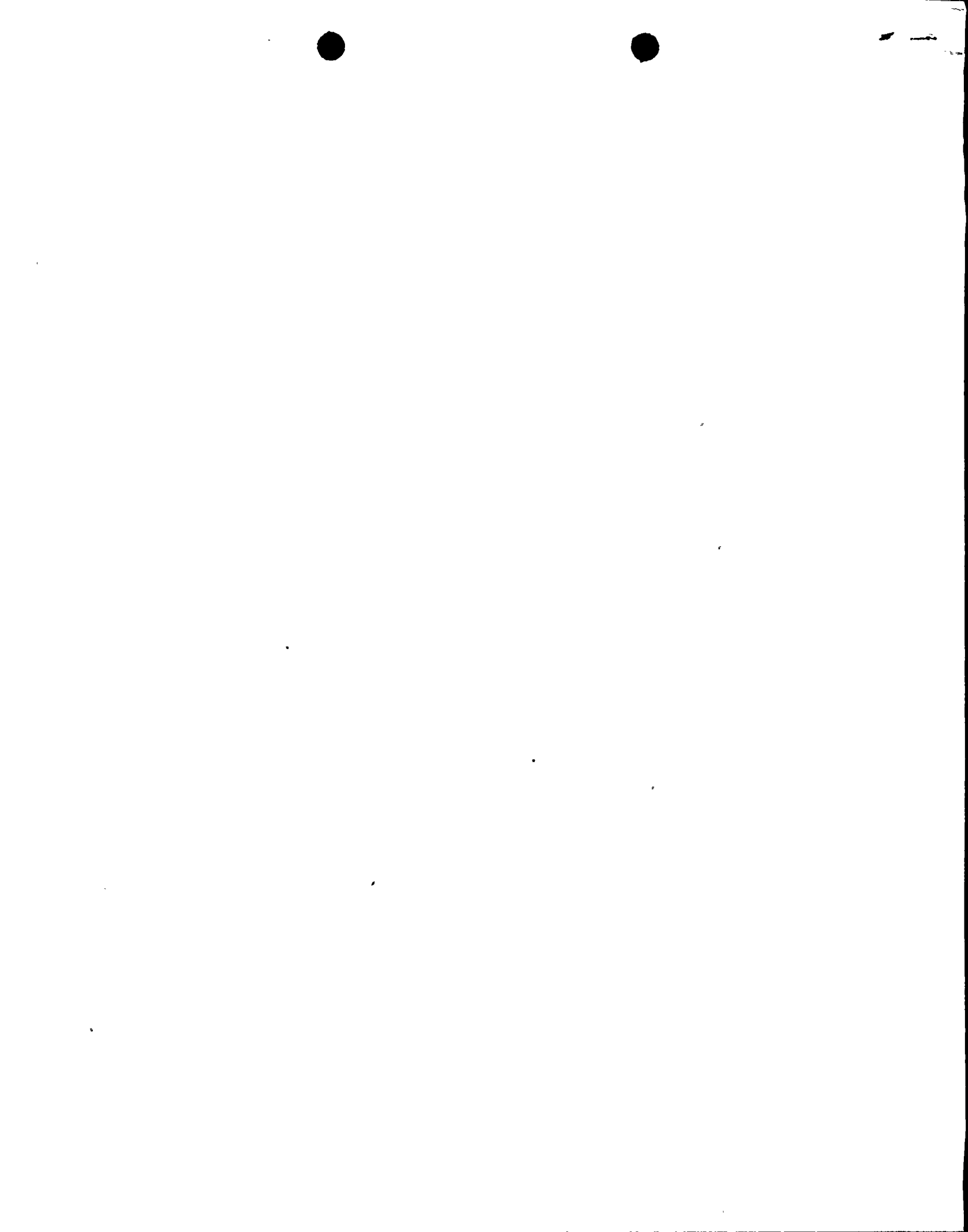
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NOTE TO PARTIES

Commissioner Kennedy has requested that the attached Memorandum of Conversation be served on all parties in the Diablo Canyon proceeding.

Docketing and Service Branch
Office of the Secretary

Enclosure:
Memorandum of Conversation
dated October 23, 1979

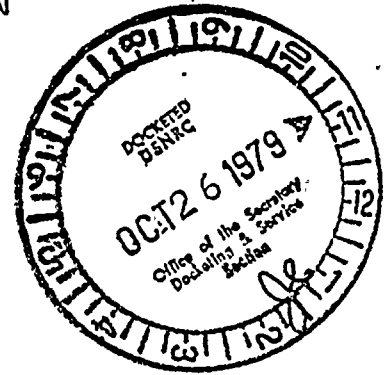




OFFICE OF THE
COMMISSIONER

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

October 19, 1979



MEMORANDUM OF CONVERSATION

On Friday, October 19, I met in my office with Frederick Mielke, Chairman of the Board of Pacific Gas & Electric (PG&E), Bart Shackelford, President PG&E, and Gene Blanc also of PG&E. They had called my office earlier in the day and requested the opportunity to introduce to me Mr. Mielke, PG&E's new Board Chairman.

After a few minutes of introductions and exchange of pleasantries, Mr. Mielke indicated that there were some aspects of the Commission's approach to licensing in the aftermath of Three Mile Island that he would like to discuss. I told Mr. Mielke that while I would be happy to discuss generally with him the licensing process and how it might be changing following TMI, it would be inappropriate for me to discuss issues as they affect any particular proceeding. Mr. Mielke indicated that he understood but that there were some generic matters which he would like to discuss. He went on to indicate that he was concerned that new licensing procedures, whatever they might be, would significantly delay proceedings already underway. Mr. Mielke noted that since TMI the NRC staff personnel who had previously been working on specific cases had been moved to other duties thus delaying the staff's consideration of those cases such as Diablo Canyon. He noted further that with respect to the Diablo Canyon proceeding that he was concerned that it was not receiving the same treatment as other proceedings. He indicated, as an example, that the ACRS has not yet received answers from the staff to its specific questions on Diablo Canyon. Mr. Mielke stressed that PG&E felt that it had accomplished everything asked of it by the staff and that the Licensing Board had already reached a favorable (to PG&E) conclusion.

I told Mr. Mielke that I, too, am concerned that the NRC and its staff avoid any unnecessary delay in licensing proceedings. While some changes and delays in licensing proceedings following TMI were clearly inevitable, it is my intent that the Commission look carefully at the possible impacts these changes will have on the licensing process as a whole. As for concerns that the NRC staff's processing of individual cases had been hampered following TMI, I assured Mr. Mielke that I believed the staff had returned to such work and that, as far as I knew, all proceedings were being treated equally. Finally, I indicated that while I was under the impression that the Board had reached or was near a conclusion in Diablo Canyon, I could review the case only when the Board's decision and the record was brought before the Commission.



Mr. Mielke, Mr. Shackelford and Mr. Blanc said that they appreciated the opportunity to meet me, and I indicated that I was pleased to have the opportunity to meet Mr. Mielke.

R. T. Kennedy

Notes of October 19, transcribed, reviewed by, and approved by Commissioner Kennedy on October 26.

