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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'84 SEP 12 A9:10

COMMISSIONERS:

Nunzio J. Palladino, Chairman
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech, Jr.

OFFICE OF SERVICE
SOCIETY & SERVICE
BRANCH

In the Matter of
PACIFIC GAS AND ELECTRIC COMPANY
(Diablo Canyon Nuclear Power Plant,
Units 1 and 2

Docket No. 50-275-OL
50-323-OL

SERVED SEP 12 1984

ORDER

CLI-84-13A

Attached is an additional Statement of Commissioner Lando W. Zech, Jr.
dated September 11, 1984 in this matter.



For the Commission

Samuel J. Chilk
Samuel J. Chilk
Secretary of the Commission

Dated at Washington, D.C. this
12 day of September 1984.

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STATEMENT OF COMMISSIONER LANDO W. ZECH, JR.

1. On August 17, 1984, a divided panel of the United States Court of Appeals for the District of Columbia Circuit ordered that the NRC's August 10, 1984, Order authorizing full power operation of the Diablo Canyon Nuclear Power Plant (Unit 1) be stayed pending the Court's review. The Court's order cited one clause from my explanatory statement for not participating in a vote on the NRC's August 10, 1984, Order (CLI-84-13). It appears that the Court's order may have misinterpreted the basis for my not participating in this decision. In view of the extreme importance of this matter to all of the interests involved, and to my personal responsibilities as a Commissioner, I want to leave no doubt at all on my position in this matter on August 10, 1984.

2. I did not participate in the Diablo Canyon vote in CLI-84-13. I was sworn in as a new Commissioner on July 5, 1984, a little more than one month prior to the August 10 decision. I explained in my statement:

. . . the time available to me as a Commissioner has simply not been sufficient for me to satisfy myself that I have read, analyzed, and adequately reflected upon all the relevant material. If my vote were needed, either yea or nay, I believe I would need several more weeks before I could come to a decision. Therefore, I have concluded that I cannot vote today on the full power license decision for Diablo Canyon.

3. I did not say, and did not intend to say, that the much longer period of time to review the Diablo Canyon matter which was available to my colleagues prior to July 5, 1984, was not adequate. They all had much more than the "several more weeks" which I, as the newest Commissioner, said that I would need "before I could come to a decision."

4. I had absolutely no basis on August 10, 1984, to question the correctness of the decision reached on that date by a majority of my colleagues to authorize the full power operation of Diablo Canyon Nuclear Power Plant (Unit 1). Any different interpretation of my explanatory statement by the Court in its August 17, 1984, order simply does not accurately reflect my position on August 10, 1984.

Dated: September 11, 1984