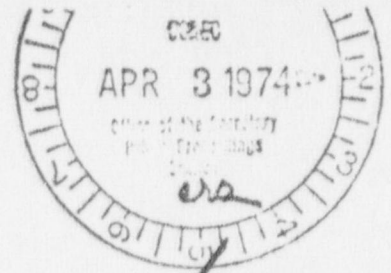


4-3-74

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION



In the Matter of )

PACIFIC GAS AND ELECTRIC COMPANY )

(Diablo Canyon Nuclear Power )  
Plant, Units 1 and 2) )

Docket Nos. 50-275 OL  
50-323 OL

ORDER

By petition docketed December 5, 1973, Scenic Shoreline Preservation Conference, Inc. (Petitioner) sought suspension of construction of the above facilities, alleging newly discovered geological questions. Responses of the Applicant and the Regulatory Staff were received on December 27, 1973, and January 17, 1974, respectively. By Order dated March 19, 1974, the Commission referred the petition to the Atomic Safety and Licensing Board which had been appointed for hearings on these units for initial decision.

The Commission's Order stated, in part, the following:

"The Board may choose to consolidate the instant petition with the operating license proceedings and render one initial decision on all issues. On the other hand, if circumstances so warrant, the Board may choose to treat the instant petition as a separate matter and rule upon it -- with a separate initial decision -- before reaching other issues."

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In considering these alternatives, the Board determined that inasmuch as the Petitioner is already an Intervenor in the Diablo Canyon, Unit 1 and 2 operating license procedure, with prehearing conference dates set for the near future, the most orderly way to proceed would be to consolidate the instant petition with the operating license proceedings. The only question which remained was whether some urgency was attached to the matter which would argue that an immediate hearing was required. The Board does not believe this to be the case for a number of reasons, among which the most important are:

1. Continued construction of the plant poses no risk to the health and safety of the public, regardless of any geologic problems which might exist. Operation of the plant is, of course, a quite different matter. The Board thus feels that consideration of seismic issues is properly carried out in the operating license procedure.

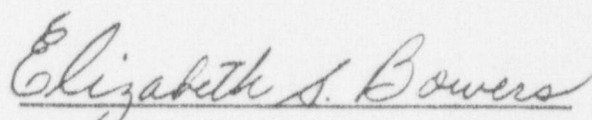
2. Argument that the incremental cost of continued construction could have an effect upon the eventual granting of an operating license is, from a health and safety standpoint, invalid. Economic factors cannot be considered in any matter which involves a risk to the public health and safety.

3. Continued construction will neither conceal nor render inaccessible any of the geologic features of the site not already affected.

In consequence, the Board sees no urgency in its consideration of this matter, and thus will consolidate the instant petition with other matters to be taken up at the special prehearing conference to be held May 3, 1974.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Elizabeth S. Bowers, Chairman

Issued at Bethesda, Md.

this 3rd day of April 1974.