



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



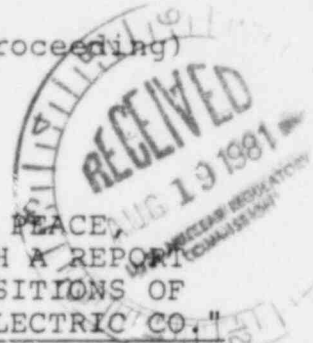
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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

Docket Nos. 50-275 O.L.
50-323 O.L.

(Security Proceeding)

RESPONSE OF GOVERNOR EDMUND G. BROWN JR. TO
"MOTIONS OF INTERVENORS, SAN LUIS OBISPO MOTHERS FOR PEACE,
TO AUGMENT THE RECORD IN THE SECURITY PROCEEDING WITH A REPORT
OF A SECURITY OCCURRENCE; AND FOR LEAVE TO TAKE DEPOSITIONS OF
NRC STAFF PERSONNEL AND APPLICANT, PACIFIC GAS AND ELECTRIC CO."



On July 31, 1981, Joint Intervenors moved this Board to augment the record and to permit depositions to investigate a reported breakdown in security at the Diablo Canyon facility. The security breakdown involved the recent failure of PG&E guards to discover a pistol in the possession of NRC inspectors. Governor Brown submits this response in support of Joint Intervenors' Motion.

The security breakdown, reported in a July 23, 1981 Board Notification, has obvious relevance to the pending Diablo Canyon security proceeding. Under the regulations, PG&E's physical protection system and organization must provide "high assurance" that the licensed activities can be carried out without unreasonable risk to the public health and safety or to the common defense and security. 10 C.F.R. § 73.55(a). The reported failure to detect a pistol would seemingly preclude such a "high assurance" finding, because that failure evidences inadequate equipment or personnel, or both. At a minimum, this breakdown of security .

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raises a material issue concerning the adequacy of the PG&E security system that merits prompt investigation. Without question, there is a need for the Board to look into this matter on the record and then to decide, with the proper participation of the parties, what further action or findings are appropriate. Surely, there is no basis for the Board to fail to confront this significant matter, because the Board not only has the proper Motion of the Joint Intervenors before it, but the Board also has sua sponte responsibilities of its own under Section 2.760a of the Regulations. Thus, even if the Board were for some reason not to grant the Joint Intervenors' instant Motion, the Board would be independently required to inquire into the subject security breakdown.

Governor Brown believes Joint Intervenors' Motion presents a reasonable and efficient means to investigate this security matter. Thus, the Board should augment the record with the Board Notification and direct prompt investigation by depositions to determine the relevant facts.^{1/} While the Staff may be satisfied that PG&E has resolved this matter satisfactorily,^{2/} the fact is that the Staff is only one party in this contested proceeding. The Joint Intervenors and the Governor have rights to seek the facts they

^{1/} The Board may wish to order that the depositions be held before the Board so that it will have first-hand knowledge regarding this incident. Such a procedure could allow swifter completion of the investigation.

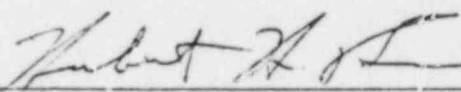
^{2/} See Board Notification.

deem necessary to determine whether they are satisfied. These parties also have the right to inform the Board of their views after obtaining such facts, just as the Staff has done in its Board Notification.

Governor Brown urges the Board to grant Joint Intervenors' Motion and to set a schedule for depositions and any pleadings that the Board may further desire.

Respectfully submitted,

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August 14, 1981

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CERTIFICATE OF SERVICE

I hereby certify that the "RESPONSE OF GOVERNOR EDMUND G. BROWN JR. TO 'MOTIONS OF INTERVENORS, SAN LUIS OBISPO MOTHERS FOR PEACE, TO AUGMENT THE RECORD IN THE SECURITY PROCEEDING WITH A REPORT OF A SECURITY OCCURRENCE; AND FOR LEAVE TO TAKE DEPOSITIONS OF NRC STAFF PERSONNEL AND APPLICANT, PACIFIC GAS AND ELECTRIC CO.'" was served upon the following by first class mail, on August 14, 1981.

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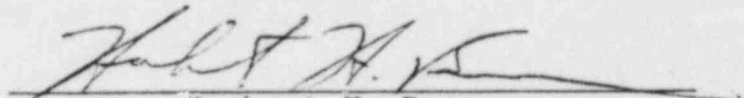
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Secretary
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Attention: Docketing and Service Section


Herbert H. Brown

August 14, 1981