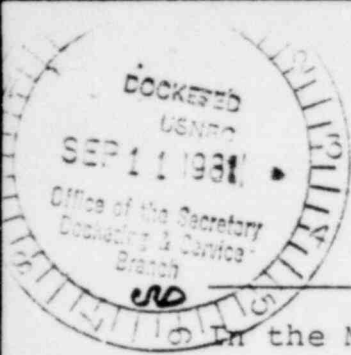


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD



In the Matter of)
)
)

PACIFIC GAS AND ELECTRIC COMPANY)
)
)

(Diablo Canyon Nuclear Power)
)
)
Plant, Unit Nos. 1 and 2))
)

Docket Nos. 50-275 O.L.

50-328 O.L.



MOTION OF GOVERNOR EDMUND G. BROWN JR.
FOR EXPEDITED DECISION

Governor Brown has filed today with this Appeal Board's motion to stay the Licensing Board's July 17, 1981 Partial Initial Decision authorizing issuance of a License for fuel loading and low power testing of Diablo Canyon.^{1/} The Governor hereby moves this Board to expedite its decision on the Governor's stay motion.^{2/}

The Commission has scheduled a meeting for Monday, September 21, 1981 to determine under 10 C.F.R. § 2.764 whether the License should be made immediately effective. If the Commission declines to issue a sua sponte stay under Section 2.764 (or to waive that regulation as the Governor has requested),^{3/} the License could be issued immediately thereafter.

1/ In accordance with the Commission's Order of July 22, 1981, the Governor's stay motion was held in abeyance until the Appeal Board issued its security decision, ALAB-653. ALAB-653 was announced at 5:00 p.m., September 9, 1981. The Governor filed his stay motion as promptly as possible thereafter.

2/ As reflected in the attached Certificate of Service, the Governor has served his stay motion by hand or overnight delivery to make feasible an expedited decision by this Board.

3/ Motion of Governor Edmund G. Brown Jr. for Waiver of the Immediate Effectiveness Rule and Direct Commission Review of the Licensing Board's July 17, 1981 Decision, August 13, 1981.

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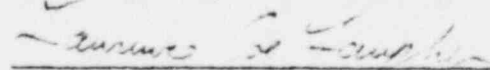
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In the event this Board declines to issue a stay, the Governor intends to apply to the Commission for a stay as provided in 10 C.F.R. § 2.788. Accordingly, the Governor respectfully requests a decision on his stay motion no later than Wednesday, September 16, 1981, so that there will be time before possible issuance of the License to seek relief from the Commission if this Board declines to issue a stay.

If this Board is unable to reach a decision on the Governor's stay motion by September 16, 1981, the Governor then requests, pursuant to 10 C.F.R. § 2.788(g), that this Board issue a temporary stay of the July 17, 1981 Partial Initial Decision until this Board is able to reach a decision. If that decision should be adverse to the Governor, it is requested that the temporary stay remain in effect until the Commission has acted on the Section 2.788 stay motion we will file with it if this Board declines a stay. Such temporary relief is necessary in order to avoid resort to judicial relief prior to the time the Governor has been able to exhaust administrative remedies.

Respectfully submitted,

Byron S. Georgiou
Legal Affairs Secretary
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September 11, 1981

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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, Unit Nos. 1 and 2))

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "MOTION OF GOVERNOR EDMUND G. BROWN JR. FOR STAY OF THE EFFECTIVENESS OF THE DIABLO CANYON FUEL LOADING AND LOW POWER OPERATING LICENSE," the "MOTION OF GOVERNOR EDMUND B. BROWN JR. FOR EXPEDITED DECISION," and the "MOTION OF GOVERNOR EDMUND G. BROWN JR. TO EXCEED PAGE LIMIT" have been served to the following on September 11, 1981 by U.S. mail, first class, except as otherwise noted.

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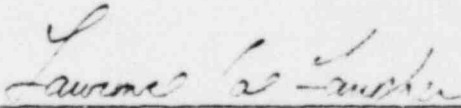
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September 11, 1981

(*) By Hand
(**) By Express Mail

NOTE: Copies of the Governor's Motions have also been hand-delivered
to PG&E's Washington, D.C. office.