

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 and 2))

Docket Nos. 50-275 OL
50-323 OL

(Security Proceeding)

MOTIONS OF INTERVENOR, SAN LUIS OBISPO
MOTHERS FOR PEACE, TO AUGMENT THE RECORD IN THE
SECURITY PROCEEDINGS 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 24, 1981, Intervenor San Luis Obispo Mothers for Peace filed a motion identical to the instant motion before the Licensing and Appeal Board presiding over this proceeding. A copy of that motion is attached to this motion and is incorporated by reference as if set forth here in full. The motion brought to the attention of the Board a serious breach of the security system at Diablo, and asked the Board to augment the record with an official report of the incident and to grant Intervenor leave to conduct discovery with respect to the incident.

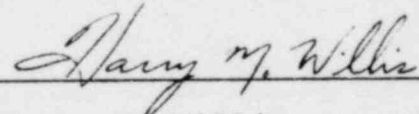
The motion was fully briefed: Governor Brown supported it, and it was opposed by the applicant and Staff. Despite the provisions of 10 CFR §2.730(e), however, which require a written motion [to be] disposed of by overt action and on notice to all parties, the Appeal Board never ruled on this motion. In addition, so far as counsel can ascertain, ALAB-653 contains no reference to this motion.

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Since the Appeal Board has divested itself of jurisdiction of this proceeding by rendering its final decision, the motion is now addressed to the Commission. Intervenor respectfully requests the Commission to take one of three alternative courses:

- (1) To grant Intervenor's motion, and to remand the security proceeding to the Appeal Board for disposition consistent with the Commission's ruling;
- (2) To postpone the Commission's immediate effectiveness review of the low power test and security decisions until such time as the Appeal Board has ruled on Intervenor's motion;
or
- (3) To vacate the Appeal Board's decision in the security and to remand the instant motion to the Appeal Board for decision and disposition.

Dated: September 16, 1981



Harry M. Willis
Counsel for Intervenor,
San Luis Obispo Mothers
for Peace