

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Richard S. Salzman, Chairman
Dr. W. Reed Johnson
Thomas S. Moore

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.

I. PRELIMINARY STATEMENT.

According to newspaper accounts in the San Francisco Chronicle
and the San Luis Obispo Telegram-Tribune, inspectors from the
Nuclear Regulatory Commission "sneaked a gun past a Diablo Canyon
guard's X-ray machine in a test of the nuclear plant's security
plan" on Wednesday, July 15, 1981. Report in Telegram-Tribune,
July 17, 1981. The test, again according to newspaper accounts,
involved two NRC inspectors who concealed a .22 caliber revolver
and a .38 caliber automatic pistol in two briefcases. X-ray
examination of the briefcases failed to detect the presence of
one of the weapons, and it was apparently admitted into a protected
area. Telegram-Tribune, July 18, 1981.

A memorandum dated July 23, 1981, from Robert L. Tedesco to this Appeal Board confirmed the essential details of the newspaper accounts, and stated that "the purpose of the test was to ascertain the adequacy of the search procedures and equipment."

II. MOTION TO AUGMENT RECORD IN SECURITY PROCEEDING.

The first of the motions presented by SLOMFP is a motion to request the Board to take official cognizance of this security report and to augment the record in the security proceeding with Mr. Tedesco's memorandum and the Preliminary Notification which accompanied it. The incident is clearly relevant to a determination of whether the applicant has satisfied the general performance criteria of 10 CFR 73.55, and, more specifically, of 10 CFR 73.55(d)(1) and (d)(2), relating to searches for firearms, explosives, and incendiary devices at points of protected area access; and the incident presents significant new evidence which could lead to a different result if it had been considered as part of the original record in this proceeding. Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2) CLI-81-5, 13 NRC ____ (April 1, 1981) Slip opinion at pp. 2-3.

III. MOTION FOR LEAVE TO TAKE DEPOSITIONS OF NRC STAFF AND PG&E PERSONNEL.

For similar reasons, SLOMFP requests leave to take the depositions of a person designated by the NRC staff, pursuant to 10 CFR 2.720(h)(2), with first-hand knowledge of the incident,

EXHIBIT A

and of a person designated by applicant with similar knowledge. This request flows simply and directly from the contested nature of this licensing proceeding: While Mr. Tedesco states in his memorandum that "(t)he Office of Inspection and Enforcement is satisfied that the applicant is taking appropriate action on this matter," Intervenor SLOMFP submits that it is entitled to explore the facts of the incident so the Board may consider a record made through the workings of the adversary process.

In addition, the limitations upon public disclosure of details of the applicant's security plan perforce limit the public dissemination of sensitive or confidential information about the incident by the Staff or applicant; thus, Intervenor may be foreclosed from such information unless it is allowed an opportunity to conduct in camera examinations of knowledgeable persons concerning the security incident.

Dated: July 24, 1981

Respectfully submitted,

HARRY M. WILLIS

Harry M. Willis, Counsel
for Intervenor, SLOMFP

EXHIBIT A

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CERTIFICATE OF SERVICE

I hereby certify that copies of Intervenor San Luis Obispo Mothers for Peace's Motions 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, have been served on the following by deposit in the United States Mail, first class, this 2nd day of August, 1981.

Atomic Safety and Licensing Appeal Board
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Washington, D. C. 20555

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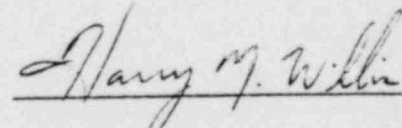
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