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May 8, 1978

Elizabeth S. Bowers, Esq., Chairman  
Atomic Safety and Licensing Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Mr. Glenn O. Bright  
Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. William E. Martin  
Senior Ecologist  
Battelle Memorial Institute  
Columbus, Ohio 43201

In the Matter of  
Pacific Gas and Electric Company  
(Diablo Canyon Nuclear Power Plant, Units Nos. 1 and 2)  
Docket Nos. 50-275 O.L.  
50-323 O.L.

Dear Members of the Board:

This is in response to today's request by the Board for the Staff's views on a pleading entitled, "Intervenor's Response to Pacific Gas and Electric Company's Response and Supplemental Response to Intervenor's Petition to Establish the Qualifications of Security Expert for Discovery".

In the referenced pleading, intervenors requested reconsideration of the qualifications as experts for Dr. Douglas L. DeNike and Dr. Bruce L. Welch. In addition, they offered as an expert Mr. Richard L. Hubbard, attaching his qualifications as Exhibit "A" to their pleading.

The information currently submitted on Dr. DeNike presents no new facts of substance since the Board's Order of November 3, 1977 deciding Dr. DeNike was not an expert. The Staff suggests that the Board reaffirm its prior ruling in this regard.

On February 17, 1978, the Staff filed a response to intervenor's petition to establish qualifications of Dr. Welch. There, the Staff took the position that while Dr. Welch may have had some passing acquaintance with security, petitioners failed to demonstrate that he was, in fact, an expert. In light of the elaboration set out in intervenor's response, Staff is still of the opinion that intervenors have failed to demonstrate that Dr. Welch has expert qualifications. Accordingly, Staff suggests the Board find that Dr. Welch is unqualified.

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Although the qualifications of Richard L. Hubbard indicate several years of experience in the fields of engineering and quality assurance in the nuclear industry, nothing in his resume, marked Exhibit "A" of intervenor's pleading, indicates that he possesses either the education or experience with security matters that would qualify him to serve as a security expert in this or any other proceeding. Simply because he possesses a degree of expertise in one area of the nuclear industry, it does not follow that he is also an expert in some unrelated discipline. The Staff urges the Board to reject Mr. Hubbard as a security expert.

Sincerely,

James R. Tourtellotte  
Assistant Chief Hearing Counsel

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