

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.
}

NRC STAFF RESPONSE TO GOVERNOR BROWN'S PARTICIPATION
IN SECURITY PLAN HEARING

I. INTRODUCTION AND DISCUSSION

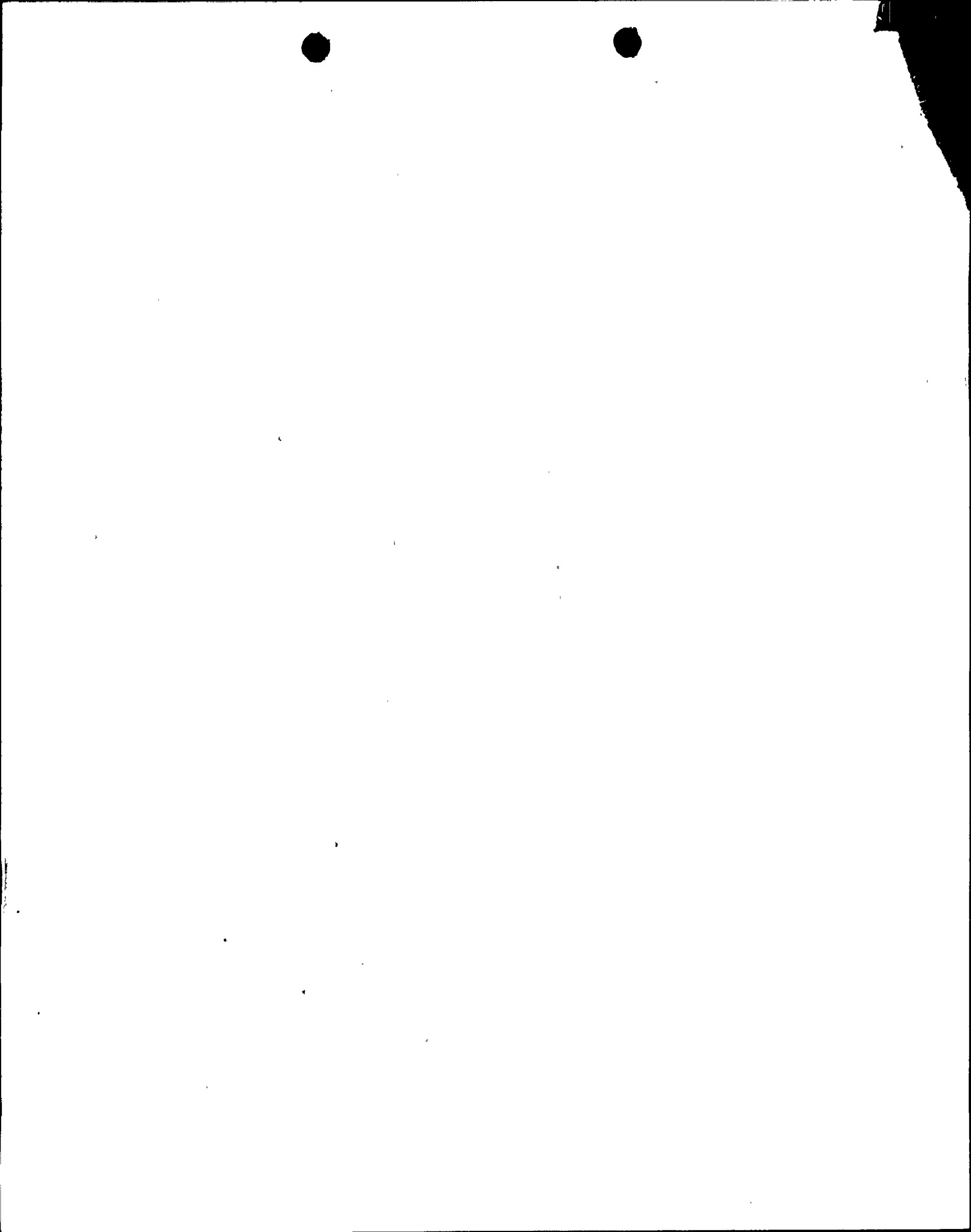
On June 11, 1980, Edmund G. Brown, Jr., Governor of the State of California (Governor),^{1/} filed notice of his intent to "participate in the hearing on the security plan issue" to be held by the Atomic Safety and Licensing Appeal Board in the above-captioned proceeding.^{2/} As grounds for such participation, the Governor of California stated that "the adequacy of Applicant's security plan is of central concern to the State of California and necessarily involves the responsibilities of the Governor and the Executive Branch of the State Government." He also asserted that "certain information [concerning security measures] is peculiarly available to the Governor."^{3/}

^{1/} The Governor was belatedly admitted to this proceeding as the representative of an interested state under the provisions of 10 CFR §2.715(c) by the Atomic Safety and Licensing Board. Order Relative to the Petition of Governor Edmund G. Brown, Jr. (November 16, 1979).

^{2/} Pleading entitled "Participation in Security Plan Hearing" dated June 11, 1980.

^{3/} Id. at 1-2. But see Governor Brown's Statement of Issues of Concern dated December 19, 1979 filed before the Atomic Safety and Licensing Board in this case.

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Given the present posture of this case - de novo review of the security matters by the Appeal Board^{4/} - and the arguments set forth by the Governor in support of his petition, the NRC Staff interposes no objection to participation by the Governor of the State of California in the upcoming security hearings.^{5/}

II. CONCLUSION

For the foregoing reasons, the NRC Staff does not object to participation by Governor Edmund G. Brown, Jr. of the State of California in the security hearings before this Appeal Board.

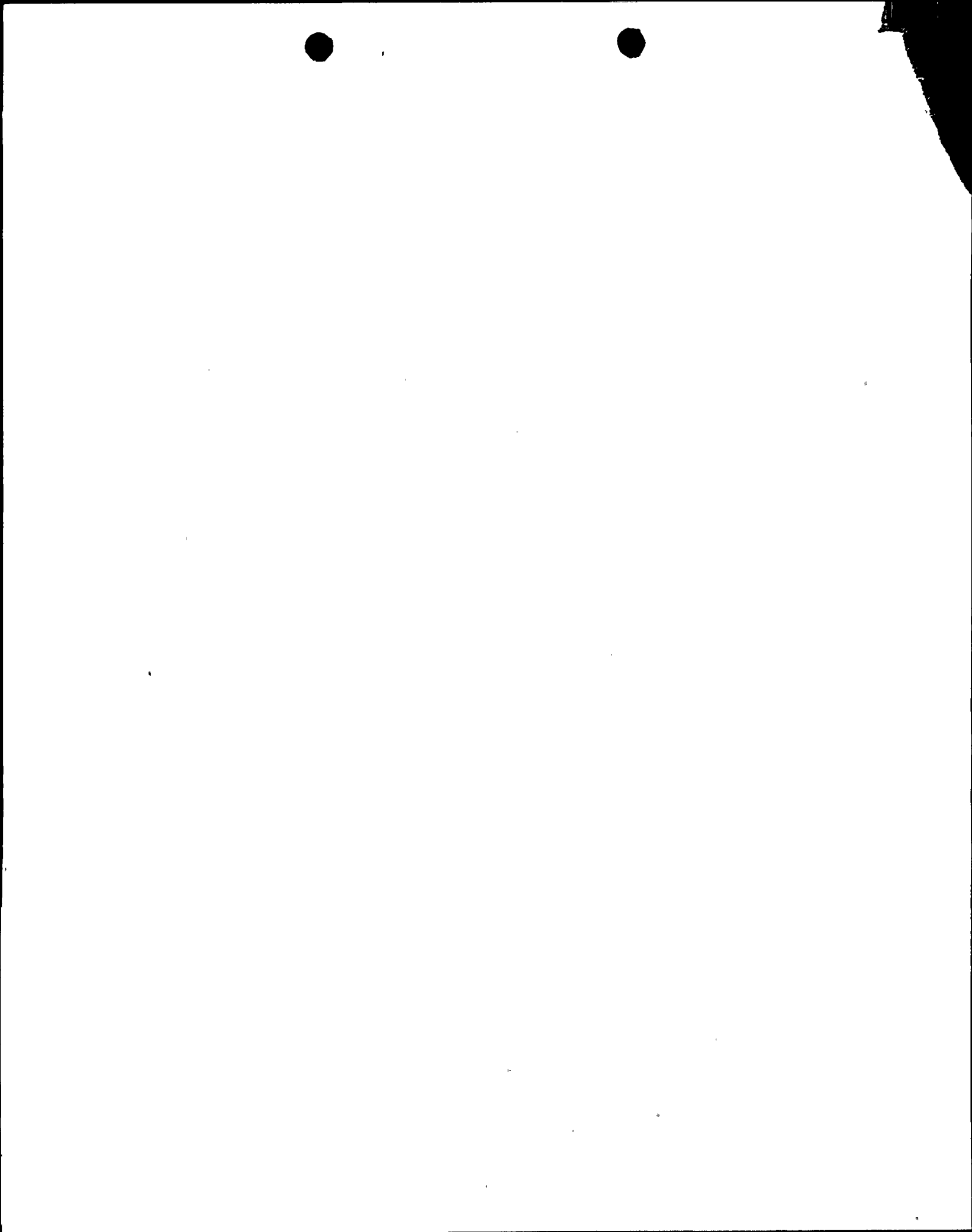
Respectfully submitted,



James R. Tourtellotte
Assistant Chief Hearing Counsel
for the NRC Staff

^{4/} Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-580, 11 NRC 227, 231 (February 15, 1980).

^{5/} The Staff believes that participation by the Governor in the de novo hearing of the security issue on appeal is distinguishable from his right to participate in the seismic appeal. Cf. Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-583, 11 NRC ____ (Slip Op. dated March 12, 1980, at 5). The instant participation does not necessarily require knowledge of the record below, the Governor has indicated that his participation will assist in developing a sound record and he asserts that his participation will not unduly delay the proceeding. Governor's Participation in Security Plan Hearing pleading at 2 (June 11, 1980).



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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO GOVERNOR BROWN'S PARTICIPATION IN SECURITY PLAN HEARING", dated June 25, 1980, in the above-captioned proceeding, have been served on the following, by deposit in the United States mail, first class, or, as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 25th day of June, 1980:

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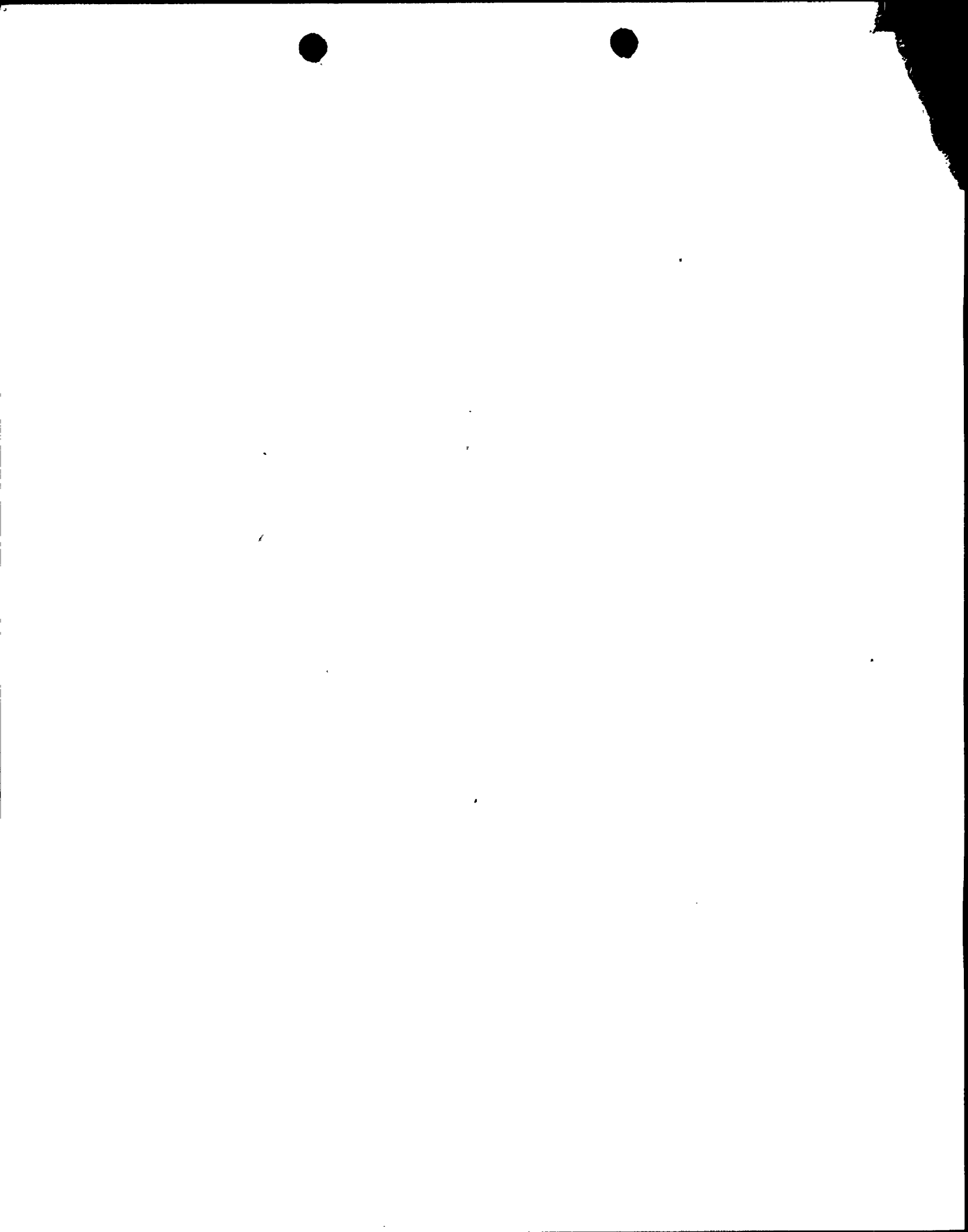
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