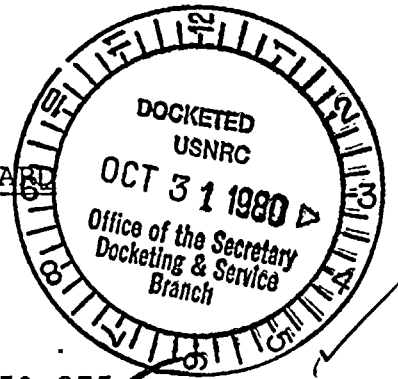


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
PACIFIC GAS AND ELECTRIC COMPANY)
)
Diablo Canyon Nuclear Power Plant,)
)
Units 1 and 2)
)

Docket No. 50-275
Docket No. 50-323

RESPONSE OF GOVERNOR BROWN
TO PG&E'S MOTION FOR RECONSIDERATION

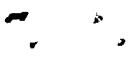
On October 27, 1980, PG&E moved for reconsideration of this Board's "Order Granting Additional Time for Contentions Relative to Fuel Loading and Low Power Testing," dated October 24, 1980 ("Order"). For the reasons set forth below, Governor Brown respectfully urges the Board to deny PG&E's motion for reconsideration.

This Board, in its Order, acted with reasonableness in extending the filing date for contentions and issues to December 3, 1980. Indeed, the Board recognized (1) the impact and reality of other hearing matters in this proceeding that affect the availability of time for the Governor to prepare a statement of issues, and (2) the fact that the NRC Staff has proposed an alternative method of developing contentions and issues in keeping with sound and expeditious pre-trial procedure. Surely, fairness requires that the parties be given the opportunity to pursue the Staff's proposal prior to the December 3 filing date for contentions and issues.

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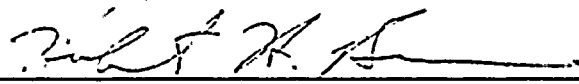


Finally, we note that the argument in PG&E's motion for reconsideration is highly unusual and indeed inappropriate. What the Governor does -- or "could" do -- with his legal resources and the legal priorities the Governor pursues in the preparation and trial of his own case is for the Governor, not for PG&E, to decide. The Governor requested the filing extension to December 3 because such an extension is necessary. The Board granted the extension because it understands the problems faced by the parties who must respond by December 3 while in the interim participating in the security plan proceeding and drafting proposed findings of fact and conclusions of law in the seismic proceeding. It is unfitting for PG&E -- which need not make any filing with this Board by the December 3 date -- to seek to impose even greater disproportionate burdens on the Governor and the Joint Intervenors.

We submit that the Board acted with reasonableness and understanding. Accordingly, PG&E's motion for reconsideration should be denied.

Respectfully submitted,

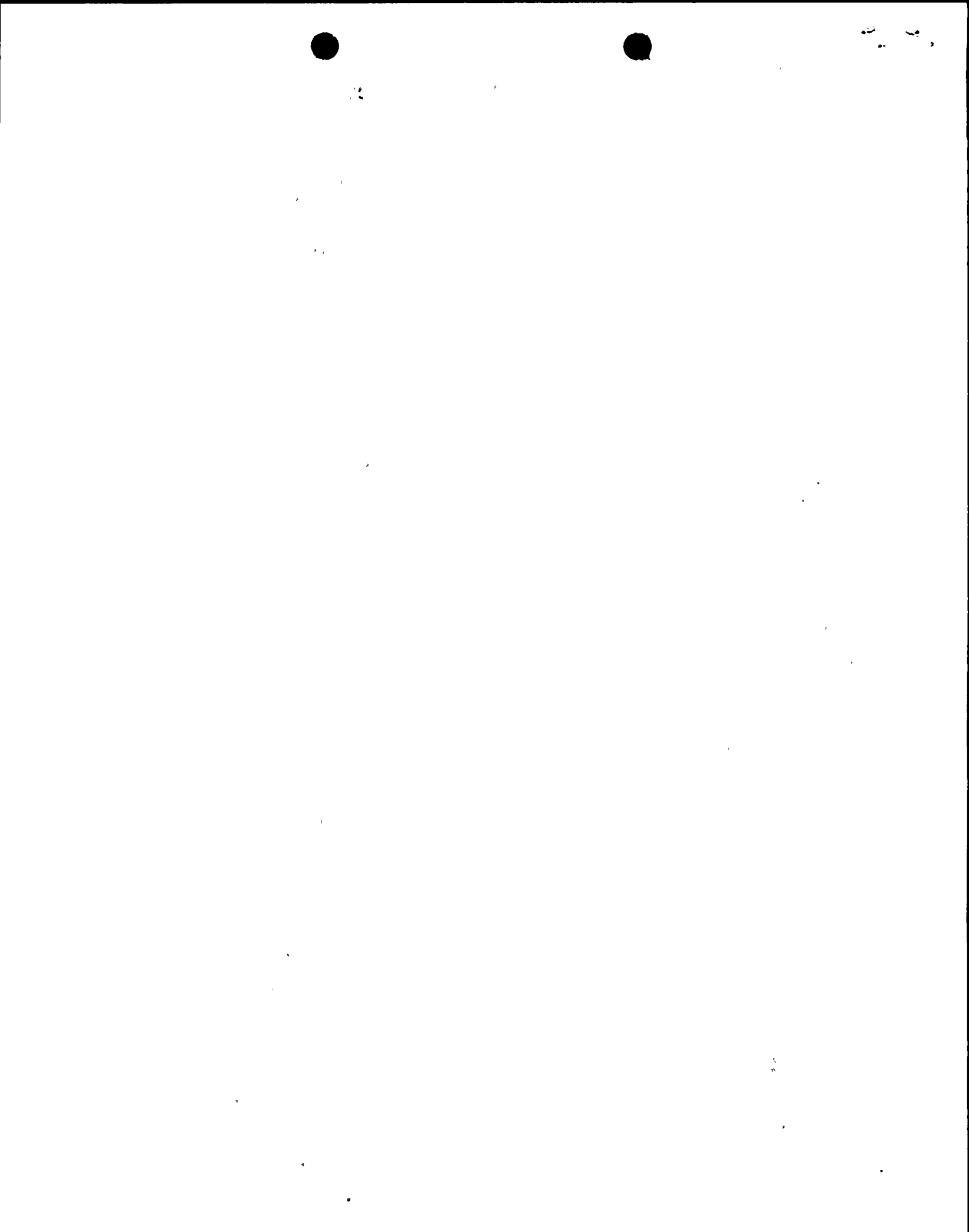
Byron S. Georgiou
Legal Affairs Secretary

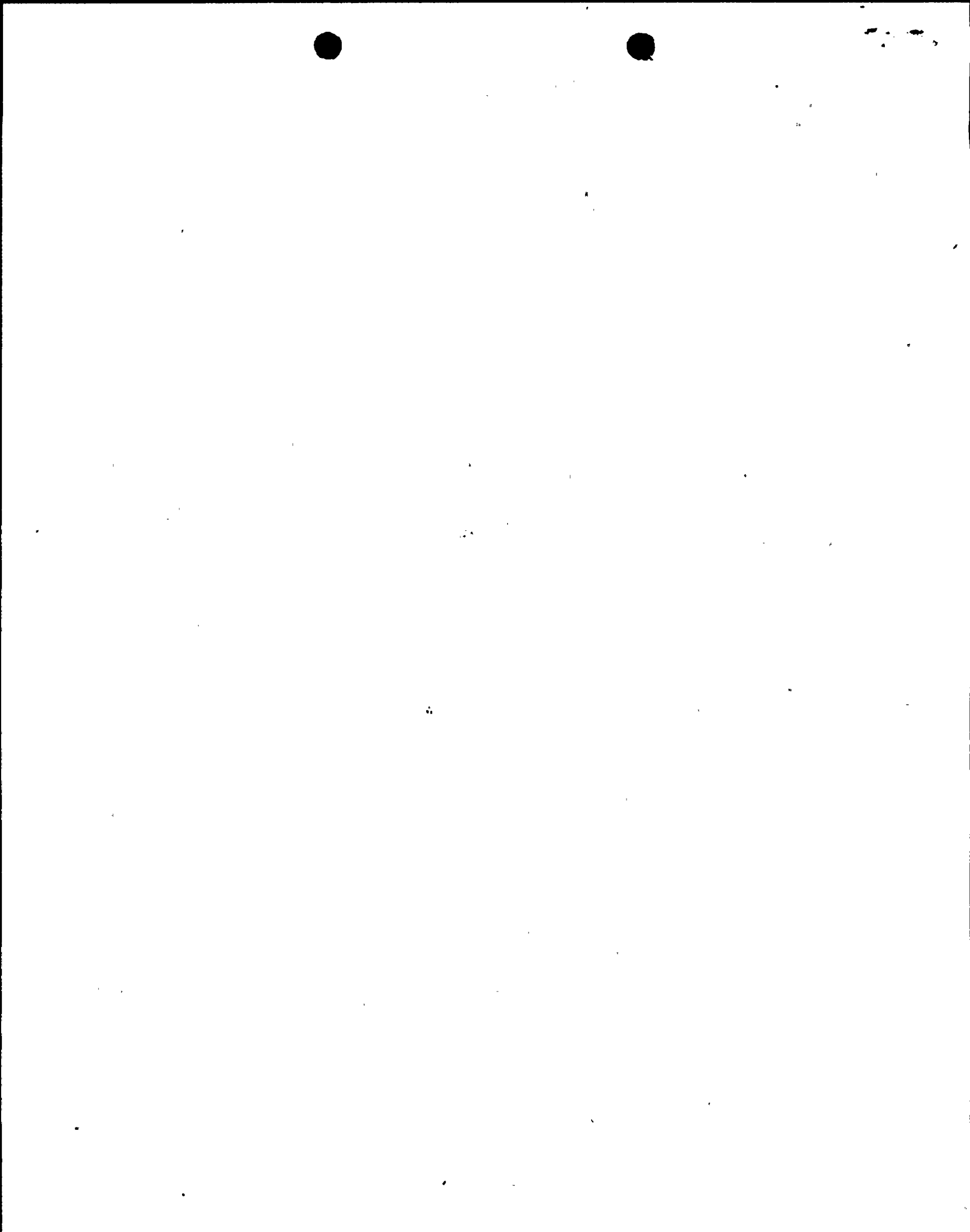


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October 31, 1980





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ATTENTION: Docketing and Service Section

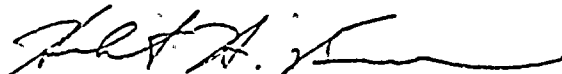
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