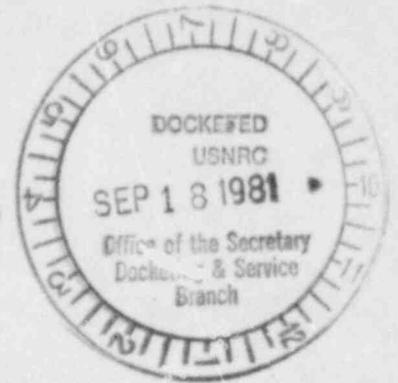


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING APPEAL BOARD



Administrative Judges:

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

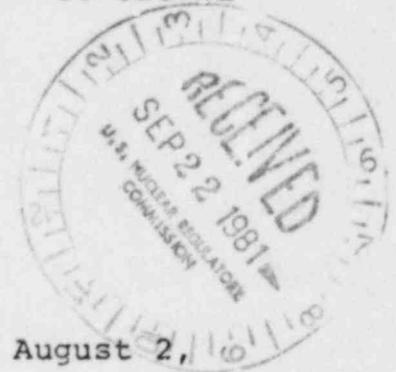
_____)
In the Matter of)
_____)
PACIFIC GAS AND ELECTRIC COMPANY)
_____)
(Diablo Canyon Nuclear Power Plant,))
Units 1 and 2))
_____)

Docket Nos. 50-275 OL
50-323 OL

SERVED SEP 18 1981

ORDER

September 17, 1981



By a motion dated July 31, 1981 and served August 2, intervenor, San Luis Obispo Mothers for Peace (SLOMFP), seeks to have us "take official cognizance" of a Board Notification concerning an event which took place during preoperational physical security inspection testing at Diablo Canyon and "to augment the record of the security proceeding" with it. In addition, SLOMFP requests permission to depose both a member of the NRC staff and an employee of the applicant who have first-hand knowledge of the matters set forth in the Board Notification. Governor Brown supports SLOMFP's motion while the staff and the applicant oppose it.

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The Board Notification was served on all parties to the Diablo Canyon security proceeding and consists of three documents. The first is a July 23 memorandum to the Appeal Board from Robert L. Tedesco, Assistant Director for Licensing, which discusses in summary fashion a routine concealed weapons search test conducted by I&E inspectors at applicant's facility on July 15, 1981. The Assistant Director's memorandum concludes by stating that the Office of Inspection and Enforcement is satisfied that the applicant is taking appropriate action on this matter. The two other documents are Preliminary Notification Nos. PNS-V-81/07 and PNS-V-81/07A dated July 17 and 20, respectively, which detail the preoperational search test and its results. They state that during an announced physical security inspection two NRC inspectors entered the security building at 8:30 a.m. PDT on July 15 each carrying a brief case containing a test weapon encased in a block of transparent acrylic material. Among other things, the brief cases were subjected to x-ray inspection and the search procedures employed by a guard trainee failed to detect one of the two test weapons during the x-ray screening. The applicant's security shift supervisor who had been informed of the test was present while the test was conducted. After the trainee failed to detect one

of the test weapons, the contract guard force supervisor was apprised of the test result. Thereafter, for the benefit of guard force personnel training, the weapons were arranged in several positions for the x-ray screening procedures to illustrate the prior deficiency.

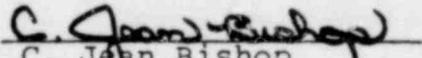
Intervenor's motion is denied. In view of the circumstances presented no basis exists for augmenting the record with the Board Notification or granting SLOMFP permission to depose any NRC or applicant personnel. The Board Notification is clear and unambiguous. As part of its preoperational testing program I&E inspectors sought to test the adequacy of applicant's procedures with guard trainees for using the x-ray screening equipment for hand held packages. The procedures used by the guard trainee proved partially inadequate in this instance. But this was the very purpose of the preoperational inspection test. As we pointed out in ALAB-653 RESTRICTED, it is the ultimate responsibility of the Director of NRR to ensure that all such deficiencies are corrected before applicant receives an operating license. That is exactly what occurred here and the staff is satisfied any deficiencies have been corrected. Absent significant circumstances this type of incident is not sufficient cause to reopen the record. The intervenor

has pointed to no such circumstances. Rather, SLOMFP merely "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." This is clearly an insufficient justification.

Motion denied.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Bishop
Secretary to the
Appeal Board