

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE COMMISSION

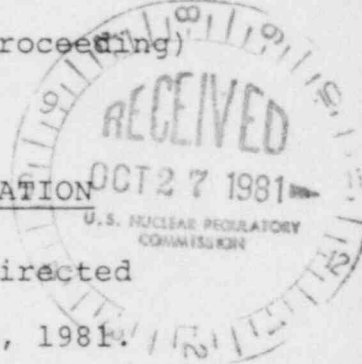
'81 OCT 26 P2:53

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket Nos. 50-275 O.L.
50-323 O.L.
(Full Power Proceeding)

RESPONSE OF GOVERNOR BROWN IN SUPPORT OF
JOINT INTERVENORS' REQUEST FOR DIRECTED CERTIFICATION



Governor Brown hereby supports the Request for Directed Certification filed by Joint Intervenors on October 8, 1981. Unlike PG&E's Motion for Reconsideration of September 21, 1981, which is not permitted by the NRC's regulations, Joint Intervenors' request is authorized by the regulations and is substantively sound.


Joint Intervenors conclusively demonstrate that the Licensing Board gave, at best, cursory consideration to the merits of the contentions put forth by Joint Intervenors and supported by Governor Brown. Joint Intervenors also demonstrate that such contentions are admissible under the explicit guidance issued by the Commission on December 18, 1980, and April 1, 1981. It is essential that the Commission now intervene and order the admission of these contentions. Otherwise, such Commission action would be postponed until a later appeal reached the Commission, thus requiring remand of the proceeding, and concomitant delay in the litigation of the subject contentions.

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The recent disclosure of PG&E's long-overlooked design and construction mistakes should caution the Commission to consider most seriously the contentions of the Joint Intervenors. Time and again in this proceeding the PG&E and the Staff have sought to sweep under the rug the Joint Intervenors' and the Governor's technical and legal concerns. On this occasion, the Commission itself has the chance to correct the misguided action of the Licensing Board. The Governor submits that the Commission should seize this opportunity to prevent further error by the Licensing Board.

Respectfully submitted,

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October 23, 1981

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "RESPONSE OF GOVERNOR BROWN IN SUPPORT OF JOINT INTERVENORS" REQUEST FOR DIRECTED CERTIFICATION" have been served to the following on October 23, 1981, by U.S. mail, first class.

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