

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

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BEFORE THE COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )

PACIFIC GAS AND ELECTRIC COMPANY )

(Diablo Canyon Nuclear Power )  
Plant, Units 1 and 2) )

Docket Nos. 50-275 O.L.  
50-323 O.L.

RESPONSE OF GOVERNOR EDMUND G. BROWN JR.  
IN SUPPORT OF "JOINT INTERVENORS'  
REQUEST FOR HEARING"

Governor Brown hereby responds in support of the "Joint Intervenor's Request For Hearing," filed August 17, 1982. PG&E's application for a license amendment extending the expiration date of PG&E's suspended low power license requires a hearing under Section 189(a) of the Atomic Energy Act and the case law cited by Joint Intervenor's.

The particular facts of this proceeding underscore the significance of PG&E's application for a license amendment, the right of all parties to be heard in a hearing on the record before the application is acted upon, and the need for the Commission to deny that application. This situation is further underscored by the fact that PG&E was issued a low power license under circumstances drastically different from those known today. Thus,

PG&E's application is not a commonplace administrative matter, but is a request to possess a license under wholly changed circumstances which clearly would now deny PG&E a license.

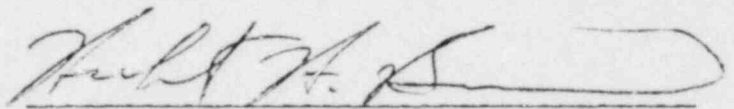
The one-year term established by the Commission for PG&E's expiring license, issued September 22, 1981, was predicated upon the Commission's finding and belief that the Diablo Canyon plant was built in accordance with NRC regulations. On November 19, 1981, however, in explicit recognition of PG&E's gross errors at Diablo Canyon, the Commission suspended PG&E's license and separately ordered an independent audit of certain critical safety features of the plant. Since that time, scores of quality assurance, construction, and design deficiencies have been uncovered at Diablo Canyon, and the seriousness of PG&E's errors has deepened greatly beyond what was known to the Commission last November. The issue raised by Joint Intervenors' request for hearing, therefore, does not relate to a clerical or administrative matter of extending a routine license granted under routine circumstances. The issue relates, instead, to the need for the Commission to act in recognition of the full impact of PG&E's errors and the implications of those errors on the NRC's hearing and licensing process.

If the Commission confronts the actual circumstances underlying PG&E's purportedly pro forma application, there is no alternative but to grant Joint Intervenors' request for hearing and to deny PG&E's application. Such a denial would be without prejudice to PG&E, which would of course have the right to re-apply

for a license to load fuel and operate at low power after PG&E is prepared to demonstrate that Diablo Canyon is designed and constructed in accordance with NRC regulations.

Respectfully submitted,

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September 1, 1982

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "RESPONSE OF GOVERNOR EDMUND G. BROWN, JR. IN SUPPORT OF 'JOINT INTERVENORS' REQUEST FOR HEARING'" have been served to the following by U.S. Mail, first class, this 1st day of September, 1982.

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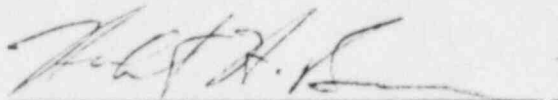
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