

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

DOCKETED  
USNRC

May 22, 2002 (4:30PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the matter of  
Pacific Gas and Electric Company  
Diablo Canyon Nuclear Power Plant  
Unit Nos. 1 and 2  
Independent Spent Fuel Storage Installation

Docket # 72-26

May 22, 2002

**REQUEST FOR HEARING AND PETITION TO INTERVENE  
BY SAN LUIS OBISPO MOTHERS FOR PEACE,  
CAMBRIA LEGAL DEFENSE FUND  
CENTRAL COAST PEACE AND ENVIRONMENTAL COUNCIL  
ENVIRONMENTAL CENTER OF SAN LUIS OBISPO,  
NUCLEAR AGE PEACE FOUNDATION,  
SAN LUIS OBISPO CHAPTER OF GRANDMOTHERS FOR PEACE  
INTERNATIONAL,  
SAN LUIS OBISPO CANCER ACTION NOW,  
SANTA MARGARITA AREA RESIDENTS TOGETHER,  
SANTA LUCIA CHAPTER OF THE SIERRA CLUB, AND  
VENTURA COUNTY CHAPTER OF THE SURFRIDER FOUNDATION**

In accordance with the Nuclear Regulatory Commission's ("NRC's" or "Commission's") "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2, and in response to a notice published by the NRC at 67 Fed. Reg. 19,600 on April 22, 2002, the San Luis Obispo Mothers for Peace (SLOMFP), Central Coast Peace And Environmental Council, Environmental Center Of San Luis Obispo, Nuclear Age Peace Foundation, San Luis Obispo Chapter of Grandmothers For Peace International, San Luis Obispo Cancer Action Now, Santa Lucia Chapter of the Sierra Club, and Ventura County Chapter of the Surfrider Foundation, hereby request a hearing and petition to intervene with respect to Pacific Gas & Electric Company's ("PG&E's") December 21, 2001, application for a materials license for an independent spent fuel storage installation (ISFSI) at the Diablo Canyon Nuclear Power Plant.

All of the petitioners have agreed to be represented by SLOMFP in this proceeding.

Thus, SLOMFP will act as a lead intervenor.

NRC regulations at 10 C.F.R. § 2.714 require a petitioner to demonstrate standing, i.e., to explain 1) its right to be made a party to the proceeding, 2) its interest in the proceeding, and 3) possible effects on the petitioner's interest. As discussed below, all of the petitioner organizations have representational standing by virtue of the fact that "at least one of their members has standing, i.e., has stated an injury in fact falling within the zone of interests protected by the Atomic Energy Act, that is fairly traceable" to the proposed action. *Duke Cogema Stone & Webster* (Savannah River Mixed Oxide Fuel Fabrication Facility), LBP-01-35, 54 NRC 403, 417 (2001). Therefore, they constitute "interested person[s]" who have a right to a hearing under Section 189a of the Atomic Energy Act, 42 U.S.C. § 2239a.

As demonstrated in the attached declarations from members of the petitioner organizations, some of the petitioners have standing by virtue of the proximity of their members' homes or regular activities to the Diablo Canyon plant. SLOMFP members Susan Biesek, Elaine E. Holder, Nancy Walker, and Jill ZamEk live within 20 miles of the Diablo Canyon plant. *See* Exhibits 1, 2, 3, and 4. Environmental Center member Pamela Heatherington lives within 30 miles of the plant. *See* Exhibit 5. Sierra Club member Peter E. Wagner lives within 15 miles of the plant. *See* Exhibit 6. San Luis Obispo Cancer Action Now member Virginia Monteen lives and works within ten miles of the plant. *See* Exhibit 7. Santa Margarita Area Residents Together member Jude Ann Rock lives within 20 miles of the plant. *See* Exhibit 8. Cambria Legal Defense Fund member Suzy Ficker lives within 27 miles of the Diablo Canyon plant. *See* Exhibit 9. As demonstrated in Table H-7 of the Department of Energy's Draft Environmental

Impact Statement (“DEIS”) for the Yucca Mountain Repository (July 1999), environmental impacts of cask-handling accidents can occur at a distance of 50 miles. Even if these impacts are small, they are sufficient for purposes of conferring standing. LBP-01-35, *supra*, 54 NRC at 417; *Yankee Atomic Electric Company* (Yankee Nuclear Power Station), LBP-96-2, 43 NRC 61, 69-70 (1996), *reversed on other grounds*, CLI-96-7, 43 NRC 235 (1996).

Other petitioners have standing by virtue of their members’ proximity to potential transportation routes. LBP-01-35, *supra*, 54 NRC at 417. While the exact routes by which spent fuel will be shipped away from Diablo Canyon plant to Yucca Mountain (or possibly to the proposed Private Fuel Storage ISFSI in California) have not yet been determined, it is reasonable to believe that the spent fuel will either be transported by road from the plant to a railhead, or by barge to a road or railhead. Thus, the main highways in San Luis Obispo may be used to transport spent fuel. A recent article in the San Luis Obispo Tribune reported that the DOE also has determined that barge shipment to Santa Barbara is feasible. A copy of the article is attached as Exhibit 10. Thus, residents of Santa Barbara who live or work near transportation routes also have standing.

Thus, the San Luis Obispo County Chapter of the Grandmothers for International Peace International has standing through member Molly P. Johnson, who travels the roads of San Luis Obispo on a daily basis and lives within three miles of Highway 46, a major road over which spent fuel may be transported away from the Diablo Canyon plant to Yucca Mountain or the Private Fuel Storage Facility in Utah. *See* Exhibit 11. San Luis Obispo Cancer Action Now has standing through member Virginia Monteen, who regularly travels U.S. Highway 101, another major road through San Luis Obispo. *See* Exhibit 7. Nuclear Age Peace Foundation has

standing through member David Krieger, who regularly travels Interstate 101, the main highway in Santa Barbara, and who regularly drives or walks near the railroad tracks. *See* Exhibit 12.

The Ventura County Chapter of the Surfrider Foundation has standing through member Paul Jenkin, who has regular contact with Highway 101 and the railroad tracks. *See* Exhibit 13.

Central Coast Peace and Environmental Council has standing through member Bruce W. Miller, who also lives close to and travels Highway 101. *See* Exhibit 14.

All of these individuals either live, work, or travel regularly in the area of the Diablo Canyon nuclear plant or potential transportation routes for spent fuel. If the ISFSI is licensed, the risk of injury to them will increase. They may be injured if there is an accident involving spent fuel casks, either at the plant or during transportation. They may also be injured by relatively small radiation doses during normal transportation.

Petitioners' interests also fall within the zone of interest protected by the Atomic Energy Act and the National Environmental Policy Act. The petitioners are concerned that the proposed ISFSI is not adequately designed to withstand an earthquake or tsunami; that the ISFSI will become a *de facto* permanent nuclear waste dump because of the unlikelihood that Yucca Mountain or any other repository will be licensed any time soon; that PG&E is not financially qualified to undertake the construction and operation of the proposed ISFSI; that PG&E has not adequately addressed the environmental impacts of spent fuel storage and transportation, or conducted an adequate comparison of the costs and benefits of reasonable alternatives; that PG&E has not designed the proposed ISFSI adequately or provided an adequate environmental analysis with respect to potential destructive acts of malice or insanity against the ISFSI or spent fuel in transport; that PG&E is seeking to use a cask that the NRC has not approved and for

which there is not adequate basis for approval; that neither the NRC nor the cask manufacturer has taken adequate account of the potential for destructive acts of malice or insanity in the generic design and approval process for the cask; that the proposed ISFSI is not adequately designed to protect public health and safety from radiological releases in excess of NRC safety standards; that the casks are not adequately designed for transportation by barge in the Santa Barbara channel; that the current emergency response plan is inadequate to protect public health and safety from accidents involving storage of spent fuel at the ISFSI or transportation of spent fuel away from the ISFSI; that safety of the construction and operation of the ISFSI will be compromised by the atmosphere of the work environment at Diablo Canyon, which chills efforts by employees to report safety concerns. Petitioners are also concerned that PG&E is seeking this license at the same time it is seeking to transfer ownership of the Diablo Canyon facility to another owner, thereby raising questions about what entity should be required to demonstrate that it is financially and technically qualified to build and operate the ISFSI.

Respectfully Submitted,



Diane Curran  
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.  
1726 M Street N.W., Suite 600  
Washington, D.C. 20036  
202/328-3500  
e-mail: [Dcurran@harmoncurran.com](mailto:Dcurran@harmoncurran.com)

May 22, 2002

Counsel to San Luis Obispo Mothers for Peace


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of: :  
: :  
PACIFIC GAS & ELECTRIC CO. : Docket No. 72-26 - ISFSI  
(Diablo Canyon Nuclear Power Plant :  
Unit Nos. 1 and 2) :

DECLARATION OF SUSAN BIESEK

Under penalty of perjury, I, Susan Biesek, declare as follows:

1. My name is Susan Biesek. I live at 2829 See Canyon Road, California. My home lies within 10 miles of the Diablo Canyon Nuclear Power Plant.
2. I live with my husband and two children, ages 17 and 20. We own our home.
3. I am a member of San Luis Obispo Mothers for Peace.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the San Luis Obispo Mothers for Peace and other organizations on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property. Therefore, I have authorized the San Luis Obispo Mothers for Peace to represent me in this adjudicatory proceeding.

  
\_\_\_\_\_  
Susan Biesek

Dated: 5-14-02

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of: :

PACIFIC GAS & ELECTRIC CO. : Docket No. 72-26 - ISFSI

(Diablo Canyon Nuclear Power Plant : Unit Nos. 1 and 2)

DECLARATION OF ELAINE E. HOLDER

Under penalty of perjury, I, Elaine E. Holder, declare as follows:

1. My name is Elaine E. Holder. I live at 142 N. Tassajara Drive, San Luis Obispo, California. My home lies within 20 miles of the Diablo Canyon Nuclear Power Plant.
2. I live with my adult daughter. I own my own home in addition to two rental properties in the area.
3. I am a member of San Luis Obispo Mothers for Peace.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the San Luis Obispo Mothers for Peace and other organizations on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my daughter, and the value of my property. Therefore, I have authorized the San Luis Obispo Mothers for Peace to represent me in this adjudicatory proceeding.

*Elaine E. Holder*

Elaine E. Holder

Dated: May 15, 2002

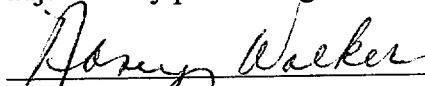
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of: :  
: :  
PACIFIC GAS & ELECTRIC CO. : Docket No. 72-26 - ISFSI  
(Diablo Canyon Nuclear Power Plant :  
Unit Nos. 1 and 2) :

DECLARATION OF NANCY WALKER

Under penalty of perjury, I, Nancy Walker, declare as follows:

1. My name is Nancy Walker. I live at 6450 Shearwater Court, Avila Beach, California. My home lies within 10 miles of the Diablo Canyon Nuclear Power Plant.
2. I live with my husband. We own our home.
3. I am a member of San Luis Obispo Mothers for Peace.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the San Luis Obispo Mothers for Peace and other organizations on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property. Therefore, I have authorized the San Luis Obispo Mothers for Peace to represent me in this adjudicatory proceeding.

  
\_\_\_\_\_  
Nancy Walker

Dated: 5/14/02



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION**

In the Matter of:

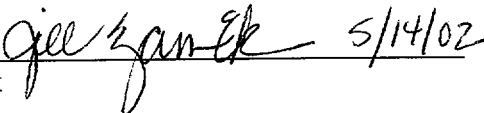
PACIFIC GAS & ELECTRIC CO.  
(Diablo Canyon Nuclear Power Plant  
Unit Nos. 1 and 2)

Docket No. 72-26 - ISFSI

**DECLARATION OF JILL ZAMEK**

Under penalty of perjury, I, Jill ZamEk, declare as follows:

1. My name is Jill ZamEk. I live at 1123 Flora Road, Arroyo Grande, California. My home lies within 20 miles of the Diablo Canyon Nuclear Power Plant.
2. I live with my husband and two children, ages 16 and 18. We own our home.
3. I am a member of San Luis Obispo Mothers for Peace.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the San Luis Obispo Mothers for Peace and other organizations on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property. Therefore, I have authorized the San Luis Obispo Mothers for Peace to represent me in this adjudicatory proceeding.

 5/14/02  
 \_\_\_\_\_  
 Jill ZamEk



**ENVIRONMENTAL CENTER  
OF SAN LUIS OBISPO COUNTY**  
P.O. Box 1014 San Luis Obispo, CA 93406  
Tel. (805) 544-1777  
Fax: (805) 544-1871  
ecoslo@slonet.org

**BOARD OF TRUSTEES**  
Bob Lavelle, *Chair*  
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**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION**

In the Matter of:

PACIFIC GAS & ELECTRIC CO.  
(Diablo Canyon Nuclear Power Plant  
Unit Nos. 1 and 2)

Docket No. 72-26 - ISFSI

**DECLARATION OF Pamela Heatherington**

Under penalty of perjury, I, Pamela Heatherington declare as follows:

1. My name is Pamela Heatherington. I live at 7790 Yesal Ave., Atascadero, California. My home lies within 30 miles of the Diablo Canyon nuclear power plant.
2. I am a member of the Environmental Center of San Luis Obispo.
3. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the Environmental Center and the San Luis Obispo Mothers for Peace on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property.
4. Therefore, I have authorized the Environmental Center of San Luis Obispo to intervene on my behalf in this adjudicatory proceeding. I understand that the interests of the Environmental Center of San Luis Obispo will be represented in the proceeding by the San Luis Obispo Mothers for Peace.

Pamela Heatherington

Dated: May 16, 2002

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of: :  
: :  
PACIFIC GAS & ELECTRIC CO. : Docket No. 72-26 - ISFSI  
(Diablo Canyon Nuclear Power Plant :  
Unit Nos. 1 and 2) :

**DECLARATION OF PETER E. WAGNER**

Under penalty of perjury, I, Peter E. Wagner, declare as follows:

1. My name is Peter E. Wagner. I live at 2650 Maple Ave., Morro Bay, CA 93442. My home lies within 15 miles of the Diablo Canyon Nuclear Power Plant in California State Protective Active Zone 9.

2. I live with my spouse, Caryl V. Wagner, age 72. We own our home.

3. I am chair of the Conservation Committee of the of the Sierra Club, Santa Lucia Chapter. The Chapter has 2000 members in San Luis Obispo County, the county that houses Diablo Canyon Power Plant.

4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the San Luis Obispo Mothers for Peace and other organizations on May 22, 2002, the Santa Lucia Chapter is concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of ourselves and our families and the value of our properties. Therefore, we have authorized the San Luis Obispo Mothers for Peace to represent us in this adjudicatory proceeding.

Peter E. Wagner  
Peter E. Wagner

Dated: May 16, 2002

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION**

In the Matter of:  
**PACIFIC GAS & ELECTRIC CO: Docket No. 72-26 - ISFSI  
(Diablo Canyon Nuclear Power Plant: Unit Nos. 1 and 2):**

**DECLARATION OF SLO CANCER ACTION NOW**

Under penalty of perjury, I, Virginia Monteen, declare as follows:

1. My name is Virginia Monteen. I live at 1525 Nipomo Street, San Luis Obispo, California, 93401.
2. I am a member of SLO Cancer Action Now.
3. I live and work in the town of San Luis Obispo, which is 10 miles from Diablo Canyon Nuclear Power Plant. I travel the roads of San Luis Obispo on a daily basis including U.S. 101, which could possibly be a transportation route for high-level radioactive waste from Diablo Canyon Nuclear Power Plant. My home lies within 1 1/2 miles of railroad tracks.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by SLO Cancer Action Now and the San Luis Obispo Mothers for Peace on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself, and the value of my property. In particular, I am concerned that my health and welfare may be injured by my proximity to spent fuel casks that the applicant, Pacific Gas & Electric Co., plans to store at Diablo Canyon Nuclear Power Plant or possibly ship through san luis obispo on U.S. 101.
5. Therefore, I have authorized SLO Cancer Action Now to intervene on my behalf in this adjudicatory proceeding. I understand that the interests of SLO Cancer Action Now will be represented in the proceeding by the San Luis Obispo Mothers for Peace.



Virginia Monteen

Dated: May 17, 2002

United States of America  
 Nuclear Regulatory Commission  
 Before the Secretary of the Commission

In the matter of:

Pacific Gas and Electric Co Docket No. 72-26-15FS1  
 (Diablo Canyon Nuclear Power Plant  
 Units Nos. 1 and 2)

Declaration of Jude Ann Rock

Under penalty of perjury, I, Jude Ann Rock, declare as follows

1. My name is Jude Ann Rock. I live at 9780 Encina Street, Santa Margarita, CA 93453. My home lies within 20 miles of Diablo Canyon Nuclear Power Plant in Public Education Zone 14.
2. I live with my spouse, David Arndt, and my two sons, Joseph Arndt and Thomas Arndt. We own our home.
3. I am on the Board of Directors of Santa Margarita Area Residents Together. Our non profit organization receives support from around the county of San Luis Obispo.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the San Luis Obispo Mothers for Peace and other organizations on May 22, 2002, SMART is concerned that construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health & safety of ourselves and our families and the value of our properties. Therefore, we have authorized the San Luis Obispo Mothers for Peace to represent us in this adjudicatory proceeding.

Jude Ann Rock Jude Ann Rock 5/22/02

**Cambria Legal Defense Fund**

P. O. Box 516  
Cambria, CA 93428

May 22, 2002

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of:

PACIFIC GAS & ELECTRIC CO.                    Docket No. 72-26 - ISFSI  
(Diablo Canyon Nuclear Power Plant  
Unit Nos. 1 and 2)

**DECLARATION OF SUZY FICKER**

Under penalty of perjury, I, Suzy Ficker declare as follows:

1. My name is Suzy Ficker. I live at 1060 Hartford, Cambria, California, 93428. My home is 27 miles of the Diablo Canyon Nuclear Power Plant.
2. I own my own home.
3. I am founder and director of the Cambria Legal Defense Fund in San Luis Obispo County, the county that houses Diablo Canyon Nuclear Power Plant.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by the San Luis Obispo Mothers for Peace and other organizations on May 22, 2002, the Cambria Legal Defense Fund is concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of ourselves and our families and the value of our properties. Therefore, we have authorized the San Luis Obispo Mothers for Peace to represent us in this adjudicatory proceeding.
5. Please send all correspondence to:  
Cambria Legal Defense Fund  
c/o Vern Kalshan, Esq.  
449 Kerwin  
Cambria, CA 93428



Suzy Ficker, Cambria Legal Defense Fund

Dated: May 22, 2002

NUCLEAR WASTE: FROM DIABLO CANYON;  
A ROUTE OUT?  
DEPARTMENT OF ENERGY'S LATEST PROPOSAL SUGGESTS SHIPPING SPENT RADIOACTIVE  
FUEL TO YUCCA MOUNTAIN FIRST DOWN THE COAST VIA BARGE, THEN EAST TO NEVADA  
VIA RAIL.

Published: Wednesday, March 27, 2002  
Section: A-Section  
Page: A1

By David Sneed  
The Tribune

Federal officials may use barges to transport radioactive waste part way from the Diablo Canyon nuclear power plant to the proposed Yucca Mountain repository in Nevada.

The federal Department of Energy has determined that it is feasible to load the fuel onto barges and ship it 89 miles down the coast to Port Hueneme near Oxnard, where it would then be shipped, most likely by rail, the rest of the way to a site 90 miles northwest of Las Vegas.

This summer Congress will decide whether to authorize Yucca Mountain as the site of a central burial place for 70,000 metric tons of the nation's highly radioactive spent nuclear fuel. President Bush has already recommended authorization of the Yucca Mountain site.

However, the proposal faces stiff opposition from elected officials in Nevada and environmentalists who are afraid that a traffic accident or terrorist attack while the fuel is being transported could cause a disastrous radiation leak.

Joe Davis, a spokesman for the Department of Energy, said no decision has been made about what transportation method would be used. That decision is years away because the facility would not be ready to accept nuclear waste until 2010, assuming Congress gives its authorization.

"It will be a very involved process," Davis said. "We are going to work with states to determine preferred routes."

The department's preferred transportation method is rail because it is considered safer and trains can carry greater loads than trucks. According to the final federal report on the Yucca Mountain project issued Feb. 15, barging has many of the same advantages as rail transport.

Pam Heatherington, executive director of the Environmental Center of San Luis Obispo, said the prospect of barging the spent fuel adds a whole new wrinkle to the transportation question -- possible pollution of the ocean with radioactivity. She is concerned that the slow-moving barges might be

tempting targets for terrorists.

"What if terrorists blew one of the barges to smithereens?" she asked.

Nuclear industry officials counter that the waste is shipped in robust containers designed to withstand fire, crashes and submersion. The industry has already shipped more than 3,000 loads of used fuel without incident.

The Department of Energy estimates that between 121 and 312 barge shipments would be needed to transport waste from Diablo Canyon, depending on how much fuel would go to the Nevada site. Yucca Mountain would only be authorized to hold 70,000 tons of waste.

The nation's 103 reactors have already produced 44,000 tons and continue to produce more. Yucca Mountain will have to either be expanded or another site selected to receive the excess fuel, said Gayle Fisher, a spokeswoman for the Yucca Mountain project.

The proposal to use barges to transport nuclear waste has caught the attention of the state Coastal Commission, which is investigating what its jurisdiction might be, said Sarah Christie, a legislative analyst with the agency.

The state's most likely avenue of involvement would be review of any new facilities at the plant, such as piers, that would be needed to load the spent fuel onto barges.

Jeff Lewis, Diablo Canyon spokesman, said anything like that is at least 15 years away. Because it is relatively new, Diablo Canyon is low on the list of facilities in line to ship fuel to Yucca Mountain.

In the meantime, plant managers are concentrating on implementing a plan to store the spent fuel in dry casks behind the plant. The plant will run out of room in its fuel storage pools by 2006.

David Sneed covers environmental issues for The Tribune. E-mail story ideas or comments to him at [dsneed@thetribunenews.com](mailto:dsneed@thetribunenews.com).



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In the Matter of:

PACIFIC GAS & ELECTRIC CO.  
(Diablo Canyon Nuclear Power Plant  
Unit Nos. 1 and 2)

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:  
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:

Docket No. 72-26 - ISFSI

DECLARATION OF MOLLY P JOHNSON

Under penalty of perjury, I, Molly P. Johnson declare as follows:

1. My name is Molly P. Johnson. I live at 6290 Hawk Ridge Place, San Miguel, CA.
2. I am a member of Grandmothers for Peace Int'l/San Luis Obispo County Chapter.
3. I live and work in the city of Paso Robles, which lies 27 miles north of San Luis Obispo. I live within 35 miles of Diablo Canyon Nuclear Power Plant. I travel the roads of San Luis Obispo on a daily basis, including State Highway 46, the main east-west highway through San Luis Obispo County. My home also lies within 3 miles of State Highway 46. If PG&E decides to ship spent fuel by road from the Diablo Canyon nuclear plant to Yucca Mountain or the Skull Valley Goshute Reservation in Utah, it is likely that Highway 46 would be used.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by Grandmothers for Peace/San Luis Obispo County Chapter and the San Luis Obispo Mothers for Peace on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property. In particular, I am concerned that my health and welfare may be injured by my proximity to spent fuel casks stored at Diablo Canyon or that may travel on Highway 46.
5. Therefore, I have authorized Grandmothers for Peace/San Luis Obispo County Chapter to intervene on my behalf in this adjudicatory proceeding. I understand that the interests of Grandmothers for Peace/San Luis Obispo County Chapter will be represented in the proceeding by the San Luis Obispo Mothers for Peace.

*Molly P Johnson*  
Molly P Johnson

Dated: 05/15/02

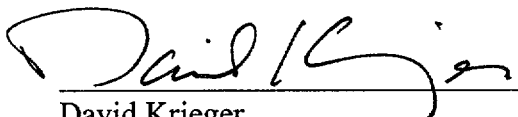
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of: :  
: :  
PACIFIC GAS & ELECTRIC CO. : Docket No. 72-26 - ISFSI  
(Diablo Canyon Nuclear Power Plant :  
Unit Nos. 1 and 2) :

DECLARATION OF DAVID KRIEGER

Under penalty of perjury, I, David Krieger, declare as follows:

1. My name is David Krieger. I live at 808 Romero Canyon Road, Santa Barbara, California.
2. I am a member and officer of the Nuclear Age Peace Foundation, which has approximately 500 members in the Santa Barbara Area
3. I live and work in the city of Santa Barbara. I travel the roads of Santa Barbara on a daily basis, including the main North-South highway, US Interstate 101. I also regularly drive or walk near the railroad tracks. My home lies within 5 miles of Interstate 101 and the railroad tracks.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by Nuclear Age Peace Foundation and the San Luis Obispo Mothers for Peace on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property. In particular, I am concerned that my health and welfare may be injured by my proximity to spent fuel transportation casks that the applicant, Pacific Gas & Electric Co., plans to ship through Santa Barbara, en route from the Diablo Canyon nuclear power plant to the Yucca Mountain repository.
5. Therefore, I have authorized the Nuclear Age Peace Foundation to intervene on my behalf in this adjudicatory proceeding. I understand that the interests of the Nuclear Age Peace Foundation will be represented in the proceeding by the San Luis Obispo Mothers for Peace.

  
David Krieger

5/15/02  
Date

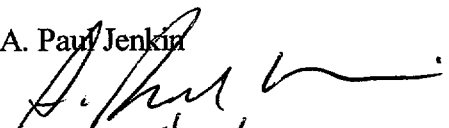
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of: :  
: :  
PACIFIC GAS & ELECTRIC CO. : Docket No. 72-26 - ISFSI  
(Diablo Canyon Nuclear Power Plant :  
Unit Nos. 1 and 2) :

DECLARATION OF INTERVENTION

Under penalty of perjury, I, A. Paul Jenkin declare as follows:

1. My name is Paul Jenkin. I live at 86 S San Clemente St., Ventura, California.
2. I am the Environmental Director of the Ventura County Chapter of the Surfrider Foundation, and represent 800 local members.
3. I live and work in Ventura. I travel the roads of Ventura on a daily basis, including the main east-west highway, 101. I also regularly drive or walk near the railroad tracks which cross the Ventura River where I surf and bike. My home lies on/within 0.75 miles of both Highway 101 and the railroad tracks. In addition, my organization is actively involved in coastal protection issues and virtually daily spends time in Ventura's coastal waters.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by Ventura County Chapter of the Surfrider Foundation and the San Luis Obispo Mothers for Peace on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property. In particular, I am concerned that my health and welfare may be injured by my proximity to spent fuel transportation casks that the applicant, Pacific Gas & Electric Co., plans to ship through Ventura, en route from the Diablo Canyon nuclear power plant to the Yucca Mountain repository.
5. Therefore, I have authorized Ventura County Chapter of the Surfrider Foundation to intervene on my behalf in this adjudicatory proceeding. I understand that the interests of Ventura County Chapter of the Surfrider Foundation will be represented in the proceeding by the San Luis Obispo Mothers for Peace.

A. Paul Jenkin  
  
Dated: 5/15/02

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY OF THE COMMISSION

In the Matter of:

PACIFIC GAS & ELECTRIC CO.  
(Diablo Canyon Nuclear Power Plant  
Unit Nos. 1 and 2)

Docket No. 72-26 - ISFSI

DECLARATION OF BRUCE W MILLER

Under penalty of perjury, I, Bruce W. Miller declare as follows:

1. My name is Bruce W. Miller. I live at 1962 Hope Street, San Luis Obispo, CA.
2. I am a member of Central Coast Peace and Environmental Council.
3. I live and work in the city of San Luis Obispo. I travel the roads of San Luis Obispo on a daily basis, including the main north-south Highway US101, which is the main evacuation route for Diablo Canyon and could also be a transportation route for high-level waste from Diablo Canyon to Yucca Mtn., NV or Skull Valley Goshute Reservation, Utah. I also regularly drive or walk near the railroad tracks. My home lies within 1/4 mile of US101 and the Union Pacific railroad tracks.
4. For the reasons set forth in the Request for Hearing and Petition to Intervene submitted to the NRC by Central Coast Peace and Environmental Council and the San Luis Obispo Mothers for Peace on May 22, 2002, I am concerned that the construction and operation of a proposed Independent Spent Fuel Storage Installation at the Diablo Canyon Nuclear Power Plant will jeopardize the health and safety of myself and my family, and the value of our property. In particular, I am concerned that my health and welfare may be injured by my proximity to spent fuel transportation casks that the applicant, Pacific Gas & Electric Co., may ship through San Luis Obispo en route from the Diablo Canyon nuclear power plant to the Yucca Mountain repository.
5. Therefore, I have authorized Central Coast Peace and Environmental Council to intervene on my behalf in this adjudicatory proceeding. I understand that the interests of the Central Coast Peace and Environmental Council will be represented in the proceeding by the San Luis Obispo Mothers for Peace.

Bruce W. Miller  
Bruce W. Miller

Dated: 05/15/02

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY OF THE COMMISSION

In the matter of  
Pacific Gas and Electric Company  
Diablo Canyon Nuclear Power Plant  
Unit Nos. 1 and 2  
Independent Spent Fuel Storage Installation

Docket # 72-26

**NOTICE OF APPEARANCE BY DIANE CURRAN**

Pursuant to 10 C.F.R. § 2.713, Diane Curran hereby enters an appearance in this proceeding as duly authorized legal counsel for San Luis Obispo Mothers for Peace.

Undersigned counsel is a member in good standing of the bars of the District of Columbia, the State of Maryland, the U.S. District Court for the District of Columbia, and the U.S. Courts of Appeals for the D.C. and First Circuits.

Respectfully submitted,



Diane Curran  
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.  
1726 M Street N.W., Suite 600  
Washington, D.C. 20036  
202/328-3500  
FAX 202/328-6918  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

May 22, 2002

## CERTIFICATE OF SERVICE

I certify that on May 22, 2002, copies of the foregoing Request for Hearing and Petition to Intervene and Notice of Appearance were served on the following:

Document Control Desk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
(by first-class mail, e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and  
fax of exhibits to 301/415-1101)

Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
(by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov) and fax of exhibits  
to 301/415-3735)

Lawrence F. Womack, Vice President  
Nuclear Services  
Diablo Canyon Power Plant  
P.O. Box 56  
Avila Beach, CA 93424

Counsel for SLOMP also attempted to contact William Brach at NMSS by telephone, and was directed to Angela Coggins at OGC, with whom she left a message.

  
Diane Curran

May 22, 2002

Document Control  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

SUBJECT: *Petition to Intervene and Request for Hearing*

Dear Madam/Sir:

On behalf of San Luis Obispo Mothers for Peace and other petitioners, and I submitting a petition to intervene and request for hearing regarding an application filed by Pacific Gas & Electric Co. for a license for an Independent Fuel Storage Installation. I am also submitting a notice of appearance for myself. Copies have been served on the parties in accordance with the requirements of the Federal Register notice.

Please note that the exhibits to the filing include several declarations for which I have not yet received original signed copies. These are the declarations of Pamela Heatherington (Exhibit 5), Virginia Monteen (Exhibit 7), Jude Ann Rock (Exhibit 8), Suzy Ficker (Exhibit 9), Molly P. Johnson (Exhibit 11), and Bruce W. Miller (Exhibit 14). I will forward them as soon as I get them.

Sincerely,



Diane Curran  
Counsel to San Luis Obispo Mothers for Peace