

May 30, 2002

The Honorable Lois Capps
United States House of Representatives
1118 Longworth Building
Washington, D.C. 20515-0522

Dear Congresswoman Capps:

I have received your letter dated May 22, 2002, requesting an extension of time for the filing period for individuals and organizations to request hearings and to petition to intervene in a proceeding concerning the application for the Diablo Canyon Spent Fuel Storage Facility. For the reasons stated below, the Commission has denied your request.

Initially, Commission practice generally requires that persons seeking an agency action, such as an extension of time, file their own requests. In other words, one person cannot seek an extension of time for another person. In addition, while the Commission's Rules do provide for granting extensions of time, the Rules require that those extensions be granted for "good cause." See 10 C.F.R. §2.711(a). Your letter does not provide any specific "good cause" why the time specified in the Federal Register Notice should be extended. Finally, the Commission has already received at least three Requests for Hearing and Petitions to Intervene related to this matter. So at least some of the persons interested in requesting a hearing and intervening in the proceeding have filed timely requests.

While the NRC appreciates your interest in this matter, your request for an extension of time is denied.

Sincerely,

/RA/

Annette Vietti-Cook
Secretary to the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
PACIFIC GAS AND ELECTRIC CO.)	Docket No. 72-26-ISFSI
DIABLO CANYON POWER PLANT)	
)	
(Independent Spent Fuel Storage)	
Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing RESPONSE OF THE SECRETARY TO THE EXTENSION REQUEST OF REP. LOIS CAPPS have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 72-26-ISFSI
RESPONSE OF THE SECRETARY TO THE
EXTENSION REQUEST OF REP. LOIS CAPPS

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of June 2002