

RAS 4689

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

DOCKETED 07/26/02

SERVED 07/26/02

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of

PACIFIC GAS AND ELECTRIC CO.

(Diablo Canyon Power Plant Independent
Spent Fuel Storage Installation)

Docket No. 72-26-ISFSI

ASLBP No. 02-801-01-ISFSI

July 26, 2002

MEMORANDUM AND ORDER
(Initial Prehearing Conference Status and
Participation as Interested Governmental Entity)

By memorandum and order dated July 22, 2002, the Licensing Board requested a joint status report from the participants concerning the estimated time needed for an initial prehearing conference, including oral argument regarding standing and contention admissibility issues. By joint filing dated July 25, 2002, the participants have advised the Board that they believe two days should be adequate for that conference. Accordingly, consistent with the Board's June 26, 2002 scheduling order, the initial prehearing conference will begin at 9:30 a.m. Pacific Daylight Time (PDT) on Tuesday, September 10, 2002, and the Board will plan on concluding the conference by 4:30 p.m. PDT on Wednesday, September 11, 2002. Further, to provide additional public seating, the location of the hearing is being moved from the Madonna Inn to the Grand Ballroom of The Cliffs Resort, 2757 Shell Beach Road, Shell Beach, California.

In addition, by letter to the Secretary of the Commission dated July 17, 2002, the Diablo Canyon Independent Safety Committee (DCISC) has indicated a possible interest in

participating in this proceeding as an interested governmental entity under 10 C.F.R. § 2.715(c).

As the Board has noted previously in this proceeding, a governmental entity seeking to participate pursuant to section 2.715(c) "takes the proceeding as it finds it." LBP-02-15, 56 NRC __, __ n.3 (slip op. at 3 n.3) (July 15, 2002). Accordingly, DCISC (or any other governmental entity) wishing to become a section 2.715(c) participant in this proceeding should make the Board and the other participants aware of that request promptly.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

July 26, 2002

* Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant Pacific Gas and Electric Co.; (2) petitioners San Luis Obispo Mother For Peace, et al.; (3) San Luis Obispo County, California, the Port San Luis Harbor District, and DCISC; and (4) the NRC staff.

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 LB MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE STATUS AND PARTICIPATION AS INTERESTED GOVERNMENTAL ENTITY) 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
LB MEMORANDUM AND ORDER
(INITIAL PREHEARING CONFERENCE
STATUS AND PARTICIPATION AS
INTERESTED GOVERNMENTAL ENTITY)

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 26th day of July 2002