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August 19, 2002

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

PACIFIC GAS & ELECTRIC CO.)

Docket No. 72-26-ISFSI

(Diablo Canyon Power Plant Independent
Spent Fuel Storage Installation))

ASLBP No. 02-801-01-ISFSI

RESPONSE OF PORT SAN LUIS HARBOR DISTRICT
TO ATOMIC SAFETY AND LICENSING BOARD ORDER OF AUGUST 7, 2002

INTRODUCTION

Port San Luis Harbor District ("District") hereby responds to the Atomic Safety and Licensing Board's ("Board")¹ Order of August 7, 2002 regarding issues the District would like to raise in addition to those proffered by San Luis Obispo Mothers for Peace ("SLOMFP") in response to Pacific Gas & Electric Company's ("PG&E") Application for the issuance of a license under the provisions of 10 C.F.R. Part 72, to store spent fuel and other radioactive material in an Independent Spent Fuel Storage Installation ("ISFSI") to be constructed and operated on the site of the Diablo Canyon Nuclear Power Plant ("Diablo Canyon"). Although the District is aware of 10 C.F.R. §72.32(c), the District has significant concerns regarding the adequacy of the San Luis Obispo County Nuclear Power Plant Emergency Response Plan

¹ Established by the Chairman of the Board's Panel for the above-captioned matter on May 31, 2002. "Establishment of Atomic Safety and Licensing Board."

("ERP") and believes the ERP should be considered in PG&E's current application. The District also hereby responds to the contentions raised by SLOMFP on July 19, 2002.

DISCUSSION

The ERP is of particular concern to the District because the District has jurisdiction over land and state tidelands and waters adjacent to and near Diablo Canyon. The District's employees and the public enjoying the District's recreational and commercial facilities would necessarily be impacted by any significant issue or event resulting from the ISFSI. It is also likely that any radioactive materials transported from Diablo Canyon will pass through land or state tidelands under the District's jurisdiction. Although the District is aware of 10 C.F.R. §72.32(c), the District believes the current ERP is outdated and that the public's safety requires a re-examination of the plan.

The current ERP is over two decades old and was completed prior to significant demographic and physical changes to the area surrounding Diablo Canyon. Additionally, the District is concerned that many of the assumptions on which the ERP is based, may no longer be valid in the post-September 11 world. More specifically, the District's concerns include, but are not limited to:

- 1) Early Warning System Sirens - The sirens are intended to alert the public to tune to an Emergency Alert System ("EAS") radio station. The local EAS radio stations are AM 920, AM 1400 and FM 98.1. There are areas of the twelve Protective Action Zones ("PAZ's") that have poor or non existent radio reception for these radio frequencies. Avila Valley is one such area that has poor or non existent radio reception for these radio frequencies.

- 2) Current evacuation time estimates do not utilize the best available science. In October 2001, the County of San Luis Obispo adopted the "Avila Beach Traffic Circulation Study", which involved a computer model of the road system. This tool should be used to simulate a full evacuation in the Avila Valley. This exercise would then provide an accurate time estimate of evacuation.
- 3) Assumptions used in the 1970's to support the ERP included accident risk factors such as terrorist attacks, human error and seismic events. The District is concerned that these risk factors may have been under-played in generating the ERP, rendering the ERP unreliable.
- 4) Demographics and the vehicle escape routes in the Avila Valley have changed since the ERP was adopted. These changes are not reflected in the current ERP. The original (1970's) projections of populations within the 50 mile emergency planning zone are no longer valid and need to be reassessed. Also, a secondary road - (Cave Landing) - was historically identified as an emergency escape route from Avila Beach and Port San Luis. This road no longer exists as it eroded into the ocean in 1998.
- 5) Population shifts in the Emergency Planning Zones ("EPZs") are not correctly recognized in the ERP. On a three-day summer weekend holiday, the transient population within the EPZs skyrockets, especially in the Avila Beach area. The ERP designates local resources to control and direct this expanded population during an emergency, as well as to identify local "gathering places" to stage evacuees. Emergency personnel and staging areas are limited and can not realistically accommodate this type of population.

The District, due to its status as a public entity with a limited budget and also due to time constraints, lacks the resources to fully brief the Board on all aspects of the ERP. Accordingly, the District requests that the Board allow the parties to present briefs and evidence related to the adequacy of the current ERP in relation to the PG&E's ISFSI Application both generally, and to the extent the emergency plan is implicated by the contentions proffered by SLOMFP.

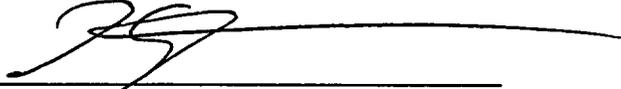
The District has reviewed the contentions proffered in SLOMFP's July 19, 2002 Supplemental Request for Hearing and Petition to Intervene and believes the contentions are well founded and that full hearings on the contentions should be granted.

CONCLUSION

For the foregoing reasons, the District requests that Board allow the parties to present briefs and evidence related to the adequacy of the current ERP in relation to the PG&E's ISFSI Application both generally, and to the extent the emergency plan is implicated by the contentions proffered by SLOMFP. Further, the District believes that full hearings on the contentions proffered in SLOMFP's July 19, 2002 Supplemental Request for Hearing and Petition to Intervene should be granted.

Respectfully submitted,

ADAMSKI MOROSKI MADDEN & GREEN LLP



THOMAS D. WAYLETT, Esq.
Attorney for Port San Luis Harbor District

Dated this 19th day of August, 2002
At San Luis Obispo, California.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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PACIFIC GAS & ELECTRIC CO.) Docket No. 72-26-ISFSI
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(Diablo Canyon Power Plant Independent) ASLBP No. 02-801-01-ISFSI
Spent Fuel Storage Installation))

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2002 copies of the foregoing RESPONSE OF PORT SAN LUIS HARBOR DISTRICT TO ATOMIC SAFETY AND LICENSING BOARD ORDER OF AUGUST 7, 2002 have been served upon the following persons by facsimile, as designated by an asterisk (*) or through electronic mail, as designated by a double asterisk (**). All persons listed below have also been served by U.S. mail, first-class, postage prepaid on August 19, 2002.

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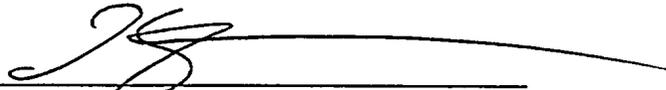
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