

August 30, 2002

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

DOCKETED  
USNRC

September 4, 2002 (3.29PM)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**MOTION BY SAN LUIS OBISPO MOTHERS FOR PEACE,  
AVILA VALLEY ADVISORY COUNCIL, AND PEG PINARD TO HOLD  
EVENING SESSION OF PREHEARING CONFERENCE**

Petitioners San Luis Obispo Mothers for Peace, Avila Valley Advisory Council, and Peg Pinard hereby request that the Atomic Safety and Licensing Board ("ASLB") schedule an evening session for Tuesday September 10, the first day of the upcoming prehearing conference, for the purpose of hearing oral arguments regarding the admissibility of Petitioners' Contention TC-1. Contention TC-1 challenges the adequacy of the seismic analysis submitted by the applicant, Pacific Gas & Electric Company ("PG&E"), in support of its application for a license for an Independent Spent Fuel Storage Installation ("ISFSI") on the site of the Diablo Canyon nuclear power plant.

Petitioners make this request because they have just learned that there is no time, other than Tuesday evening or Wednesday after 3 p.m., when their expert on Contention TC-1, Dr. Mark R. Legg, can be available to assist petitioners' counsel in responding to technical arguments made by PG&E and the Nuclear Regulatory Commission ("NRC") Staff in opposition to the admissibility of the contention. During the work-day of September 10 and the morning of September 11, Dr. Legg will be attending a professional

meeting, at which he has substantial responsibilities. The location of the meeting is about a two-and-a-half-hour drive from San Luis Obispo. The meeting concludes at noon on September 11, and Dr. Legg can be available in San Luis Obispo after 3 p.m. on that day. However, it is not clear whether the prehearing conference will go on that long.

Dr. Legg has informed counsel that he is available on the evening of September 10, and can be in San Luis Obispo between 7 and 9:30 p.m. Therefore, petitioners request the ASLB to schedule an evening session on September 10 for the purpose of considering the admissibility of Contention TC-1.

Petitioners believe that Dr. Legg's presence and ability to advise counsel during the oral argument on the admissibility of Contention TC-1 is necessary to ensure that the record is adequate to make an informed decision on the admissibility of the contentions. Petitioners do not believe their request should cause any undue inconvenience to the parties, as it is unlikely that the prehearing conference would end before 5 or 6 p.m. on the first day in any event. If an evening session is held on Tuesday, it will also be less likely that the prehearing conference will need to run into a second day.

It is our understanding from Jack Wettstein, assistant to the ASLB, that the hearing room is available on the evening of September 10.

Counsel for petitioners has consulted counsel for PG&E and the NRC Staff regarding this request. PG&E opposes the request. The NRC Staff does not oppose it.

Respectfully submitted,



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Counsel to San Luis Obispo Mothers for Peace, Avila Valley Advisory Council,  
and Peg Pinard

August 30, 2002

## CERTIFICATE OF SERVICE

I certify that on August 30, copies of the foregoing Motion by San Luis Obispo Mothers for Peace, Avila Valley Advisory Council, and Peg Pinard to hold Evening Session of Prehearing Conference were served on the following by electronic mail and/or first-class mail, as indicated below:

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| <p>Administrative Judge<br/> G. Paul Bollwerk, III, Chair<br/> Atomic Safety and Licensing Board Panel<br/> Mail Stop-T-3 F23<br/> U.S. Nuclear Regulatory Commission<br/> Washington, D.C. 20555-00001<br/> By e-mail: <a href="mailto:gpb@nrc.gov">gpb@nrc.gov</a></p> | <p>Stephen H. Lewis, Esq.<br/> Angela B. Coggins, Esq.<br/> Office of General Counsel<br/> Mail Stop – 0-15 D21<br/> U.S. Nuclear Regulatory Commission<br/> Washington, D.C. 20555<br/> By e-mail to: <a href="mailto:shl@nrc.gov">shl@nrc.gov</a>, <a href="mailto:abcl@nrc.gov">abcl@nrc.gov</a></p>   |
| <p>Administrative Judge<br/> Jerry R. Kline<br/> Atomic Safety and Licensing Board Panel<br/> Mail Stop-T-3 F23<br/> U.S. Nuclear Regulatory Commission<br/> Washington, D.C. 20555-00001<br/> By e-mail to: <a href="mailto:jrk2@nrc.gov">jrk2@nrc.gov</a></p>          | <p>Thomas D. Green, Esq.<br/> Thomas D. Waylett, Esq.<br/> Adamski, Moroski &amp; Green, L.L.P.<br/> 444 Higuera Street, Suite 300<br/> San Luis Obispo, CA 93401-3875<br/> By e-mail: <a href="mailto:green@adamskimoroski.com">green@adamskimoroski.com</a><br/> <a href="mailto:waylett@adamskimoroski.com">waylett@adamskimoroski.com</a></p> |
| <p>Administrative Judge<br/> Peter S. Lam<br/> Atomic Safety and Licensing Board Panel<br/> Mail Stop-T-3 F23<br/> U.S. Nuclear Regulatory Commission<br/> Washington, D.C. 20555-00001<br/> By e-mail to: <a href="mailto:psl@nrc.gov">psl@nrc.gov</a></p>              | <p>Peg Pinard<br/> 714 Buchon Street<br/> San Luis Obispo, CA 93401<br/> <a href="mailto:ppinard@co.slo.ca.us">ppinard@co.slo.ca.us</a></p>   |
| <p>Seamus M. Slattery, Chairman<br/> Avila Valley Advisory Council<br/> P.O. Box 58<br/> Avila Beach, CA 93424<br/> By e-mail to: <a href="mailto:jslat@aol.com">jslat@aol.com</a></p>   | <p>David A. Repka, Esq.<br/> Brooke D. Poole, Esq.<br/> Winston &amp; Strawn<br/> 1400 L Street N.W.<br/> Washington, D.C. 20005-3502<br/> By e-mail to: <a href="mailto:drepka@winston.com">drepka@winston.com</a>,<br/> <a href="mailto:Bpoole@winston.com">Bpoole@winston.com</a></p>  |
| <p>Richard F. Locke, Esq.<br/> Pacific Gas &amp; Electric Company<br/> 77 Beale Street B30A<br/> San Francisco, CA 94105</p>   | <p>Jill ZamEk<br/> 1123 Flora Road<br/> Arroyo Grande, CA 93420<br/> <a href="mailto:jzk@charter.net">jzk@charter.net</a></p>   |

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| <p>Rochelle Becker<br/> San Luis Obispo Mothers for Peace<br/> 1037 Ritchie<br/> Grover Beach, CA 93433<br/> By e-mail to: <a href="mailto:beckers@thegrid.net">beckers@thegrid.net</a></p>   | <p>Secretary of the Commission<br/> Attention: Rulemakings and Adjudications<br/> Staff<br/> U.S. Nuclear Regulatory Commission<br/> Washington, D.C. 20555<br/> E-mail: <a href="mailto:hearingdocket@nrc.gov">hearingdocket@nrc.gov</a></p> |
| <p>Darcie L. Houck, Esq.<br/> Chief Counsel's Office<br/> California Energy Commission<br/> 1516 Ninth Street, MS 14<br/> Sacramento, CA 95814<br/> <a href="mailto:Dhouck@energy.state.ca.us">Dhouck@energy.state.ca.us</a></p>          | <p>Robert K. Temple, Esq.<br/> 2524 North Maplewood Avenue<br/> Chicago, IL 60647<br/> By e-mail: <a href="mailto:nuclaw@mindspring.com">nuclaw@mindspring.com</a></p>  |
| <p>Barbara Byron<br/> Nuclear Policy Advisor<br/> California Energy Commission<br/> 1516 Ninth Street, MS 36<br/> Sacramento, CA 95814<br/> <a href="mailto:Bbyron@energy.state.ca.us">Bbyron@energy.state.ca.us</a></p>                  | <p>James B. Lindholm, Esq.<br/> Room 386<br/> 1050 Monterey Avenue<br/> San Luis Obispo, CA 93408<br/> By e-mail: <a href="mailto:jlindholm@co.slo.ca.us">jlindholm@co.slo.ca.us</a></p>  |
| <p>Robert R. Wellington, Esq.<br/> Diablo Canyon Independent Safety<br/> Committee<br/> Office of Legal Counsel<br/> 857 Cass Street, Suite D<br/> Monterey, CA 93940<br/> <a href="mailto:dcsafety@dcisc.org">dcsafety@dcisc.org</a></p> |   |



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