

September 19, 2002

Emile L. Julian, Esq.
Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555

In the Matter of
Pacific Gas and Electric Company
(Diablo Canyon Nuclear Power Plant Independent Spent Fuel Storage Installation)
Docket No. 72-26-ISFSI

Dear Mr. Julian:

The NRC Staff is in receipt of a "Petition by Avila Valley Advisory Council, San Luis Obispo Mothers for Peace, Peg Pinard, 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 Lucia Chapter of the Sierra Club, San Luis Obispo Chapter of the Surfrider Foundation, and Ventura County Chapter of Surfrider Foundation, for Suspension of ISFSI Licensing Proceeding Pending Comprehensive Review of Adequacy of Design and Operation Measures to Protect Against Terrorist Attack and Other Acts of Malice or Insanity" filed on September 9, 2002, in the proceeding docketed as 72-26-ISFSI. Because Petitioners failed to cite a regulation under which the Petition is filed, the appropriate Staff response time is unclear. The Staff has determined that 10 C.F.R. § 2.730 presents the most appropriate regulatory section for determining Staff's response time, and therefore, the Staff will file it's response to this Motion requesting a stay of the proceeding within 15 days of service, or by September 24, 2002.

Sincerely,

/RA/

Angela Coggins,
Counsel for NRC Staff

cc: Service List