

AVILA BEACH
COMMUNITY SERVICES DISTRICT

Post Office Box 309, Avila Beach, CA 93424
Office and Meeting Room - 191 San Miguel Street, Avila Beach
Telephone (805) 595 - 2664 FAX (805) 595 - 7623

DOCKETED
USNRC

September 17, 2002

September 26, 2002 (10:51AM)

Honorable Paul Bollwerk III
Atomic Safety and Licensing Board
Mail Stop T-3F23
US Nuclear Regulatory Commission
Washington, DC 20555-001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED September 26, 2002

Subject: Transmittal of Avila Beach CSD Declaration and Request for "Interested Party" Status;
Docket No. 72-26-ISFSI ASLBP No. 02-801-01-ISFSI.

Dear Judge Bollwerk,

Attached for your review and consideration is a Declaration by Christopher Helenius, President of our Board of Directors, on Behalf of the Avila Beach Community Services District concerning the matter of Pacific Gas & Electric Co. Diablo Canyon Power Plant Independent Spent Fuel Storage Installation.

The District would appreciate your consideration of our request for providing comments on these proceedings and for the granting of "Interested Party" status to the District in this matter. We look forward to receiving copies of the transcripts from the September 10th and 11th hearings for District comment. Additionally, we would appreciate your staff providing a time line to assist the District in responding to correspondence with the Commission in this matter.

Should you have any questions please contact our office at 805-595-2664 at your convenience.

Sincerely,

John L. Wallace
General Manager

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

**DECLARATION BY CHRISTOPHER HELENIOUS
ON BEHALF OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT**

Under penalty of perjury, I, Christopher Helenius, hereby declare as follows:

1. My name is Christopher Helenius. I live with my wife at 158 First Street, Avila Beach, California. My home lies within about 6 miles of the Diablo Canyon Nuclear Power Plant.

2. I am President of the Board of Directors of the Avila Beach Community Services District ("ABCSD"). ABCSD is a governmental agency that provides water, sewer, street lighting and fire protection and other emergency services to the community of Avila Beach.

3. At the August 13, 2002 Board of Directors meeting, the Board took action to support the efforts of Supervisor Pinard, AVAC, other interveners and the Harbor

District in their efforts to have the Nuclear Regulatory Commission (Commission) examine all elements of the proposal for spent fuel storage and to ensure that any plan, including that of the existing method of storage, meets the ultimate safety needs required to protect the community and surrounding areas. The Board directed that a letter be sent to the Commission summarizing the Board's action and requesting that the Commission grant the District "Interested Party" status.

4. On August 14, 2002, the District's letter was sent to the Commission advising of this action and requesting "Interested Party" status in this matter in accordance with 10C.F.R. 2.715. That letter is attached to the Declaration as Exhibit A and incorporated herein by reference. That letter expresses some of the particular safety concerns that our community and our District wish you to address. We would also like to apprise you of the fact that when the nuclear power plant was first licensed, you required that a second means of egress be maintained for the safety of this community and that no such secondary method of escape exists. There have been instances in the past two decades that flooding and accident have caused the only existing road to be closed.

5. On September 10, 2002, the District's General Manager, John Wallace, addressed the Commission's Licencing Board hearing in Pismo Beach California. The Licencing Board advised that the District would receive copies of the hearing transcript and have the opportunity to submit comments to the Commission.

6. In conclusion, the ABCSD requests that the Commission receive and consider the District's comments because of the very direct impact of the power plant to our District and act to incorporate our comments and interests into your actions on the matter of dry cask storage. Further, the District requests status as an "Interested Party" in providing these comments and as such requests the right to comment on transcripts and testify at future hearings and to make any other comments as allowed by this status.

A handwritten signature in black ink, reading "Christopher A. Helenius". The signature is written in a cursive style with a horizontal line underneath the name.

Christopher Helenius
President ABCSD



AVILA BEACH COMMUNITY SERVICES DISTRICT

Post Office Box 309, Avila Beach, CA 93424
Office and Meeting Room - 191 San Miguel Street, Avila Beach
Telephone (805) 595 - 2664 FAX (805) 595 - 7623

August 14, 2002

Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Support for Petition of Intervenors and Interested Parties relative to the safety of the
Community of Avila Beach and the Avila Beach Community Services District

Dear Sirs;

Recently, the Board of Directors of the Avila Beach Community Services District (District) were made aware of the proposal by PG&E to convert the storage method of containing spent fuel generated by the Diablo Canyon Nuclear Power Plant. The District was also advised that the Avila Valley Advisory Council (AVAC), Supervisor Peg Pinard and others have filed for intervenor status with respect to the Commission's hearings on the PG&E proposal. We further understand that the Port San Luis Harbor District has filed as an "interested party" in this matter. Considering the seriousness of the proposal to construct dry cask storage at Diablo Canyon and how the safety of any method of storage of spent nuclear power plant fuel very directly affects the Community of Avila Beach and the District's infrastructure, the District wishes to advise the Commission that:

1. *the Avila Beach Community Services District supports the efforts of Supervisor Pinard, AVAC, other intervenors and the Harbor District in their efforts to have the Commission examine all elements of the proposal for spent fuel storage and to ensure that any plan, including that of the existing method of storage, meets the ultimate safety needs required to protect the community and surrounding areas.*
2. *the District hereby requests "interested party" status in this matter in accordance with 10C.F.R. 2.715.*

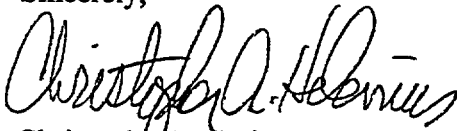
As the Commission staff may know from previous hearings concerning the power plant, the District is the closest community to the plant and lies approximately six miles downwind from the site. Avila Drive is the only direct access route to the plant and any traffic into and out of the plant must travel through the District. During times of serious flooding or other emergencies, the community is essentially trapped with only a precarious road subject to landslides and flooding available to it. Especially since the September 11th attack, the Board is extremely concerned about the potential for an uncontrollable incident resulting in release of spent fuel, with the lack of a substantial structure to protect the spent fuel pool. Any efforts to reconfigure the storage of spent fuel to a dry cask method must take into account not only natural hazards but the potential for malicious intent.

The Board of Directors has also previously inquired as to the emergency evacuation routes and has requested the Commission's analysis of the official plans that had been adopted at the time of original plant construction (letter of April 23, 2002) and has also requested that hearings on the storage issue be held in San Luis Obispo County (letter of May 17, 2002). As of this date the Board has not received any response to its letters and would appreciate your kind attention to these previous requests for information.

Finally, we would hope the Commission will receive and consider the District's comments because of the very direct impact of the power plant to our District and act to incorporate our comments and interests into your actions on the matter of dry cask storage. Our concerns as expressed in this letter are further heightened by reason of our concern that PG&E is said to be planning to seek an extension for their operating license for many more years to come, perhaps through and to 2050. This would generate substantial increase in the amount of spent fuel requiring on-site storage.

You may contact us at the above address and phone number. Thank you for your consideration of these matters.

Sincerely,



Christopher Helenius, President
Board of Directors

cc: Board of Supervisors
Supervisor Peg Pinard
AVAC (Seamus Slattery)
Senators Boxer and Feinstein
Representative Capps
Senator O'Connell
Assemblyman Maldonado
NRC Inspector David Proulx
NRC Inspector Terry Jackson

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 LETTER FROM JOHN L. WALLACE TO JUDGE BOLLWERK DATED 09/17/2002 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Stephen H. Lewis, Esq.
Angela B. Coggins, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Lorraine Kitman
P.O. Box 1026
Grover Beach, CA 93483

Docket No. 72-26-ISFSI
LETTER FROM JOHN L. WALLACE TO
JUDGE BOLLWERK DATED 09/17/2002

Peg Pinard
San Luis Obispo County Supervisor
County Government Center
1050 Monterey Avenue
San Luis Obispo, CA 93408

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

David A. Repka, Esq.
Brooke D. Poole, Esq.
Winston & Strawn
1400 L Street, NW
Washington, DC 20005-3502

Klaus Schumann
Mary Jane Adams
26 Hillcrest Drive
Paso Robles, CA 93446

Robert R. Wellington, Esq.
Robert W. Rathie, Esq.
Wellington Law Offices
857 Cass Street, Suite D
Monterey, CA 93940

Seamus M. Slattery, Chairman
Avila Valley Advisory Council
P.O. Box 58
Avila Beach, CA 93424

Lawrence F. Womack, Vice President
Nuclear Services
Diablo Canyon Power Plant
P.O. Box 56
Avila Beach, CA 93424

Richard F. Locke, Esq.
Pacific Gas & Electric Company
77 Beale Street, B30A
San Francisco, CA 94105

Thomas D. Green, Esq.
Thomas D. Waylett, Esq.
Adamski, Moroski & Green, LLP
444 Higuera Street, Suite 300
San Luis Obispo, CA 93401-3875

Barbara Byron
Nuclear Policy Advisor
California Energy Commission
1516 Ninth Street, MS 36
Sacramento, CA 95814

Docket No. 72-26-ISFSI
LETTER FROM JOHN L. WALLACE TO
JUDGE BOLLWERK DATED 09/17/2002

Darcie L. Houck, Esq.
California Energy Commission
Chief Counsel's Office
1516 Ninth Street, MS 14
Sacramento, CA 95814


Office of the Secretary of the Commission

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