

## ATOMIC SAFETY AND LICENSING BOARD

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

September 27, 2002

MEMORANDUM AND ORDER(Schedule Relative to Participation by Additional  
10 C.F.R. § 2.715(c) Interested Governmental Entity)

By letter dated September 17, 2002, which was received by the Licensing Board Chairman on September 25, 2002, the Avila Beach Community Services District (ABCSD) has requested permission to participate in this proceeding as an interested governmental entity in accordance with 10 C.F.R. § 2.715(c). Because that document apparently was not served on the other participants to this proceeding, copies of the ABCSD request have been provided to the Office of the Secretary for distribution to the service list.

Previously, an ABCSD representative who appeared at the September 10, 2002 session of the initial prehearing conference advised the Board that by letter dated August 16, 2002, addressed to the "Nuclear Regulatory Commission," ABCSD had asked for section 2.715(c) participant status, but had received no answer to its inquiry. See Tr. at 68-70. At the time, the Board Chairman advised the ABCSD representative that the Board had not seen this section 2.715(c) request. Additionally, the Board Chairman indicated that ABCSD could resubmit its request directly to the Board, that the other participants would be provided an

opportunity to comment on that request, and that ABCSD would be afforded an opportunity to comment on the matters discussed during the prehearing conference. See Tr. at 70-72.

To this end, the following schedule will govern further consideration of the ABCSD request:

ABCSD Comments on Conference Matters <sup>1</sup>	Monday, October 7, 2002
Participant Responses to ABCSD Section 2.715(c) Participation Request and Conference Comments	Tuesday, October 15, 2002

In addition, if ABCSD has any comments on the NRC staff's September 25, 2002 filing regarding the standard for admission of issues proffered by section 2.715(c) participants, it

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<sup>1</sup> ABCSD can access the prehearing conference transcripts by going into the agency's online public reading room at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). The transcripts for the September 10 and 11, 2002 sessions are available under ADAMS Accession Numbers ML022610696 and ML022610698, respectively.

should respond to that filing in accordance with the schedule established in the Board's September 17, 2002 issuance, i.e., by Wednesday, October 9, 2002.<sup>2</sup>

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

/RA/

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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 27, 2002

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<sup>2</sup> So that ABCSD can obtain that September 25, 2002 pleading, the Board requests that the staff promptly provide a copy of its filing to ABCSD electronically at avilacsd@aol.com, followed by service of a paper copy.

In this regard, as the Board noted during the initial prehearing conference, see Tr. at 70, 73, ABCSD submissions to the Board should be served on the Board and the other participants both electronically and by providing a hard copy. Instructions for accomplishing such service are provided in the Board's June 6, 2002 initial prehearing conference order, see Licensing Board Memorandum and Order (Initial Prehearing Order) (June 6, 2002) at 5-9 (unpublished) (ADAMS Accession Number ML021570591).

<sup>3</sup> Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel or the representative 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, the California Energy Commission, the Diablo Canyon Independent Safety Committee, and ABCSD; and (4) the 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 (SCHEDULE RELATIVE TO PARTICIPATION BY ADDITIONAL 10 C.F.R. § 2.715 (c) 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  
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 BY ADDITIONAL 10 C.F.R. § 2.715 (c)  
 INTERESTED GOVERNMENTAL ENTITY)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 27<sup>th</sup> day of September 2002