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AVILA BEACH COMMUNITY SERVICES DISTRICT

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DOCKETED
USNRC

October 17, 2002 (1:11PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Sent by E-Mail - Distribution List Noted in CC List

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

Subject: Avila Beach Community Service District's Comments on Conference Matters;
Docket Number 72-26-ISFSI, Transcripts for Pacific Gas & Electric Company
(Diablo Canyon Power Plant and Independent, Spent Fuel Storage Installation)

Dear Judge Bollwerk:

Thank you for providing your Memorandum and Order dated September 27, 2002, allowing the Avila Beach Community Services District (ABCSD) to comment on conference matters heard before your Board on September 10th and 11th, 2002. In reviewing pertinent portions of the transcript it is apparent that there are many matters that touch on the District's previous concerns as expressed in our earlier letters to the Commission dated August 14, 2002, May 17, 2002, and April 23, 2002. In addition, on September 17, 2002, we furnished the Commission staff and the Licensing Board with a declaration executed by Christopher Helenius, the President of the ABCSD Board of Directors.

Also, in discussion with Mr. Stephen Lewis of your staff on October 1, 2002, and by receipt of the staff's position dated September 25, 2002, we concur that the District could achieve "interested participant's status" in accordance with 10 CFR § 2.715 (c) if we inform the Board that the issues pertinent to the District are aligned with those proffered by other parties. Therefore, we wish to continue in the process as an interested participant.

We further understand that we are to comment on the September 25, 2002, staff position by Wednesday, October 9, 2002. Therefore, this communication would serve both purposes in commenting on the conference matters (transcript) as well as on the staff position of September 25, 2002.

The ABCSD continues to be concerned with those issues previously raised in our August 14, 2002, letter to the NRC. Especially those concerned with the obvious consequences from a radioactive release adjacent to our community which is located approximately 6 miles downward from the Diablo Canyon Nuclear Power Plant. In order to minimize the risk to the community and specifically to the ABCSD residents and property owners, we support the positions taken by

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the interveners and the Port San Luis Harbor District in their efforts to have any plan, including the existing methods of storage, meet the ultimate safety needs required to protect the community and surrounding areas. Also, with respect to evacuation and safety aspects of the area, the only direct access route to the plant into and out of the area is through the ABCSD. This access is not available during serious flooding or other emergencies such as earthquake, with the community being essentially trapped with no viable access to and from the area.

This concern goes not only to the proposal for the dry cask storage and the need to ensure its ultimate safety in light of the attacks of September 11, 2001, but also to the nature of the existing fuel storage facility and the potential for accidental release or deliberate release from terrorist acts.

Therefore, if we correctly understand the need to respond to the two documents received by e-mail, we continue to support the statements made by the petitioners (i.e., San Luis Obispo Mothers for Peace, San Luis Obispo County Port San Luis Harbor District, California Energy Commission, and the Diablo Canyon Independent Safety Commission) and their testimony and documents submitted addressing the overall safety of the proposed spent fuel storage process.

Secondly, we do not believe that there are new matters being raised at this time by the ABCSD which would require the District to further meet the contention requirements of 10 CFR 2.714(b)(2) at this time. We understand that if any new issues were raised in the future that we would have to meet these requirements. And finally, we wish to participate in these proceedings to the extent we are able to provide additional comments in future testimony with respect to these issues.

We hope that this provides the required comments on our position and if we can provide any additional comments at this time to the Licensing Board or staff, please contact me at your earliest convenience.

Sincerely,



John L. Wallace
General Manager
District Engineer

cc: gpb@nrc.gov; psl@nrc.gov; jrk2@nrc.gov; kjerry@erols.com; Supervisor Peg Pinard, beckers@thegrid.net; Jzk@charter.net; Dhouck@energy.state.ca.us; dcurran@harmonecurran.com; jlindholm@co.slo.ca.us; green@adamskimoroski.com, SHL@nrc.gov