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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

January 28, 2003

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	
	)	Docket No. 72-26-ISFSI
PACIFIC GAS & ELECTRIC CO.	)	
	)	ASLBP No. 02-801-01-ISFSI
(Diablo Canyon Nuclear Power Plant	)	
Independent Spent Fuel Storage Installation)	)	

MOTION BY THE CALIFORNIA ENERGY COMMISSION, THE COUNTY OF SAN LUIS OBISPO, THE AVILA BEACH COMMUNITY SERVICES DISTRICT, AND THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO PROVIDE JOINT RESPONSES TO DISCOVERY


The California Energy Commission "CEC", the County Of San Luis Obispo (the "County"), and the Avila Beach Community Services District ("ABCSD") have been admitted to the present proceeding as participants under 10 C.F.R. § 2.715(c). Similarly, the California Public Utilities Commission ("CPUC") has filed a request to participate in this proceeding as provided for under 10 C.F.R. § 2.715(c).<sup>1</sup>


It is the intention of all of these Section 2.715(c) participants to rely on the same experts and the same evidence to support the case they intend to present to the Atomic Safety and Licensing Board ("ASLB") in this proceeding. The ASLB has previously

<sup>1</sup> Should the Atomic Safety and Licensing Board deny the CPUC's request to participate as provided for under Section 2.715(c), this Motion should be considered as a joint motion by the remaining Section 2.715(c) participants: the CEC, the County and the ABCSD. See Memorandum and Order (Ruling on Standing and Contentions of 10 C.F.R. § 2.714 Petitioners and Admission of 10 C.F.R. § 2.715(c) Interested Governmental Entities and Their Issues), LBP-02-023, at p. 65, 56 NRC (December 2, 2002); Order in Docket No. 72-26-ISFSI (Accepting 10 C.F.R. § 2.715(c) Participant Withdrawal), at p. 2 (January 16, 2003).

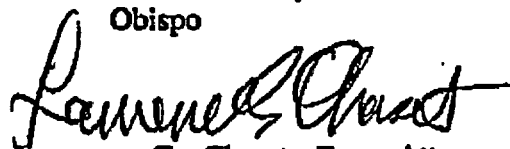
recognized the economy associated with having the Section 2.715(c) participants rely on a single interested governmental entity to present an issue on behalf of all Section 2.715(c) participants.<sup>2</sup> Similarly, in the interest of judicial economy, since the Section 2.715(c) participants desire to present the same experts in response to the contention admitted in this proceeding, the Section 2.715(c) participants hereby request that the ASLB permit the Section 2.715(c) participants in this proceeding to: (1) file a single set of responses to interrogatories from the parties; and (2) recognize the experts presented by the Section 2.715(c) participants jointly also as the experts appearing for each of the Section 2.715(c) participants and individually.

Respectfully submitted,

  
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<sup>2</sup> The ASLB stated:

Moreover, 10 C.F.R. § 2.715(c) interested governmental entities could, if they wished, appoint a "lead" governmental entity for any particular segment that could utilize the combined time of all authorizing entities. Additionally, counsel for the section 2.715(c) participants should consult among themselves and be prepared to advise the Board at the beginning of the prehearing conference whether they wish to utilize a "lead" interested governmental entity approach for any or all of the segments

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	)	
(Diablo Canyon Power Plant Independent Spent Fuel Storage Installation)	)	ASLBP No. 02-801-01-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Motion by the California Energy Commission, the County of San Luis Obispo, the Avila Beach Community Services District, and the California Public Utilities Commission to Provide Joint Responses to Discovery" have been served upon the following persons by United States mail, first class; and by electronic mail as indicated by an asterisk (\*) on this 28<sup>th</sup> day of January 2003.

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Dated this 28<sup>th</sup> day of January 2003

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