

RELATED CORRESPONDENCE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

January 31, 2003

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

February 10, 2003 (11:05AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

SAN LUIS OBISPO MOTHERS FOR PEACE'S RESPONSE TO NRC STAFF'S
FIRST SET OF INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

INTRODUCTION

Intervenors, San Luis Obispo Mothers for Peace, Santa Lucia Chapter of the Sierra Club, San Luis Obispo Cancer Action Now, Peg Pinard, Avila Valley Advisory Council, and Central Coast Peace and Environmental Council hereby respond to the NRC Staff's First Set of Interrogatories and Request for Production of Documents (January 16, 2003).

At the outset, Intervenors wish to point out that, as discussed in response to Interrogatories 2 and 4, Intervenors do not expect to provide sworn affidavits or declarations by any witnesses of their own in the hearing on Contention TC-2. Intervenors expect to rely on witnesses provided by the California Energy Commission ("CEC") and the California Public Utilities Commission ("CPUC"). In addition, Intervenors do not expect to submit any documents containing factual information, but rather intend to rely on factual submissions by the CEC and CPUC.

INTERROGATORIES

INTERROGATORY 1

SLOMFP, *et al.*, Contention TC-2 asserts that: "PG&E has failed to demonstrate that it meets the financial qualifications requirements of 10 C.F.R. 72.22(e)." *Footnote omitted.* Section 72.22(e) requires, in part that the application:

must show that the applicant either possesses the necessary funds, or that the applicant has reasonable assurance of obtaining the necessary funds, or that by a combination of the two, the applicant will have the necessary funds available to cover the following: (1) Estimated construction costs; (2) Estimated operating costs over the planned life of the ISFSI; and (3) Estimated decommissioning costs, and the necessary financial arrangements to provide reasonable assurance before licensing, that decommissioning will be carried out after the removal of spent fuel, high-level radioactive waste, and/or reactor-related GTCC [Greater Than Class C] waste from storage.

Please provide in your response to A., B., and C., below, references to the pages of the ISFSI application, as supplemented by PG&E's letter to the NRC, dated June 7, 2002, identified as PG&E Letter DIL-02-008 and bearing in its title line "Supplemental General and Financial Information - 10 C.F.R. 72.22," that demonstrate this failure.

A. In what specific respects does SLOMFP, *et al.*, contend that PG&E has failed to provide reasonable assurance that it will be able to fund, in the manner specified in 10 C.F.R. 72.22(e), the estimated construction costs of the proposed ISFSI?

RESPONSE TO INTERROGATORY 1.A: All information in Intervenor's possession that is responsive to this request is found in Contention TC-2 and in the transcript of the September 11, 2002, prehearing conference at pages 254-60 and 331-34.

B. In what specific respects does SLOMFP, *et al.*, contend that PG&E has failed to provide reasonable assurance that it will be able to fund, in the manner specified in 10 C.F.R. 72.22(e), the estimated operating costs over the planned life of the ISFSI?

RESPONSE TO INTERROGATORY NO. 1.B: See response to Interrogatory 1.A.

C. In what specific respects does SLOMFP, *et al.*, contend that PG&E has failed to provide in its ISFSI application: "Estimated decommissioning costs, and the necessary financial arrangements to provide reasonable assurance before licensing, that decommissioning will be carried out after the removal of spent fuel, high-level radioactive waste, and/or reactor-related GTCC waste from storage?"

RESPONSE TO INTERROGATORY NO. 1.C: See response to Interrogatory 1.A.

INTERROGATORY 2

Does SLOMFP, *et al.*, dispute the accuracy of PG&E's estimates of costs of construction, operation, or decommissioning of the proposed ISFSI? If so, please reference the specific pages from the ISFSI application, and estimates thereon, that you dispute and provide your estimates of these costs.

RESPONSE TO INTERROGATORY NO. 2: As discussed in Contention TC-2 at pages 16-17, the cost to PG&E of borrowing money may be higher than PG&E anticipates.

INTERROGATORY 3

Please identify the SLOMFP, *et al.*, expert(s) who will provide, in accordance with 10 C.F.R. 2.1113(a), "all supporting facts and data in the form of sworn written testimony or other sworn written submission," in support of Contention TC-2. If you will be relying on an expert(s) other than Michael F. Shaheen, Ph.D., please provide a statement of his or her professional qualifications.

RESPONSE TO INTERROGATORY NO. 3: Intervenors do not expect to provide sworn affidavits or declarations by any witnesses of their own. Intervenors expect to rely on witnesses provided by the California Energy Commission and the California Public Utilities Commission. Please see their discovery responses for information responsive to this interrogatory.

REQUEST FOR PRODUCTION OF DOCUMENTS

For each interrogatory, identify all documents on which SLOMFP, *et al.*, relies in support of its answer thereto. Please either provide with your response a copy of each such document or indicate where and from whom it can be obtained.

RESPONSE TO REQUEST: In Contention TC-2 and during the September 11, 2002, prehearing conference, Intervenors identified and/or produced copies of a number of documents that they were relying on in submitting the contention. Intervenors have not identified or referred to any other relevant documents in the course of responding to these interrogatories.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diane Curran", with a stylized, flowing script.

Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036
202/328-3500
e-mail: Dcurran@harmoncurran.com

January 31, 2003

CERTIFICATE OF SERVICE

I certify that on January 31, 2003, copies of San Luis Obispo Mothers for Peace et al's responses to PG&E's and NRC Staff's First Sets of Discovery Requests were served on the following by electronic mail and/or first-class mail, as indicated below:

Administrative Judge G. Paul Bollwerk, III, Chair Atomic Safety and Licensing Board Panel Mail Stop-T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-00001 By e-mail: gpb@nrc.gov	Stephen H. Lewis, Esq. Angela B. Coggins, Esq. Office of General Counsel Mail Stop - 0-15 D21 U.S. Nuclear Regulatory Commission Washington, D.C. 20555 By e-mail to: shl@nrc.gov , abcl@nrc.gov
Administrative Judge Jerry R. Kline Atomic Safety and Licensing Board Panel Mail Stop-T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-00001 By e-mail to: jrk2@nrc.gov	Thomas D. Green, Esq. Thomas D. Waylett, Esq. Adamski, Moroski & Green, L.L.P. 444 Higuera Street, Suite 300 San Luis Obispo, CA 93401-3875 By e-mail: green@adamskimoroski.com waylett@adamskimoroski.com
Administrative Judge Peter S. Lam Atomic Safety and Licensing Board Panel Mail Stop-T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-00001 By e-mail to: psl@nrc.gov	Peg Pinard 714 Buchon Street San Luis Obispo, CA 93401 ppinard@co.slo.ca.us
Seamus M. Slattery, Chairman Avila Valley Advisory Council P.O. Box 58 Avila Beach, CA 93424 By e-mail to: jslat@aol.com	David A. Repka, Esq. Brooke D. Poole, Esq. Winston & Strawn 1400 L Street N.W. Washington, D.C. 20005-3502 By e-mail to: drepka@winston.com , Bpoole@winston.com
Richard F. Locke, Esq. Pacific Gas & Electric Company 77 Beale Street B30A San Francisco, CA 94105	Jill ZamEk 1123 Flora Road Arroyo Grande, CA 93420 jzk@charter.net

<p>Rochelle Becker San Luis Obispo Mothers for Peace 1037 Ritchie Grover Beach, CA 93433 By e-mail to: beckers@thegrid.net</p>	<p>Secretary of the Commission Attention: Rulemakings and Adjudications Staff U.S. Nuclear Regulatory Commission Washington, D.C. 20555 E-mail: hearingdocket@nrc.gov</p>
<p>Darcie L. Houck, Esq. Chief Counsel's Office California Energy Commission 1516 Ninth Street, MS 14 Sacramento, CA 95814 Dhouck@energy.state.ca.us</p>	<p>Robert K. Temple, Esq. 2524 North Maplewood Avenue Chicago, IL 60647 By e-mail: nuclaw@mindspring.com</p>
<p>Barbara Byron Nuclear Policy Advisor California Energy Commission 1516 Ninth Street, MS 36 Sacramento, CA 95814 Bbyron@energy.state.ca.us</p>	<p>James B. Lindholm, Esq. Room 386 1050 Monterey Avenue San Luis Obispo, CA 93408 By e-mail: jlindholm@co.slo.ca.us</p>
<p>Robert R. Wellington, Esq. Diablo Canyon Independent Safety Committee Office of Legal Counsel 857 Cass Street, Suite D Monterey, CA 93940 dcisafety@dcisc.org</p>	


Diane Curran