

RAS 5727

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 02/13/03
SERVED 02/13/03

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

February 13, 2003

ORDER

(Granting Motion to Participate as
10 C.F.R. § 2.715(c) Interested Governmental Entity)

Upon consideration of (1) the January 28, 2003 motions of (a) the California Public Utilities Commission (CPUC) to participate as an interested governmental entity in accordance with 10 C.F.R. § 2.715(c), and (b) the California Energy Commission (CEC), the County Of San Luis Obispo, California, (SLOC) and the Avila Beach Community Services District (ABCSD) to provide joint responses to discovery; (2) the February 4, 2003 responses by applicant Pacific Gas and Electric Company (PG&E) and the NRC staff to the January 28, 2003 motions; and (3) the February 11, 2003 SLOC response to the February 4, 2003 PG&E response to the January 28, 2003 CPUC request to participate as of right under 10 C.F.R. § 2.715(c), it is

ORDERED, that the January 28, 2003 CPUC request to participate as of right under 10 C.F.R. § 2.715(c) is granted, see Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Unit 1 and 2), CLI-02-16, 55 NRC 317, 345 (2002) (by analogy to section 2.715(c), which is not applicable to 10 C.F.R. Part 2, Subpart M license transfer proceeding, CPUC

afforded right to participate as an agency of an interested state), appeal docketed,
No. 02-72735 (9th Cir. Aug. 23, 2002); and it is

FURTHER ORDERED, that the January 28, 2003 request to provide joint responses to
discovery is granted.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 13, 2003

* Copies of this order were sent this date by Internet e-mail transmission to counsel for
(1) applicant PG&E; (2) petitioners San Luis Obispo Mother For Peace, et al.; (3) SLOC, CPUC,
CEC, ABCSD, and the Diablo Canyon Independent Safety Committee; 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 ORDER (GRANTING MOTION TO PARTICIPATE AS 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.

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
LB ORDER (GRANTING MOTION TO PARTICIPATE
AS 10 C.F.R. § 2.715(c) INTERESTED GOVERNMENTAL
ENTITY)

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
LB ORDER (GRANTING MOTION TO PARTICIPATE
AS 10 C.F.R. § 2.715(c) INTERESTED GOVERNMENTAL
ENTITY)

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

Lawrence G. Chaset, Esq.
Legal Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 13th day of February 2003