

May 30, 2003

G. Paul Bollwerk, III
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Atomic Safety and Licensing Board Panel
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Jerry R. Kline
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Peter S. Lam
Administrative Judge
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
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Washington, D.C. 20555

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

Dear Administrative Judges:

On May 27, 2003, the NRC staff ("Staff") filed its reply to the Interested Governmental Participants' ("IGPs") motion that the Atomic Safety and Licensing Board ("Board") take official notice of a particular blurb in *The Washington Post*. Staff Counsel inadvertently omitted the word "Notice" from the title of the reply. Enclosed are corrected page 1 of the reply and page 1 of the Certificate of Service. Please insert these corrected pages in place of the same pages, as originally filed. Staff Counsel hopes that this omission did not cause the Board, parties, or 10 C.F.R. § 2.715(c) participants any confusion.

Sincerely,

/RA/

Stephen H. Lewis
Counsel for NRC Staff

Enclosure: As stated

cc: Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

REPLY OF NRC STAFF TO INTERESTED GOVERNMENTAL PARTICIPANTS'
MOTION THAT BOARD TAKE OFFICIAL NOTICE OF A NEWSPAPER BLURB
REGARDING FINANCIAL DIFFICULTIES OF PG&E'S NATIONAL ENERGY GROUP

BACKGROUND

On the eve of oral argument under 10 C.F.R. Subpart K in this proceeding, the Interested Governmental Participants ("IGPs") filed a "Motion by the Governmental Participants Requesting the Atomic Safety and Licensing Board to Take Official Notice under 10 C.F.R. § 2.743(i)(1)," ("Motion"), dated May 15, 2003. The IGPs paraphrased a blurb from the May 14, 2003, edition of *The Washington Post*, but did not attach the blurb. The blurb dealt with financial difficulties facing the National Energy Group ("NEG"), which was described as a "... unit of utility company PG&E ..."¹ Pursuant to 10 C.F.R. § 2.743(i)(1), the IGPs requested the Atomic Safety and Licensing Board ("Board") to take official notice of the facts set forth in the blurb.

Since the Motion was filed so shortly before the oral argument (held on May 19, 2003), the Board afforded the NRC staff ("Staff") and Pacific Gas and Electric Co. ("Licensee") the opportunity

¹ See *The Washington Post*, Wednesday, May 14, 2003, p. E2, "Chapter 11 Likely for Bethesda Firm." The Staff does not dispute the IGPs' paraphrasing of the facts section of the Motion. See p. 2 of this reply.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "REPLY OF NRC STAFF TO INTERESTED GOVERNMENTAL PARTICIPANTS' MOTION THAT BOARD TAKE OFFICIAL NOTICE OF A NEWSPAPER BLURB REGARDING FINANCIAL DIFFICULTIES OF PG&E'S NATIONAL ENERGY GROUP" have been served upon the following persons by United States mail, first class, or through the Nuclear Regulatory Commission's internal mail distribution as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 27th day of May, 2003.

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