



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005**

April 26, 2004

Mr. Harry L. Ovitt, Chairperson  
Supervisor District One  
Board of Supervisors  
San Luis Obispo County  
County Government Center  
Room 370  
San Luis Obispo, CA 93408-2040

Dear Chairperson Ovitt:

I have been requested by the NRC, Office of the General Counsel, to respond to your April 13, 2004, letter to Karen Cyr, General Counsel for the U.S. Nuclear Regulatory Commission (NRC). Your letter, and previous letter to me, requested an NRC representative to participate in your April 20, 2004 meeting to review an appeal of the Planning Commission's decision to grant Pacific Gas and Electric Company a Coastal Development Permit to construct an Independent Spent Fuel Storage Installation Facility at the Diablo Canyon nuclear power plant site.

As indicated in my April 12, 2004, letter to you, the NRC needed to make a determination regarding the type of NRC participation requested for your meeting. Based upon information you provided in telephone conversations with the NRC, Office of the General Counsel, we understand that the representative was not going to be considered a witness, but rather only to be available to answer questions in general from the public. Since the questions that might be asked at the meeting would be related to issues before the 9<sup>th</sup> Circuit Court of Appeals, we determined that it would not be appropriate to have a representative at the meeting.

I apologize for not providing you this response prior to the meeting. The NRC desires to be responsive to the Board of Supervisors, its requests for assistance, and to the questions and concerns of the citizens of San Luis Obispo County in matters over which the NRC has jurisdiction. To this end, we held a public meeting in San Luis Obispo County on February 4 and are planning a second meeting for early June this year. We would be glad to answer any questions you or other Board Members may have while our staff is in San Luis Obispo for that meeting.

If I can answer any questions from you in the meantime, please contact me at (817) 860-8225.

Sincerely,

/RA/

Bruce S. Mallett  
Regional Administrator

bcc:  
KDCyr  
LJChandler  
JFCordes  
IRothschild, III  
TGwynn  
CMullins  
SLewis  
KSmith  
WMaier

ADAMS:  Yes     No    Initials: \_\_\_\_\_  
 Publicly Available     Non-Publicly Available     Sensitive     Non-Sensitive

S:\RAS\Smith\SLO Meeting Rev 1.wpd

RIV:RC	SLO	DRA	RA	
KSmith:cjg	WMaier	TPGwynn	BSMallett	
/RA/		/RA/	/RA/	
4/26/2004	4/ /2004	4/26/2004	4/26 /2004	

OGC
TRothschild,III
/No legal objection/
e-mail 4/26/2004

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T=Telephone

E=E-mail

F=Fax