

October 28, 2011

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the matter of  
Pacific Gas and Electric Company  
Diablo Canyon Nuclear Power Plant  
Units 1 and 2

Docket Nos. 50-275-LR  
50-323-LR

**SAN LUIS OBISPO MOTHERS FOR PEACE’S MOTION FOR LEAVE TO  
SUPPLEMENT BASIS OF CONTENTION REGARDING NEPA REQUIREMENT TO  
ADDRESS SAFETY AND ENVIRONMENTAL IMPLICATIONS  
OF THE FUKUSHIMA TASK FORCE REPORT**

Pursuant to 10 C.F.R. § 2.323, San Luis Obispo Mothers for Peace (“SLOMFP”) hereby moves for leave to supplement the basis for its contention seeking consideration of the environmental implications of the Fukushima Task Force Report in the License Renewal decision for the Seabrook Nuclear Power Plant. SLOMFP requests the Atomic Safety and Licensing Board (“ASLB”) to consider the recent issuance of a directive by the Commissioners of the U.S. Nuclear Regulatory Commission (“NRC”) to the NRC Staff, which requires the Staff to “strive to complete and implement the lessons learned from the Fukushima accident within five years – by 2016.” SRM/SECY-11-0124, Memorandum from R.W. Borchardt, Executive Director for Operations to Annette L. Vietti-Cook, Secretary, re: Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report (Oct. 18, 2011).<sup>1</sup> SRM/SECY-11-0124 provides further support, in addition to the language of the Task Force Report itself and the Declaration of Dr. Arjun Makhijani, for SLOMFP’s contention that the information set forth in the Task Force Report must be considered before the Diablo Canyon nuclear power plant operating license can be renewed. By ordering the Staff to adopt and implement numerous Task

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<sup>1</sup> The SRM is posted on the NRC’s website at <http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2011/2011-0124srm.pdf>.

Force recommendations, including redefining what level of protection of public health and safety should be regarded as adequate, the Commission makes clear that it believes the lessons learned from the Fukushima accident have safety and environmental significance. *See* SRM/SECY-11-0124 at 2.

SLOMFP notes that the issuance of SRM/SECY-11-0124 also undermines the basis for a recent licensing board decision finding that contentions similar to SLOMFP's contention were premature because the Commission itself had not yet accepted or implemented the Task Force Report's conclusions and recommendations. *PPL Bell Bend, L.L.C.* (Bell Bend Nuclear Power Plant); *Luminant Generation Co., L.L.C.* (Comanche Peak Nuclear Power Plant, Units 3 and 4); *Energy Northwest* (Columbia Generating Station); *Southern Nuclear Operating Co.* (Vogtle Electric Generating Plants, Units 3 and 4); *Duke Energy Carolinas, L.L.C.* (William States Lee Nuclear Station, Units 1 and 2), LBP-11-27, \_\_ NRC \_\_, slip op. at 16 (Oct. 18, 2011) (citing *Union Electric Co. d/b/a Ameren Missouri* (Callaway Plant, Unit 2), et al., CLI-11-05, \_\_ NRC \_\_ (Sept. 9, 2011)).<sup>2</sup>

Respectfully submitted,

*Electronically signed by*  
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<sup>2</sup> SLOMFP has been informed that the Petitioners in those cases plan to request reinstatement of their contentions and a ruling that the contentions are admissible in light of SRM/SECY-11-0124.

**CONSULTATION CERTIFICATE PURSUANT TO 10 C.F.R. § 2.323(b)**

I certify that on October 28, 2011, I contacted counsel for the applicant and the NRC Staff in an attempt to obtain their consent to this Motion. Counsel for the applicant stated that the applicant would not take a position on the motion until it had reviewed the motion. Counsel for the NRC Staff responded that the Staff will oppose the motion.

*Electronically signed by* \_\_\_\_\_  
Diane Curran

## CERTIFICATE OF SERVICE

I certify that on October 18, 2011, I posted on the NRC's Electronic Information Exchange the foregoing San Luis Obispo Mothers for Peace's Motion for Leave to Supplement Basis of Contention Regarding NEPA Requirement to Address Safety and Environmental Implications of the Fukushima Task Force Report. It is my understanding that as a result, the following persons were served:

Office of the Secretary Rules and Adjudications Branch U.S. Nuclear Regulatory Commission 11555 Rockville Pike Rockville, MD 20852 <a href="mailto:hearingdocket@nrc.gov">hearingdocket@nrc.gov</a>	David A. Repka, Esq. Tyson R. Smith, Esq. Winston & Strawn, LLP 1700 K Street N.W. Washington, D.C. 20006-3817 <a href="mailto:drepka@winston.com">drepka@winston.com</a> , <a href="mailto:trsmith@winston.com">trsmith@winston.com</a>
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*Electronically signed by*  
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