

April 6, 2015

**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 TO FILE NEW CONTENTIONS
REGARDING ADEQUACY OF ENVIRONMENTAL REPORT
FOR DIABLO CANYON LICENSE RENEWAL APPLICATION**

I. INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.309(c), 2.309(f)(1), and 2.309(f)(2), San Luis Obispo Mothers for Peace (“SLOMFP”) seeks leave to file new contentions challenging the adequacy of Pacific Gas & Electric Company’s (“PG&Es”) Amended Environmental Report to satisfy the National Environmental Policy Act (“NEPA”) and U.S. Nuclear Regulatory Commission (“NRC”) implementing regulations. The contentions are supported by the attached declaration of Mark Cooper in Support of San Luis Obispo Mothers for Peace’s Motion to File New Contentions Regarding Adequacy of Environmental Report for Diablo Canyon License Renewal Application (April 6, 2015) (“Cooper Declaration”).

As discussed below in Section II, the contentions meet the NRC’s requirements for admissibility of contentions. As discussed in Section III, SLOMFP also has good cause for filing the contentions after the initial deadline, which passed in 2010.

II. CONTENTIONS

A. Inadequate Consideration of Energy Alternatives

1. Statement of Contention

Chapter 7 of PG&E's Amended Environmental Report is inadequate to satisfy NEPA and 10 CFR § 51.53(c)(2) because it does not evaluate a reasonable array of energy alternatives that either currently are commercially viable or will become so in the near term (*i.e.*, within the next ten years). PG&E's energy alternatives analysis is based on arbitrary and unreasonable assumptions about the necessary characteristics of replacement energy, the viability and availability of alternative energy sources, and what constitute reasonable combinations of energy sources.

2. Statement of Basis for the Contention

NRC regulation 10 C.F.R. § 51.53(c)(2) requires that PG&E must address "the environmental impacts of alternatives." As the NRC recognizes, "[u]nder NEPA, the NRC has the obligation to consider reasonable alternatives to the proposed action of renewing the license for a nuclear reactor." Generic Environmental Impact Statement for License Renewal of Nuclear Plants at S-20 – S-21 (NUREG-1437, June 2013) ("License Renewal GEIS").

The NRC has decided that consideration of energy alternatives should be carried out in reactor-specific Supplemental Environmental Impact Statements ("SEISs") prepared for each license renewal application. *Id.* For each license renewal application, the NRC intends to make a case-by-case analysis of energy alternatives in license renewal proceedings, using "state-of-the-science" information. *Id.* at 1-30. In fact, the energy field is evolving so "rapidly" that NRC was not able to make broad generalizations about energy alternatives in the GEIS:

Recent advances in (replacement power alternatives. Several commenters asserted that much of the information describing replacement power alternatives did not reflect the

state-of-the-science. In some cases, commenters noted facts and events that occurred after the publication date of the draft GEIS.

The NRC has updated the final GEIS to incorporate the latest information on replacement power alternatives, but it is inevitable that rapidly evolving technologies will outpace information presented in the GEIS. Incorporation of this information is more appropriately made in the context of plant-specific license renewal reviews, rather than in the GEIS. As with renewable energy technologies, energy policies are evolving rapidly. While the NRC acknowledges that legislation, technological advancements, and public policy can underlie a fundamental paradigm shift in energy portfolios, the NRC cannot make decisions based on anticipated or speculative changes. Instead, the NRC considers the status of alternatives and energy policies when conducting plant-specific environmental reviews.

Id. at 1-30 – 1-31. Contrary to NEPA’s and the NRC’s requirement for consideration of a reasonable array of energy alternatives, PG&E has evaluated an outdated and arbitrarily restricted range of energy alternatives, and it has failed to apply reasonable or up-to-date assumptions about the required characteristics of those energy alternatives.

For instance, PG&E asserts that it considered “any alternative that could not replace the baseload capacity generation of DCPD [is] an unreasonable alternative.” *Id.* at 7.1-1. PG&E’s assumption that baseload capacity must be replaced is unreasonable because the concept that baseload capacity is required in order to satisfy energy needs is outdated. The dramatic improvement in technologies and declining costs for resources that are not considered “baseload” are transforming the electricity sector, allowing active integration of supply and demand to reliably meet the need for electricity and replace the passive, baseload approach that dominated the electricity sector of the twentieth century. Independent analysts, regulators and policy makers, and even some utilities, recognize this dramatic trend and expect it to fundamentally alter and define the operation of the electricity sector in the decade ahead, which is the period that the license renewal must contemplate.

In addition, PG&E unreasonably rejects the prospect that “renewable technology, energy efficiency, and operational capabilities will have advanced sufficiently and be available to replace 2,285 MW of DCPD baseload generation.” *Id.* at 7.2-2. PG&E claims that this prospect is a mere “assumption” that would be “imprudent” to rely upon. *Id.* To the contrary, the evidence available from independent analysis, some of it cited by PG&E itself, contradicts this claim. As discussed in the Cooper Declaration, estimates of achievable distributed generation, efficiency and geothermal, alone indicate that four times as much “capacity” will be available in the PG&E service territory in the time frame relevant to this license renewal request.

PG&E also claims to have selected, out of a “[m]yriad” of possibilities, a reasonable “combination alternative” of natural gas, wind, solar, and geothermal generation as follows:

This combination will include one CSP facility constructed somewhere in California within the PG&E service area with a 400 MWe nameplate capacity and equipped with thermal storage capabilities; 830 MW of wind energy (alternate site), 1,160 MW from solar photovoltaic (alternate site), 100 MW of geothermal, demand side management (DSM) equivalent to a peak load reduction of 100 MW, annually, and an NGCC power plant located on the DCPD site with 1105 MW capacity.

Most utility-scale CSP facilities have nameplate ratings of no more than 400 MW, so PG&E has considered one facility of that size in the combination alternative, together with thermal storage. In order to overcome their intermittent nature and the daily ramp impacts on the system, wind and solar PV power must be combined with energy storage mechanisms. Under California Assembly Bill (AB) 2514, California's largest utilities must develop energy storage systems. Based on the California Public Utility Commission's (CPUC) storage decision, issued in 2013, storage targets were adopted. As a result, PG&E anticipates procuring 580 MW of energy storage by 2020 that could be used to overcome the intermittency of wind and solar PV generation. Assuming a 35 percent capacity factor, the installed wind capacity necessary to generate 290 MW is approximately 830 MW. Assuming a 25 percent capacity factor, the installed solar PV capacity necessary to generate 290 MW is approximately 1,160 MW. Geothermal generation in 2025 is expected to be approximately one-third that of wind or solar PV.

Id. at 7.2-4. In fact, however, PG&E’s combination scenario is arbitrary and unreasonable.

PG&E’s arbitrarily restricted the alternative combinations available because it ignores the dramatic developments in virtually every one of the individual technologies (solar, wind, battery

storage, information and control technologies) that would allow a much more flexible approach to integrated management of supply and demand. This results in an overreliance on natural gas, which distorts the environmental impact assessment.

For each of the individual technologies it evaluates, PG&E claims that the technology's inability to individually replace baseload capacity disqualifies it as an alternative. Reliance on "baseload" power may no longer be assumed, however; instead, it is increasingly seen as a "dinosaur" that is too inflexible because neither supply nor demand can be managed.

PG&E also selectively and incorrectly rejects the estimation of potential capacity available from alternative resources:

The California Energy Commission recognizes (Reference 34) that the peak demand forecast could be reduced by the projected impacts of distributed PV, solar thermal, and combined heat and power (CHP) systems, including the effects of the Self-Generation Incentive Program (SGIP), California Solar Initiative (CSI), and other programs. The California Energy Commission estimates (Reference 34, Table 2) that PG&E Planning Area Self-Generation Peak Impacts could reach 2079.3 MW by 2024. However, there is substantial uncertainty as to the level of DG penetration that will occur. According to the California Energy Commission (Reference 34), more than 1,000 MW of the distributed generation in the PG&E service territory is expected to be photovoltaic (PV) systems.

Additionally, natural variation in sunlight intensity in a given location, and the limits of existing battery and capacitor technology, hinders the use of photovoltaics as a primary source of power in large industrial applications. Moreover, PV output does not fully match California's peak electrical demand periods. PV produces more energy than customers need during the day which means PG&E must store or dispose of excess generation during the day and supply additional energy in the late afternoon to meet the residual peak when there is little or no solar generation. As a result, the intermittent nature of PV power as the primary source of DG makes OG systems unsuitable for baseload applications absent sufficient energy storage to overcome solar's intermittency (Reference 11).

While development of battery storage options is ongoing, none are currently available in quantities or capacities that would provide baseload amounts of power. In light of the large contribution of solar PV to potential OG in PG&E service area and limitations on its use as baseload capacity, DG cannot serve as a reasonable alternative to the baseload generation of DCP.

Id. at 7.2-10 - 7.2-11. PG&E's claim that there is "substantial uncertainty" in the potential for several alternatives ten years hence does not reflect the speed of development or the very large quantity of potential resources available to replace the Diablo Canyon capacity upon the termination of its current license. Combining low carbon alternatives include distributed generation, efficiency, storage and geothermal in the PG&E service territory suggests that the pool of resources available would be four times the Diablo Canyon capacity.

In analyzing the likely availability of alternatives, particularly over a ten-year time frame as necessary in this proceeding, the NRC must recognize that the primary determinant of availability is the economic cost of technologies. The dramatic reduction in cost of renewable technologies and the even more dramatic technological development and cost reduction in battery, information and control technologies, combined with the continuing low cost of efficiency improvements, contradict PG&E's claims about the availability of resources to meet the need for electricity at the termination of the current operating license.

At the same time, the trends in the operation of aging nuclear reactors must also be considered in assessing the availability of power. The early retirement of online reactors has been a fact of life in the commercial nuclear industry from its earliest days, a fact of life that has been highlighted by the recent retirement of 5% of the nuclear fleet due to operational and economic problems and threats by nuclear operators to retire as much as an additional 10% of the fleet early. Given the deteriorating economics of aging reactors and the improving economics the alternatives, invoking uncertainty about the latter without acknowledging the uncertainty about the former distorts the analysis.

3. Demonstration that the contention is within the scope of the proceeding

This contention is within the scope of the Diablo Canyon license renewal proceeding because it challenges the adequacy of the Environmental Report for Diablo Canyon to satisfy NEPA and NRC implementing regulations.

4. Demonstration that the contention is material to the findings the NRC must make to re-license Diablo Canyon

The contention is material to the findings that the NRC must make in order to license this reactor because it challenges the environmental analysis required by NRC regulations for the licensing of the Diablo Canyon nuclear reactors.

5. Concise statement of the facts or expert opinion supporting the contention, along with appropriate citations to supporting scientific or factual materials

The facts and expert opinion on which SLOMFP relies are summarized in Section 2 (basis statement) above. They are explained in more detail in the Declaration of Mark Cooper and attachments.

6. A genuine dispute exists with the applicant on a material issue of law or fact

This contention raises a genuine dispute with the applicant regarding the adequacy of the Environmental Report to support the propose renewal of PG&E's operating license for Diablo Canyon.

B. Failure to Conduct Cost-Benefit Analysis of Energy Alternatives

1. Statement of Contention

The Environmental Report is inadequate to satisfy NEPA and 10 C.F.R. § 51.53(c)(2) because it presents a distorted and inaccurate comparison between the environmental impacts of continued operation of Diablo Canyon nuclear power plant and the environmental impacts of energy alternatives. PG&E arbitrarily excludes from its comparisons of environmental impacts (Tables 8-1 and Table 8-2) energy alternatives with small impacts, and misrepresents some of the impacts of renewing Diablo Canyon's license as small. As a result, PG&E fails to consider evidence that the adverse environmental impacts of renewing the Diablo Canyon operating license are "so great, compared with the set of alternatives, that preserving the option of license renewal for future decisionmakers would be unreasonable." Final Rule, Environmental Review for Renewal of Nuclear Power Plant Licenses, 61 Fed. Reg. 28,467, 28,468 (June 5, 1996) ("1996 License Renewal Rule").

2. Statement of Basis for the Contention

NRC regulation 10 C.F.R. § 51.53(c)(2) excuses license renewal applicants from considering the relative costs and benefits of alternatives to the proposed action "except insofar as such costs and benefits are either essential for a determination regarding the inclusion of an alternative in the range of alternatives considered or relevant to mitigation." As explained in the 1996 License Renewal Rule:

The conditional cost benefit balance has been removed from the GEIS and the rule. In place of the cost-benefit balancing, the NRC will use a new standard that will require a determination of whether or not the adverse environmental impacts of license renewal are so great, compared with the set of alternatives, that preserving the option of license renewal for future decisionmakers would be unreasonable.

61 Fed. Reg. at 28,468.

As provided by 10 C.F.R. § 51.53(c)(2), PG&E would have to perform a cost-benefit comparison between the proposed action of renewing Diablo Canyon's license and energy alternatives if the comparative environmental impacts of license renewal are great enough to tip the balance against license renewal. Tables 8.1 and 8.2 of PG&E's Environmental Report appear to be designed to demonstrate that no such cost-benefit analysis is necessary. These tables compare the environmental impacts of the proposed action and five alternatives: decommissioning, natural gas-fired generation, purchased power, a combination of energy sources, and demand side management/ energy efficiency. PG&E characterizes the environmental impacts of license renewal as "small" in all of ten categories, including "water quality," "human health," "waste management," and cultural resources." The environmental impacts of all other energy alternatives in these same categories are characterized as "small" to "moderate" or "large."

PG&E's analysis is incorrect and misleading in two key respects. First, PG&E arbitrarily evaluated an energy alternative -- the "combination alternative" -- that has more significant impacts than other reasonable alternatives because it relies heavily on natural gas. In contrast, as acknowledged in the License Renewal GEIS, "[r]enewable energy alternatives (wind, ocean wave, and ocean current alternatives) have very few operational impacts, while others (biomass combustion and conventional hydropower) can have considerable impacts." *Id.* at S-20.

Second, PG&E misrepresents the environmental impacts of renewing the Diablo Canyon operating license. PG&E apparently restricts its analysis of environmental impacts to the license renewal term. Thus, for instance, Tables 8.1 and 8.2 characterize the environmental impacts of "waste management" as "small." While the NRC has indeed characterized as "small" the environmental impacts of storing spent fuel and other radioactive waste during the license

renewal term (*See* Table B-1 of 10 C.F.R. Part 51, Subpart A, Appendix B), it has reached no such conclusion with respect to the environmental impacts of storing and disposing of radioactive waste *after* the conclusion of the license renewal term.

For the impacts of storing spent nuclear fuel after the license renewal term, for example, Table B-1 refers to the impact assessment in NUREG-2157, the NRC’s Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel (Sept. 2104) (“Continued Spent Fuel Storage GEIS”). Table ES-3 of the Continued Spent Fuel Storage GEIS shows that the NRC considers the environmental impacts of at-reactor spent fuel storage to be “small to large” with respect to historic and cultural resources and “small to moderate” with respect to nonradioactive waste management. *Id.* at xviii. Table ES-4 characterizes the adverse environmental impacts of away-from-reactor spent fuel storage as “small to large” for historic and cultural resources, “small to moderate” for aesthetics,” “small to moderate” for nonradioactive waste management, and “small to moderate” for transportation-related traffic. *Id.* at lix. The NRC also found that continued storage of spent fuel would have “small to moderate” or “small to large” adverse cumulative impacts in a variety of categories, including land use, air quality, climate change, geology and soils, surface-water quality and use, groundwater quality, aquatic ecology, waste management and transportation. Table ES-5 at lx – lxi.

With respect to the environmental impacts of spent fuel disposal, neither Table B-1 nor the License Renewal GEIS assigns any level of significance. Table B-1 merely states that:

The Commission concludes that the impacts would not be sufficiently large to require the NEPA conclusion, for any plant, that the option of extended operation under 10 CFR part 54 should be eliminated. Accordingly, while the Commission has not assigned a single level of significance to the impacts of spent fuel and high level waste disposal, this issue is considered Category 1.

According to the License Renewal GEIS, the category assigned to spent fuel disposal is “uncertain.” *Id.* at 1-13. Of course, “uncertain” is a far cry from “small.” With respect to the category of “waste management” and a number of other impacts listed in Tables 8.1 and 8.2 that could be affected by spent fuel disposal – such as water quality, air quality, ecological resources, endangered species, and cultural resources – PG&E therefore has no basis for claiming that the impacts of license renewal are “small.” The socioeconomic consequences of disposing of spent fuel generated during Diablo Canyon’s license renewal term are also likely to be extremely high, as demonstrated by the attached Declaration of Mark Cooper (December 16, 2013), which SLOMFP and other organizations submitted in support of their comments on the proposed Waste Confidence Rule and draft Waste Confidence GEIS. *See* Comments by Environmental Organizations on Draft Waste Confidence Generic Environmental Impact Statement and Proposed Waste Confidence Rule and Petition to Revise and Integrate All Safety and Environmental Regulations Related to Spent Fuel Storage and Disposal (Dec. 20, 2013) (ADAMS Accession No. ML14030A152, corrected on Jan. 7, 2014 in ML14024A297). His analysis shows that the costs of managing spent nuclear fuel are likely to be quite large in absolute value, running to hundreds of billions of dollars (in constant 2012 dollars). They are in the range of \$10 to \$20 per MWH (\$0.01 to \$0.02 per kWh). These costs could be high enough to materially affect energy choices when the costs of new reactors or extension of the operating life of existing reactors are compared with energy efficiency and alternative energy sources.

A license renewal increases these costs in two ways. First, by increasing the operating life of the reactor 50%, it increases the aggregate amount of waste that must be handled. Second, because decommissioning costs have been rising significantly in real terms, the total cost of decommissioning will rise.

The fact that these impacts are deferred makes them no less burdensome on the licensees, the public and the environment. As Mr. Cooper observes, if these costs were internalized in the present, they could be high enough to push uneconomical reactors “over the edge.” Thus, they constitute adverse socioeconomic impacts that should be considered in the Environmental Report.

Finally, PG&E distorts the comparison of impacts by characterizing the human health and socioeconomic impacts of renewing the Diablo Canyon operating license as “small,” without acknowledging that this assessment is based on probabilistic risk estimates that are fraught with uncertainty. As the NRC acknowledges in the License Renewal GEIS, “[l]icense renewal and new nuclear energy alternatives may have low-probability but potentially high-consequence accidents.” *Id.* at S-20. For instance, the NRC has estimated that if even a small fraction of the radioactivity inventory of the Peach Bottom reactor’s spent fuel pool were to escape to the atmosphere as a result of a pool fire, an average area of 9,400 square miles (24,300 square kilometers) would be rendered uninhabitable, and that 4.1 million people would be displaced over the long-term. Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor at 232 (Table 62) and 162 (Table 33) (Oct. 2013) (ML13256A342) (“Consequence Study”). The worst accident at a wind or solar facility could not come close to causing such widespread environmental, social and economic devastation. Without an acknowledgement of this fundamental qualitative difference in the environmental impacts of Diablo Canyon and renewable energy sources, Tables 8.1 and 8.2 are a farce. A fair comparison of the environmental impacts of Diablo Canyon and renewable energy sources would inevitably lead to a full cost-benefit comparison.

3. Demonstration that the contention is within the scope of the proceeding

This contention is within the scope of the Diablo Canyon license renewal proceeding because it challenges the adequacy of the Environmental Report for Diablo Canyon to satisfy NEPA and NRC implementing regulations.

4. Demonstration that the contention is material to the findings the NRC must make to re-license Diablo Canyon

The contention is material to the findings that the NRC must make in order to license this reactor because it challenges the environmental analysis required by NRC regulations for the re-licensing of the Diablo Canyon nuclear reactors.

5. Concise statement of the facts or expert opinion supporting the contention, along with appropriate citations to supporting scientific or factual materials

The facts and expert opinion on which SLOMFP relies are summarized above in Section 2 (basis statement) above. They are explained in more detail in the Declaration of Mark Cooper and attachments.

6. A genuine dispute exists with the applicant on a material issue of law or fact

This contention raises a genuine dispute with the applicant regarding the adequacy of the Environmental Report to support the proposed renewal of PG&E's operating license for Diablo Canyon.

III. THE CONTENTIONS ARE TIMELY PURSUANT TO 10 C.F.R. §§ 2.309(c) and 2.309(f)(2)

NRC regulations 10 C.F.R. § 2.309(c) and § 2.309(f)(2) call for a showing that:

(i) The information upon which the amended or new contention is based was not previously available;

(ii) The information upon which the amended or new contention is based is materially different than information previously available; and

(iii) The amended or new contention has been submitted in a timely fashion based on the availability of the subsequent information.

This motion satisfies all three of these standards for filing a contention after the initial filing deadline. First, the information upon which the new contentions – PG&E’s revised energy alternatives analysis in its Amended Environmental Report – was not available until PG&E submitted the Amended Environmental Report to the NRC.

Second, both the analysis in PG&E’s Amended Environmental Report and the energy-related circumstances of 2015 are materially different from 2010, when PG&E’s original Environmental Report was submitted to the NRC. Cross-out and new italicized language in PG&E’s Amended Environmental Report show significant changes, both to available data and PG&E’s analysis regarding the mix of available generating capacity in the state of California, planning reserve margins, and future energy demand. PG&E has also added information about demand side management and energy efficiency, and an energy alternative that consists of a combination of natural gas, renewables, and demand-side management. This information includes capacity of various energy sources and information about their environmental impacts that was not included in the original Environmental Report.

And as much as PG&E’s Amended Environmental Report differs from the 2010 Environmental Report, PG&E has not kept up with the massive changes in the energy environment that have taken place since then. As discussed in the 2013 License Renewal GEIS energy technologies are “evolving” so “rapidly” that the NRC was unwilling to make generalizations in the GEIS. *Id.* at 1-30. As Mark Cooper points out, in recent years there has been “dramatic developments in virtually every one of the individual technologies (solar, wind,

battery storage, information and control technologies) that would allow a much more flexible approach to integrated management of supply and demand.” *Id.*, par. 8. These changes merit a re-evaluation of energy alternatives before the NRC makes a decision on the re-licensing of Diablo Canyon. In addition, the NRC’s conclusions regarding the environmental impacts of spent fuel storage and disposal have changed since 2010, as demonstrated by Table B-1 of 10 C.F.R. Part 51, the Continued Spent Fuel Storage GEIS, and the NRC’s Consequence Study.

Finally, SLOMFP is submitting the information in a timely fashion. PG&E submitted the Amended Environmental Report by letter of February 25, 2015, and the information was posted on NRC’s Agencywide Document Access Management System (“ADAMS”) on March 6, 2015. SLOMFP is filing this motion and the contentions within 30 days of their posting on ADAMS, a presumptively reasonable period. *Shaw AREVA MOX Services (Mixed Oxide Fuel Fabrication Facility)*, LBP-08-11, 67 NRC 460, 493 (2008) (noting that “[m]any times,” ASLBs have selected 30 days as a presumptively acceptable time period for contentions).

IV. CERTIFICATE REGARDING CONSULTATION

Pursuant to 10 C.F.R. § 2.323(b) undersigned counsel for SLOMFP certifies that on April 6, 2015, she contacted counsel for PG&E and the NRC Staff to seek their consent to the filing of SLOMFP’s motion and contentions. Counsel for PG&E stated that PG&E takes no position on the admissibility of SLOMFP’s proposed contentions, and will respond to them in due course. Counsel for the NRC Staff stated that the NRC staff will not object to the filing of the motion, but reserves the right to raise all available objections at the appropriate time.

V. CONCLUSION

For the foregoing reasons, the ASLB should admit SLOMFP's contentions.

Respectfully submitted,

[Electronically signed by]

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April 6, 2015

**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
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**SAN LUIS OBISPO MOTHERS FOR PEACE
CERTIFICATE OF SERVICE**

I certify that on April 6, 2015, I posted on the NRC's Electronic Information Exchange SAN LUIS OBISPO MOTHERS FOR PEACE'S MOTION TO FILE NEW CONTENTIONS REGARDING ADEQUACY OF ENVIRONMENTAL REPORT FOR DIABLO CANYON LICENSE RENEWAL APPLICATION, attached DECLARATION OF MARK COOPER, and three attachments to Mr. Cooper's declaration. It is my understanding that as a result, the NRC Commissioners, Atomic Safety and Licensing Board, and parties to this proceeding were served.

Respectfully submitted,

Electronically signed by
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