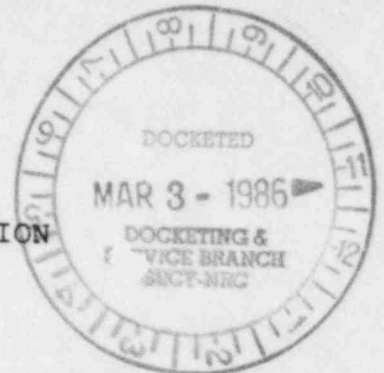


1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION



3 In the Matter of )  
4 PACIFIC GAS AND ELECTRIC ) Docket No. 50-275 *OLA*  
COMPANY ) Docket No. 50-323  
5 ) (Spent Fuel Pool  
6 Diablo Canyon Nuclear Power ) Reracking)  
Plant, Units 1 and 2 )  
7 \_\_\_\_\_ )

8 ANSWER OF PACIFIC GAS AND ELECTRIC COMPANY  
9 (PGandE) TO PETITIONS FOR LEAVE  
TO INTERVENE

10 On January 13, 1986 the Nuclear Regulatory Commission  
11 (NRC) published in the Federal Register (51 F.R. 1451) a  
12 Notice of Consideration of Issuance of Amendments to  
13 Facility Operating Licenses DPR-80 and DPR-82 for Diablo  
14 Canyon Nuclear Power Plant, Units 1 and 2, Respectively, and  
15 Proposed No Significant Hazards Consideration Determination  
16 and Opportunity for Hearing (the Notice). The Notice  
17 concerned PGandE's proposed license amendments to increase  
18 the Unit 1 and Unit 2 spent fuel storage capacity by  
19 reracking the spent fuel storage pools. The Notice provided  
20 that any person whose interest may be affected by the  
21 proceeding and who wishes to participate as a party must  
22 file a written petition for leave to intervene. In response  
23 to the Notice such petitions were filed by the San Luis  
24 Obispo Mothers For Peace, the Santa Lucia Chapter of the  
25 Sierra Club, and an organization called Consumers Organized  
26 for Defense of Environmental Safety (CODES).

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1           At this stage of the proceeding PGandE intends to  
2 respond only to the CODES petition. The petition alleges  
3 that CODES "has exhibited a long term interest in the safety  
4 and costs of Diablo Canyon", but does not allege how they  
5 have evidenced this "long term interest" other than by  
6 participating in the Diablo Canyon rate case now pending  
7 before the California Public Utilities Commission. Clearly  
8 this falls short of the requirement of 10 CFR 2.714(d)(1)  
9 that the petition set forth the nature of petitioner's right  
10 under the Act to be made a party to the proceeding.

11  
12           The petition also alleges that members of CODES are  
13 "...residents, property owners, ratepayers, taxpayers and  
14 workers in an area impacted by the facility at issue..." in  
15 this proceeding. However, no names or addresses of members  
16 of CODES are specified, and the phrase "area impacted by the  
17 facility" is hopelessly imprecise. The only name given is  
18 of the person who signed the petition as "Co-ordinator", but  
19 her address is not given nor is there any indication of her  
20 authority to act on behalf of CODES, allegedly a California  
21 corporation. In short, the petition contains nothing to  
22 indicate the nature and extent of the petitioner's  
23 property, financial, or other interest in the proceeding" as  
24 required by 10 CFR 2.714(d)(2).

25 /

26 /

1           The third requirement of 10 CFR 2.714(d) concerns the  
2 possible effect of any order which may be entered in the  
3 proceeding on petitioner's interest. Presumably this is  
4 intended to be addressed in the vague allegation "fearing  
5 personal and property damage and loss should an error on the  
6 part of the licensing body be made." However, there is no  
7 indication of what personal and property damage and loss is  
8 being referred to or what the "error" by the licensing board  
9 might be. Further, there is no specific allegation of harm  
10 to identifiable individuals. In short, there is no showing  
11 how the petitioner or its members might be adversely  
12 affected by operation of the plant after adoption of the  
13 proposed license amendments.

14  
15           Finally, the petition contains a number of conclusory  
16 statements about the Hosgri Fault and other matters which  
17 have nothing to do with the issues involved in this  
18 proceeding.

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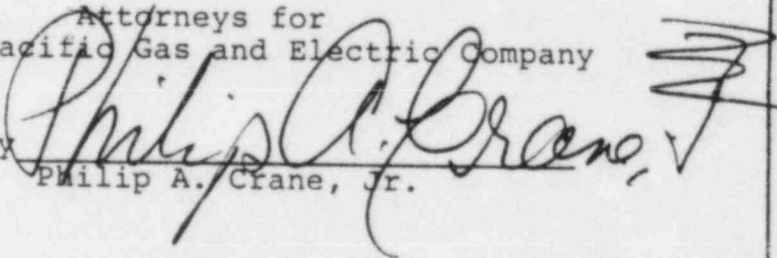
For all these reasons PGandE submits that the CODES petition for leave to intervene is fatally defective and should be denied.

Respectfully submitted,

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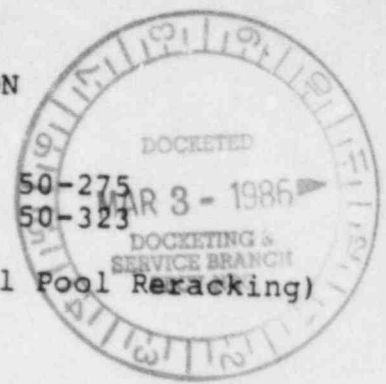
BY   
Philip A. Crane, Jr.

Dated: February 27, 1986

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
PACIFIC GAS AND ELECTRIC COMPANY )  
Diablo Canyon Nuclear Power Plant, )  
Units 1 and 2 )

Docket No. 50-275  
Docket No. 50-323  
(Spent Fuel Pool Reracking)



CERTIFICATE OF SERVICE

The foregoing document(s) of Pacific Gas and Electric Company has (have) been served today on the following by deposit in the United States mail, properly stamped and addressed:

Chairman  
Atomic Safety and Licensing  
Board Panel  
US Nuclear Regulatory Commission  
Washington DC 20555

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731 Pacific Street, Suite #42  
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US Nuclear Regulatory Commission  
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Date: February 27, 1986

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