

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SAN LUIS OBISPO MOTHERS FOR PEACE,  
SANTA LUCIA CHAPTER OF THE SIERRA  
CLUB, and PEG PINARD,

Petitioners,

v.

UNITED STATES NUCLEAR REGULATORY  
COMMISSION and the UNITED STATES  
OF AMERICA,

Respondents

No. 03-74628

PETITION FOR REVIEW

Pursuant to F.R.A.P. 15 and 28 U.S.C. § 2342-2344, Petitioners, San Luis Obispo Mothers for Peace, the Santa Lucia Chapter of the Sierra Club, and Peg Pinard, hereby petition the Court for review of three orders by the U.S. Nuclear Regulatory Commission ("NRC" or "Commission"). The orders were issued in a licensing proceeding concerning Pacific Gas & Electric Company's proposal to build and operate an Independent Spent Fuel Storage Installation ("ISFSI") on the site of the Diablo Canyon Nuclear Power Plant.

The orders of which Petitioners seek review are:

- *Pacific Gas & Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), LBP-02-23, 56 NRC 413 (December 2, 2002) (*see* Attachment 1);

- *Pacific Gas & Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), CLI-02-23, 56 NRC 230 (November 21, 2002) (*see* Attachment 2); and
- *Pacific Gas & Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), CLI-03-1, 57 NRC 1 (January 23, 2003) (*see* Attachment 3).

These decisions were rendered final in *Pacific Gas & Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), CLI-03-12, 57 NRC \_\_\_\_ (October 15, 2003) (*see* Attachment 4).

Petitioners contend that, by refusing to hold a hearing on whether the environmental impacts of terrorist attacks and other acts of malice or insanity against the proposed ISFSI should be addressed in an Environmental Impact Statement, and by refusing to take measures to improve the security of the entire Diablo Canyon site before approving a license for the proposed ISFSI, the NRC violated the Atomic Energy Act, the National Environmental Policy Act, and the Administrative Procedure Act; and abused its discretion. Therefore, Petitioners seek review and reversal of LBP-02-23, CLI-02-23, and CLI-03-1.

Respectfully submitted,



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