

**RAS 5678**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 02/05/03**

**SERVED 02/05/03**

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Jerry R. Kline  
Dr. Peter S. Lam

In the Matter of

PACIFIC GAS AND ELECTRIC CO.

(Diablo Canyon Power Plant Independent  
Spent Fuel Storage Installation)

Docket No. 72-26-ISFSI

ASLBP No. 02-801-01-ISFSI

February 5, 2003

ORDER

(Establishing Schedule for Further Filings Regarding Motions)

Upon consideration of the February 4, 2003 responses by applicant Pacific Gas and Electric Company (PG&E) and the NRC staff to the January 28, 2003 motions of (1) the California Public Utilities Commission (CPUC) to participate as an interested governmental entity in accordance with 10 C.F.R. § 2.715(c); and (2) the California Energy Commission (CEC), the County Of San Luis Obispo, California, (SLOC) and the Avila Beach Community Services District (ABCSD) to provide joint responses to discovery, it is

ORDERED, that any party/participant replies to these February 4, 2003 responses shall be filed on or before Tuesday, February 11, 2003.<sup>1</sup>

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

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G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 5, 2003

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<sup>1</sup> In this regard, the Board notes that (1) there apparently is no opposition to the motion to file joint 10 C.F.R. § 2.715(c) participant responses to discovery requests, subject to clarification of the status of the CPUC as an interested governmental entity (and, indeed, one joint response has already been lodged); and (2) regardless of its section 2.715(c) participant status, CPUC witnesses and information could provide the basis for the other section 2.715(c) participants written presentations, see Yankee Atomic Elec. Co. (Yankee Nuclear Power Station), CLI-98-21, 48 NRC 185, 203 (1998). Accordingly, at this juncture, the pendency of the question of the CPUC's section 2.715(c) status should have no impact on the ongoing discovery process.

<sup>2</sup> Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant PG&E; (2) petitioners San Luis Obispo Mother For Peace, et al.; (3) SLOC, CPUC, CEC, ABCSD, and the Diablo Canyon Independent Safety Committee; and (4) the staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
PACIFIC GAS AND ELECTRIC CO. ) Docket No. 72-26-ISFSI  
DIABLO CANYON POWER PLANT )  
)  
(Independent Spent Fuel Storage )  
Installation) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (ESTABLISHING SCHEDULE FOR FURTHER FILINGS REGARDING MOTIONS) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 72-26-ISFSI  
LB ORDER (ESTABLISHING SCHEDULE FOR  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 5<sup>th</sup> day of February 2003