

May 7, 2003

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

May 13, 2003 (11:47AM)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of:	)	
	)	
Pacific Gas and Electric Co.	)	Docket No. 72-26-ISFSI
	)	
(Diablo Canyon Power Plant Independent Spent Fuel Storage Installation)	)	ASLBP No. 02-801-01-ISFSI

RESPONSE OF PACIFIC GAS AND ELECTRIC COMPANY TO THE FILINGS OF SAN  
LUIS OBISPO MOTHERS FOR PEACE ET AL., GOVERNMENTAL PARTICIPANTS,  
AND CALIFORNIA ENERGY COMMISSION  
REGARDING TIME FOR ORAL PRESENTATIONS

On May 4, 2003, the San Luis Obispo Mothers for Peace, *et al.* ("SLOMFP"), the California Energy Commission ("CEC"), and the remaining Governmental Participants<sup>1</sup> requested that the Licensing Board allocate one hour to each of them, with thirty minutes each for reply (totaling 4 and one-half hours for the "side"), in the scheduled oral argument in this matter.<sup>2</sup> Shortly thereafter, the Licensing Board requested responses from PG&E and the NRC Staff to this apparent request for additional oral argument time.<sup>3</sup> SLOMFP, the CEC, and the Governmental Participants then filed a response to this Order, indicating that they intended to

<sup>1</sup> The term "Governmental Participants" includes the Avila Beach Community Services District, the California Public Utilities Commission, and San Luis Obispo County, all interested governmental participants pursuant to 10 C.F.R. § 2.715(c).

<sup>2</sup> See "Response of San Luis Obispo Mothers for Peace, et al.; Government Participants; and California Energy Commission to Licensing Board Memorandum and Order Dated April 30, 2003," dated May 4, 2003.

<sup>3</sup> See *Pac. Gas & Elec. Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), Order (Schedule for Responses to Oral Argument Time Allocation Increase Request), dated May 5, 2003.

divide their time evenly, with forty-five minutes each to complete initial argument, and fifteen minutes each for reply (totaling three hours for the "side").<sup>4</sup>

As a result, it no longer appears that these parties are seeking additional time beyond the three hours previously allocated. Accordingly, PG&E has no further response. PG&E views the allocation of three hours per side to be more than adequate to address the one admitted contention in this case.

Respectfully submitted,



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David A. Repka, Esq.  
Brooke D. Poole, Esq.  
Counsel for Pacific Gas and Electric Company

Dated in Washington, District of Columbia  
this 7th day of May 2003

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<sup>4</sup> See "Response of San Luis Obispo Mothers for Peace, et al.; Government Participants; and California Energy Commission to Licensing Board Memorandum and Order dated May 5, 2003," dated May 5, 2003.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of: )  
)  
Pacific Gas and Electric Co. ) Docket No. 72-26-ISFSI  
)  
(Diablo Canyon Power Plant Independent ) ASLBP No. 02-801-01-ISFSI  
Spent Fuel Storage Installation) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the "RESPONSE OF PACIFIC GAS AND ELECTRIC COMPANY TO THE FILINGS OF SAN LUIS OBISPO MOTHERS FOR PEACE ET AL., GOVERNMENTAL PARTICIPANTS, AND CALIFORNIA ENERGY COMMISSION REGARDING TIME FOR ORAL PRESENTATIONS" have been served as shown below by electronic mail, this 7th day of May 2003. Additional service has also been made this same day by deposit in the United States mail, first class, as shown below.

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