

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 01/16/08

SERVED 01/16/08

PACIFIC GAS and ELECTRIC CO.
(Diablo Canyon Power Plant Independent
Spent Fuel Storage Installation)

Docket No. 72-26-ISFSI

ASLBP No. 08-860-01-ISFSI-BD01

DESIGNATION OF PRESIDING OFFICER

Pursuant to delegation by the Commission, see 37 Fed. Reg. 28,710 (Dec. 29, 1972), and the Commission's regulations, see 10 C.F.R. §§ 2.313(a)(2), 2.318, 2.1300, and 2.1319(a), notice is hereby given that a member of the Atomic Safety and Licensing Board Panel is being designated as Presiding Officer in the following proceeding in compliance with the Commission's directions in its Memorandum and Order dated January 15, 2008 (CLI-08-01) :

PACIFIC GAS and ELECTRIC CO.
(Diablo Canyon Power Plant Independent
Spent Fuel Storage Installation)

This proceeding, which will be conducted pursuant to Subpart K of the Commission's pre-2004 Part 2 procedural rules Regulations (CLI-08-01, slip op. at 4), concerns a license application for an independent spent fuel storage installation ("ISFSI") at the site of the Diablo Canyon nuclear power reactor in California. Pursuant to the Ninth Circuit's order in San Luis Obispo Mothers for Peace v. NRC, 449 F.3d 1016 (9th Cir. 2006), cert. denied, 127 S. Ct. 1124 (2007), the Nuclear Regulatory Commission ("NRC") has undertaken a NEPA-terrorism review for this licensing proceeding. The NRC Staff prepared a revised environmental assessment ("EA") addressing the likelihood of a terrorist attack at the Diablo Canyon ISFSI site and the potential consequence of such an attack (CLI-08-01, slip op. at 1). The Commission admitted limited portions of two contentions – Contentions 1(b) and 2 – proffered by the San Luis Obispo Mothers for Peace challenging the Staff's EA (id., slip op. at 3, 29). The Commission set a

tentative schedule for further consideration of Contention 1(b), for discovery, and for an ultimate Subpart K oral argument-type hearing on Contention 2 (id., slip op. at 30-31). Stating that it remains “committed to a prompt resolution of this proceeding,” the Commission directed the designation of a Presiding Officer to “keep discovery on schedule, if necessary by setting schedules, and by resolving promptly any discovery disputes, including privilege, materiality, and burdensomeness controversies” (id., slip op. at 30, 31).

The Presiding Officer is:

Administrative Judge E. Roy Hawkens
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

All correspondence, documents, and other materials that relate to keeping discovery on schedule shall be filed with the Presiding Officer in accordance with 10 C.F.R. § 2.302 (2007).

/RA/

E. Roy Hawkens
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

Issued at Rockville, Maryland,
this 16th day of January 2008.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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PACIFIC GAS AND ELECTRIC CO.) Docket No. 72-26-ISFSI
)
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(Diablo Canyon Power Plant,)
Independent Spent Fuel Storage)
Installation))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing DESIGNATION OF PRESIDING OFFICER have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of January 2008