

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 09/11/07

SERVED 09/11/07

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In the Matter of )

PACIFIC GAS AND ELECTRIC COMPANY )

(Diablo Canyon Power Plant Independent  
Spent Fuel Storage Installation) )

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) Docket No. 72-26-ISFSI  
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**ORDER**

In CLI-07-11,<sup>1</sup> the Commission's decision establishing further proceedings in this independent spent fuel storage installation licensing proceeding, the Commission directed the NRC Staff to prepare a revised environmental assessment, to submit it for public comment for a thirty day period, and to finalize its review of comments received within sixty days of the close of the comment period. The NRC Staff issued its final environmental assessment supplement — incorporating its review of the public comments received on the draft version of the supplement — on August 30, 2007.

In view of the Commission's stated goal of reaching a final decision in this licensing action by late February of next year,<sup>2</sup> and pursuant to my authority under 10 C.F.R. §§ 2.772(a) and (k),<sup>3</sup> the parties are directed to address the effects (if any,

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<sup>1</sup> *Pacific Gas & Electric Co.* (Diablo Canyon Power Plant Spent Fuel Installation), CLI-07-11, 65 NRC 148 (2007).

<sup>2</sup> CLI-07-11, 65 NRC at 151.

<sup>3</sup> This reference is to the Commission's old Part 2 rules; the Commission's post-2004 revised rules have similar provisions at 10 C.F.R. §§ 2.346 (a) and (j).

including possible mootness) of the finalized environmental assessment supplement on their pleadings according to the following expedited schedule:

1. Petitioners shall address the effects of the final environmental assessment supplement on their already-filed contentions and shall file amended or late-filed contentions (if any) by October 1, 2007.
2. Responses shall be due within 10 days after Petitioners' filing.
3. Petitioners' reply shall be filed within 5 days of any responses.

IT IS SO ORDERED.

For the Commission

**/RA/**

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Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland,  
this 11<sup>th</sup> day of September, 2007

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 COMMISSION ORDER DIRECTING THE PARTIES TO ADDRESS THE EFFECTS OF THE FINALIZED ENVIRONMENTAL ASSESSMENT SUPPLEMENT have been served upon the following persons by electronic mail this date, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail.

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E. Roy Hawken  
Atomic Safety and Licensing Board Panel  
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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 11<sup>th</sup> day of September 2007