

questions. Because SLOMFP is requesting a 10 C.F.R. § 2.1115(a)(2) ruling on the merits of its environmental Contention 2, rather than further adjudicatory hearing under 10 C.F.R. § 2.1115(a)(1), and because the Staff bears the burden of showing the adequacy of its environmental assessment with respect to the issues raised in Contention 2, the NRC Staff will make its argument first. PG&E's argument will be heard next, and SLOMFP's argument will be heard third. Finally, the NRC Staff may use time reserved from its initial presentation to conclude with a reply argument, and PG&E may use time reserved from its initial presentation to conclude with a reply argument.

Format. In making their arguments, parties' counsel should assume that the Commissioners are familiar with the content of their written filings. Parties should expect Commission questions after the presentation of their oral arguments.

Additional Briefing. Pursuant to my authority under 10 C.F.R. § 2.772(a), the parties also are advised that they may, at their discretion, file briefs limited to 10 pages in length responding solely to legal arguments raised in the other parties' April 14, 2008, 10 C.F.R. § 2.1113 submissions. No additional information, such as affidavits, expert testimony, or other exhibits or documentation, may be attached to these briefs. Any briefs parties choose to file under this paragraph should be filed 10 days from the date of this order.

General Information. The Office of the Secretary of the Commission will contact the parties regarding logistics related to the July 1 hearing.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 6th day of June, 2008

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 COMMISSION ORDER 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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[Original signed by R. L. Giitter]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 6th day of June 2008