

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Alex S. Karlin, Chairman
Nicholas G. Trikouros
Dr. Paul B. Abramson

In the Matter of

PACIFIC GAS & ELECTRIC COMPANY

(Diablo Canyon Nuclear Power Plant, Units 1
and 2)

Docket Nos. 50-275-LR and 50-323-LR

ASLBP No. 10-890-01-LR-BD01

March 26, 2014

SECOND REVISED SCHEDULING ORDER

On March 19, 2014, the Board held a pre-hearing conference with the parties to review the status of this case and to discuss measures to improve the fair and efficient conduct of this adjudication. Pursuant to that discussion, our November 19, 2012 Revised Scheduling Order (RSO), is further revised as follows:

1. Section II.F.2 of the RSO is revised to read as follows:

II.F.2. Timeliness Deadline. The consolidated filing referred to in the preceding paragraph shall be deemed timely under 10 C.F.R. § 2.309(c)(1)(iii) if it is filed within thirty (30) days of the date when the new and material information on which it is based first became available, provided, however, that any new or amended NEPA Contention based on new and material information in Pacific Gas and Electric's final seismic report¹ should not be filed before, and shall be deemed timely if it is filed within, forty-five (45) days after NRC issues the Draft Supplemental Environmental Impact Statement (DSEIS).²

¹ Pacific Gas and Electric Company currently estimates that it will issue its final seismic report in June of 2014. See Letter from Jennifer K. Post, Attorney, Pacific Gas and Electric Co., to Diablo Canyon Licensing Board at 3 (Mar. 11, 2014).

² The NRC Staff currently estimates that it will issue the DSEIS in September 2014. See Letter from Catherine E. Kanatas, Counsel for NRC Staff, to Diablo Canyon Licensing Board at 1 (March 20, 2014).

2. Section II.I.2 of the RSO is revised to read as follows:

II.I.2. Promptness Deadline: Additional Time for Dispositive Motions. In light of the gravity and importance of dispositive motions, and in order to accommodate careful consultations as specified above, dispositive motions may be filed within thirty (30) days after the occurrence or circumstance from which the motion arises (rather than the ten (10) day time frame established by 10 C.F.R. § 2.323(a)), provided, however, that dispositive motions based on Pacific Gas and Electric's final seismic report should not be filed before, and shall be deemed timely if they are filed within, thirty (30) days after the date when NRC issues the DSEIS.

3. Section II.I.5. of the RSO is revised to read as follows:

II.I.5. Ultimate Deadlines. Dispositive motions, if any, with regard to Contention EC-1³ shall be filed thirty (30) days after the date when NRC issues the DSEIS. With regard to any new or amended contention hereinafter admitted, unless the Board decision admitting that contention specifies otherwise, no dispositive motion may be filed later than thirty (30) days after the Board issues the decision admitting the contention. These ultimate deadlines are in addition to, not in lieu of, the promptness deadlines specified above.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 26, 2014

³ We admitted Contention EC-1 on August 4, 2010. See LBP-10-15, 72 NRC 257 (2010), aff'd in pertinent part, CLI-11-11, 74 NRC 427 (2011).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **SECOND REVISED SCHEDULING ORDER** have been served upon the following persons by the Electronic Information Exchange.

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Diablo Canyon Nuclear Power Plant - Docket Nos. 50-275-LR and 50-323-LR
SECOND REVISED SCHEDULING ORDER

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[Original signed by Brian Newell]
 Office of the Secretary of the Commission

Dated at Rockville, Maryland
 this 26th day of March 2014