

RAS 4819

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 09/05/02
SERVED 09/05/02

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of

PACIFIC GAS AND ELECTRIC CO.

(Diablo Canyon Power Plant Independent
Spent Fuel Storage Installation)

Docket No. 72-26-ISFSI

ASLBP No. 02-801-01-ISFSI

September 5, 2002

MEMORANDUM AND ORDER
(Initial Prehearing Conference Argument Schedule Update)

Upon consideration of the September 4, 2002 joint filing by applicant Pacific Gas and Electric Co. (PG&E), petitioners San Luis Obispo Mothers for Peace, et al., (SLOMFP), and the NRC staff, as well as other recent filings regarding the proposed contentions/issue statements proffered in this proceeding, the Licensing Board will utilize the following revised order of presentation/time limits for oral arguments regarding the pending standing/interested governmental entity participation and contentions/issue statements admissibility matters:¹

¹ The additional acronyms used in the foregoing schedule represent the following entities: AVAC - Avila Valley Advisory Council; DCISC - Diablo Canyon Independent Safety Committee; SLOC - San Luis Obispo County, California; PSLHD - Port San Luis Harbor District; CEC - California Energy Commission.

A. Tuesday -- September 10, 2002

- Segment 1 SLOMPF Standing/DCISC Participation:² SLOMPF Argument/Rebuttal - 7 minutes; DCISC Argument/Rebuttal - 7 minutes; SLOC - 2 minutes; PSLHD - 2 minutes; CEC - 2 minutes; PG&E - 7 minutes; Staff - 7 minutes.
- Segment 2 SLOMPF EC-1, ER Failure to Address Destructive Acts of Malice: SLOMPF Argument/Rebuttal - 30 minutes; SLOC - 5 minutes; PSLHD - 5 minutes; CEC - 5 minutes; DCISC - 5 minutes; PG&E - 20 minutes; Staff - 20 minutes.
- Segment 3³ SLOC EC-1, Alternative Sites and Security Plans, and PSLHD EP-1, Emergency Response Plan Adequacy: SLOC Argument and Rebuttal - 15 minutes; PSLHD Argument/Rebuttal - 15 minutes; SLOMPF - 5 minutes; CEC - 5 minutes; DCISC - 5 minutes; PG&E - 20 minutes; Staff - 20 minutes.
- Segment 4 SLOMPF EC-2, ER Failure to Describe Purposes or Evaluate All Impacts/Alternatives and SLOMPF EC-3, Transportation Impacts: SLOMPF Argument/Rebuttal - 30 minutes; SLOC - 5 minutes; PSLHD - 5 minutes; CEC - 5 minutes; DCISC - 5 minutes; PG&E - 20 minutes; Staff - 20 minutes.

B. Wednesday -- September 11, 2002

- Segment 5 SLOMPF TC-2 to TC-5, Financial Qualifications, and SLOC TC-1 and TC-2, Financial Qualifications: SLOMPF Argument/Rebuttal - 45 minutes; SLOC Argument/Rebuttal - 15 minutes; PSLHD - 5 minutes; CEC - 5 minutes; DCISC - 5 minutes; PG&E - 30 minutes; Staff - 30 minutes.
- Segment 6⁴ SLOMPF TC-1, Seismic: SLOMPF/Argument Rebuttal - 45 minutes; SLOC - 5 minutes; PSLHD - 5 minutes; CEC - 5 minutes; DCISC - 5 minutes; PG&E - 30 minutes; Staff - 30 minutes.

As was indicated in the Board's September 3, 2002 order, a participant will be asked to specify the amount of time saved for rebuttal at the beginning of its argument on each segment.

² It is anticipated that the SLOMPF presentation would include argument regarding the contested standing of any entity for which SLOMPF is the "lead" petitioner, including AVAC.

³ The Board has moved this segment forward to reflect the apparent similarity between portions of these issues and those raised in contention SLOMPF EC-1.

⁴ This segment will begin at 2:30 p.m. Pacific Daylight Time (PDT) and is to be concluded by 4:30 p.m. PDT.

Moreover, 10 C.F.R. § 2.715(c) interested governmental entities could, if they wished, appoint a “lead” governmental entity for any particular segment that could utilize the combined time of all authorizing entities. Additionally, counsel for the section 2.715(c) participants should consult among themselves and be prepared to advise the Board at the beginning of the prehearing conference whether they wish to utilize a “lead” interested governmental entity approach for any or all of the segments.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁵

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 5, 2002

⁵ Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant PG&E; (2) petitioners SLOMFP; (3) SLOC, PSLHD, CEC, and DCISC; and (4) the staff.

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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 LB MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE ARGUMENT SCHEDULE UPDATE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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SCHEDULE UPDATE)

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Docket No. 72-26-ISFSI
LB MEMORANDUM AND ORDER (INITIAL
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SCHEDULE UPDATE)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 5th day of September 2002