

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. 10-900-01-LR-BD01

April 14, 2011

ORDER

(Revising Deadlines for Certain Mandatory Disclosures,  
Hearing File Production, and Dispositive Motions)

The Initial Scheduling Order (ISO) in this proceeding established, inter alia, deadlines for the parties and the NRC Staff to make initial mandatory disclosures pursuant to 10 C.F.R. § 2.336, and for the NRC Staff to produce the hearing file pursuant to 10 C.F.R. § 2.1203(a). ISO (Sept. 15, 2010) at 4-5 (unpublished). Subsequently, the Staff advised us that its environmental review would be delayed. On January 19, 2011, the Board revised the deadlines for making initial mandatory disclosures and providing the hearing file for Contentions EC-4 and TC-1.<sup>1</sup> These deadlines are now May 16, 2011, or thirty days after the Commission ruling on the contention, whichever is first to occur. Id. at 2.

The ISO also established ultimate deadlines for dispositive motions. For contentions based on 10 C.F.R. Part 51 or the National Environmental Policy Act, the ultimate deadline for dispositive motions was set at June 1, 2011. ISO at 17. For any other contention or issue, the

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<sup>1</sup> Licensing Board Order (Extending Deadline for Certain Mandatory Disclosures) (Jan. 19, 2011) at 1-2 (unpublished).

ultimate deadline for such motions was set at May 1, 2011. Id. at 17-18. These deadlines were based, in part, on the Staff's estimates concerning the timing of its safety and environmental reviews. Id. at 17 n.25, 18 n.26.

At this time the Board considers it prudent to revise the foregoing deadlines as follows. The new deadlines for initial mandatory disclosures and production of the hearing file related to Contentions for EC-4 and TC-1, respectively, are September 30, 2011, or thirty days after the Commission ruling on the contention, whichever is first to occur.

Meanwhile, given recent events and potential delays associated with the Applicant's and Staff's schedules herein, the ultimate deadlines for filing dispositive motions are temporarily lifted.<sup>2</sup> We expect to establish appropriate deadlines for such motions at a later date.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

/RA/

Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
April 14, 2011

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<sup>2</sup> See Letter from David A. Repka, Counsel for PG&E, to Licensing Board (Apr. 12, 2011) at 1-2.

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (REVISING DEADLINES FOR CERTAIN MANDATORY DISCLOSURES, HEARING FILE PRODUCTION, AND DISPOSITIVE MOTIONS) have been served upon the following persons by the Electronic Information Exchange.

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ORDER (REVISING DEADLINES FOR CERTAIN MANDATORY DISCLOSURES,  
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[Original signed by Nancy Greathead]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 14<sup>th</sup> day of April 2011