

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

March 25, 2013

ORDER  
(Regarding PG&E Monthly Status Reports)

On June 7, 2011, the Board issued an order requiring, inter alia, that Pacific Gas & Electric Company (PG&E) submit a monthly report specifying its current best estimate of the “dates of the significant interim milestones on the critical path(s) to the completion of the 3-D Seismic Studies . . . and issuance of the reports concerning same.” Notice of 52-Month Delay and Order Requiring Status Reports (June 7, 2011) at 4. PG&E duly submitted such reports. In December 2012, however, PG&E reported that the California Coastal Commission had denied PG&E’s application to conduct the 3-D Seismic Studies.<sup>1</sup> PG&E indicated that, in lieu of the 3-D Seismic Studies, it would conduct a thorough evaluation of the available seismic data and would provide us with a revised schedule incorporating a new milestone for this evaluation. Id.

---

<sup>1</sup> See December 2012 Seismic Study Update, Letter from Jennifer K. Post, Attorney, PG&E, to Diablo Licensing Board at 1 (Dec. 11, 2012).

PG&E's December 2012 schedule incorporated two key milestones:

Evaluate Adequacy of Seismic Data Acquired: June 2013

Issue Final Seismic Report: November 2013

In February, however, PG&E altered the format of its monthly report by eliminating the "Issue Final Seismic Report" milestone and changing the "Evaluate Adequacy of Seismic Data Acquired" milestone to a new "Data Processing and Interpretation Complete" milestone.<sup>2</sup> These changes are problematic because the critical path for conducting the evidentiary hearing herein is directly dependent on the date on which PG&E issues its "written final report on the seismic studies."<sup>3</sup> Unfortunately, PG&E's revised report no longer specifies when it expects to issue its report.

Therefore, PG&E shall, in all future monthly reports, include a milestone setting out its then-current best estimate for when it expects to make its final seismic report (whether covering three dimensional seismic studies or two dimensional studies) and any other submission it expects to present to the NRC Staff relating to, and on the critical path for, the license renewal. In addition, when PG&E submits that final seismic report or other critical path submission to the NRC Staff, it shall simultaneously file a copy of it in this adjudicatory record.

---

<sup>2</sup> See February 2013 Seismic Study Update, Letter from Jennifer K. Post, Attorney, PG&E, to Diablo Licensing Board at 1 (Feb. 12, 2013).

<sup>3</sup> See Staff's Status Update – Projected Schedule for Completion of the Safety and Environmental Evaluations, Lloyd B. Subin, Counsel, NRC Staff, to Diablo Licensing Board at 1 (Feb. 21, 2013); Staff's Status Update – Projected Schedule for Completion of the Safety and Environmental Evaluations, Lloyd B. Subin, Counsel, NRC Staff, to Diablo Licensing Board at 1 (March 21, 2013).

In addition, PG&E shall submit to the Board and the Parties, at its earliest practical convenience, a brief explanation as to why its February 2013 monthly report delayed the completion of PG&E's seismic work by twelve months (from June 2013 to June 2014).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

***/RA/***

---

Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 25, 2013

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
PACIFIC GAS & ELECTRIC COMPANY ) Docket Nos. 50-275-LR and 50-323-LR  
 )  
(Diablo Canyon Nuclear Power Plant, )  
Units 1 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Regarding PG&E Monthly Status Reports)** have been served upon the following persons by the Electronic Information Exchange.

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O-15D21  
Washington, DC 20555-0001

Alex S. Karlin, Chair  
Administrative Judge  
E-mail: [alex.karlin@nrc.gov](mailto:alex.karlin@nrc.gov)

Edward L. Williamson, Esq.  
E-mail: [edward.williamson@nrc.gov](mailto:edward.williamson@nrc.gov)  
Susan Uttal, Esq.  
E-mail: [susan.uttal@nrc.gov](mailto:susan.uttal@nrc.gov)  
Maxwell Smith, Esq.  
E-mail: [maxwell.smith@nrc.gov](mailto:maxwell.smith@nrc.gov)  
Lloyd Subin, Esq.  
E-mail: [lloyd.subin@nrc.gov](mailto:lloyd.subin@nrc.gov)

Nicholas G. Trikouros  
Administrative Judge  
E-mail: [nicholas.trikouros@nrc.gov](mailto:nicholas.trikouros@nrc.gov)

Paul B. Abramson  
Administrative Judge  
E-mail: [pba@nrc.gov](mailto:pba@nrc.gov)  
[paul.abramson@nrc.gov](mailto:paul.abramson@nrc.gov)

OGC Mail Center  
E-mail: [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

Jonathan Eser, Law Clerk  
E-mail: [jonathan.eser@nrc.gov](mailto:jonathan.eser@nrc.gov)

Onika Williams, Law Clerk  
E-mail: [onika.williams@nrc.gov](mailto:onika.williams@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate Adjudication  
Mail Stop: O-16C1  
Washington, DC 20555-0001  
OCA Mail Center  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop: O-16C1  
Washington, DC 20555-0001  
Hearing Docket  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

Diablo Canyon Nuclear Power Plant - Docket Nos. 50-275-LR and 50-323-LR  
**ORDER (Regarding PG&E Monthly Status Reports)**

Counsel for Pacific Gas and  
Electric Company  
Winston & Strawn, LLP  
101 California Street  
San Francisco, CA 94111-5802  
David A. Repka, Esq.  
E-mail: [drepka@winston.com](mailto:drepka@winston.com)

Tyson Smith, Esq.  
E-mail: [trsmith@winston.com](mailto:trsmith@winston.com)  
Carlos Sisco, Senior Paralegal  
E-mail: [csisco@winston.com](mailto:csisco@winston.com)

Winston & Strawn, LLP  
1700 K Street, NW  
Washington, DC 20006  
Rachel Miras-Wilson, Esq.  
E-mail: [rwilson@winston.com](mailto:rwilson@winston.com)

San Luis Obispo Mothers for Peace  
1123 Flora Road  
Arroyo Grande, CA 93420  
Jill ZamEk, Esq.  
[jzk@charter.net](mailto:jzk@charter.net)

Counsel for San Luis Obispo Mothers  
For Peace  
Harmon, Curran, Spielberg, and Eisenberg  
1726 M Street, N.W., Suite 600  
Washington, DC 20036  
Diane Curran, Esq.  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

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

Dated at Rockville, Maryland  
this 25<sup>th</sup> day of March 2013