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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Thomas S. Moore, Chairman  
Dr. W. Reed Johnson

DOCKETED  
USNRC  
September 10, 1984

'84 SEP 11 A8:24

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In the Matter of )  
 )  
PACIFIC GAS AND ELECTRIC COMPANY )  
 )  
(Diablo Canyon Nuclear Power )  
Plant, Units 1 and 2) )  
\_\_\_\_\_)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH  
Docket Nos. 50-275 OL  
50-323 OL

SERVED SEP 11 1984

ORDER

In ALAB-763, 19 NRC 571 (1984), we ruled upon the adequacy of the applicant's verification of the design of Unit 1 of the Diablo Canyon Nuclear Power Plant. We severed consideration of Unit 2 from that decision because the verification efforts for the two units differed, the Unit 2 verification was ongoing, and the staff had yet to issue a safety evaluation report supplement (SSER) on the design verification for Unit 2.<sup>1</sup>

By this time the applicant's verification of the design of Unit 2 should be complete and the staff review well underway. Therefore, the parties shall provide us by October 1, 1984 with their views on how we should proceed

<sup>1</sup>ALAB-763, supra, 19 NRC at 582.

with respect to Unit 2. They should, among other things, address the question whether further hearings are necessary. Any suggestion for a hearing should specify which of the issues decided in ALAB-763 cannot be resolved with respect to Unit 2 on the existing record and fully explain why the record evidence is insufficient.<sup>2</sup> A hearing schedule should also be proposed. If any party asserts that further hearings are necessary, then the other parties shall have ten days to respond to both the need for a hearing and the proposed schedule.<sup>3</sup> Finally, the staff shall advise us when the SSER on the Unit 2 verification will be issued,<sup>4</sup> and the applicant should provide us with its current schedule for Unit 2 operation.

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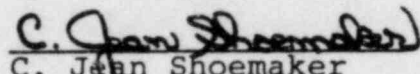
<sup>2</sup>The parties should keep in mind the principle that in NRC licensing proceedings it is often permissible to litigate "applicant's present plans for future regulatory compliance." ALAB-653, attached to CLI-82-19, 16 NRC 53 (1982). Our determination, therefore, need not necessarily await completion of every facet of the verification program. See Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-717, 17 NRC 346, 380 n.57 (1983). C.f., Union Of Concerned Scientists v. United States Nuclear Regulatory Commission, 735 F.2d 1437 (D.C. Cir. 1984).

<sup>3</sup>All filings are to be in our hands and those of the other parties by the specified dates.

<sup>4</sup>See Tr. D-2778-80.

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board