

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Annie Caputo
Bradley R. Crowell
Matthew J. Marzano

In the Matter of

PACIFIC GAS AND ELECTRIC COMPANY

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

Docket No. 50-275-LR-2
50-323-LR-2

CLI-25-04

MEMORANDUM AND ORDER

This proceeding relates to the license renewal application of the Diablo Canyon Nuclear Power Plant. San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group (Petitioners) have appealed the Board's denial of their petition for leave to intervene and request for a hearing.¹ For the reasons discussed below, we affirm the Board's determination that Petitioners' contentions are inadmissible.

I. BACKGROUND

On November 7, 2023, Pacific Gas & Electric (PG&E) applied for a renewal of the operating licenses for the Diablo Canyon Nuclear Power Plant for an additional twenty years.²

¹ LBP-24-6, 100 NRC ___ (July 3, 2024) (slip op.).

² The initial license for Unit 1 expired on November 2, 2024, and the application would extend the license until November 2, 2044. The license for Unit 2 would be extended from August 26, 2025, to August 26, 2045. See Letter from Paula Gerfen, PG&E, to NRC Document Control Desk (Nov. 7, 2023), at 1 (ADAMS accession no. ML23311A154) (Cover Letter); see *generally id.*, Encl. 1, Diablo Canyon, Units 1 and 2, License Renewal Application (Application). PG&E

The NRC Staff published a notice of opportunity to request a hearing on PG&E's application.³

Petitioners filed a petition to intervene, proffering three contentions.⁴ PG&E and the Staff opposed the petition on the grounds that none of the three contentions Petitioners submitted were admissible under our hearing standards.⁵

In LBP-24-6, the Board held that the petition to intervene did not offer an admissible contention.⁶ Petitioners appeal the Board's denial of its three contentions.⁷ PG&E and the Staff oppose Petitioners' appeal.⁸

requested, and was granted, an exemption from 10 C.F.R. § 2.109(b); thus, Units 1 and 2 are in timely renewal. See Cover Letter at 2.

³ License Renewal Application; Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2, 88 Fed. Reg. 87,817 (Dec. 19, 2023).

⁴ *Request by San Luis Obispo Mothers for Peace, Friends of the Earth and Environmental Working Group for Hearing on Pacific Gas and Electric Company's License Renewal Application for the Diablo Canyon Nuclear Plant* (Mar. 4, 2024) (Petition). The Board deemed the petition timely because Petitioners emailed the document to counsel for the Staff and PG&E by the deadline, even though the pleading was not filed through the NRC's e-filing system until the following day. LBP-24-6, 100 NRC at ___ (slip op. at 2).

⁵ See *Pacific Gas and Electric Company's Answer Opposing the Hearing Request Filed by San Luis Obispo Mothers for Peace, Friends of the Earth and Environmental Working Group* (Mar. 29, 2024) (opposing petition on both standing and contention admissibility); *NRC Staff Answer Opposing the San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group Hearing Request* (Mar. 29, 2024) (Staff Answer). The Staff acknowledged Petitioners' standing but argued that none of the proposed contentions was admissible. See Staff Answer at 8-9, 10-49.

⁶ The Board found that all three petitioners had demonstrated standing. See LBP-24-6, 100 NRC at ___ (slip op. at 13).

⁷ *Brief by San Luis Obispo Mothers for Peace, Friends of the Earth and Environmental Working Group on Appeal of LBP-24-06* (July 29, 2024) (Appeal).

⁸ *Pacific Gas and Electric Company's Answer Opposing the Appeal by San Luis Obispo Mothers for Peace, Friends of the Earth and Environmental Working Group* (Aug. 23, 2024); *NRC Staff Brief in Opposition to the San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group Appeal of LBP-24-6* (Aug. 23, 2024).

II. DISCUSSION

A. Scope of License Renewal

The scope of the license renewal safety review and any associated license renewal adjudicatory proceeding is limited to the detrimental effects of aging posed by long-term reactor operation.⁹ As the Commission has explained, the objective of the license renewal safety review is “to supplement the regulatory process, if warranted, to provide sufficient assurance that adequate safety will be assured during the extended period of operation.”¹⁰ Effectuating this objective, the Commission’s regulations in 10 C.F.R. Part 54 define the scope of the safety review as encompassing, essentially, the evaluation of the effects of aging as managed through aging management programs (AMPs) and the continued applicability of time-limited aging analyses (TLAAs) with respect to certain systems, structures, and components.¹¹

Underlying the Commission’s license renewal regulations “is the principle that each nuclear power plant has a plant-specific licensing basis that must be maintained during the renewal term ‘in the same manner and to the same extent as during the original licensing term.’”¹² This “current licensing basis” is “the set of NRC requirements (including regulations, orders, technical specifications, and license conditions) applicable to a specific plant, and includes the licensee’s written, docketed commitments for ensuring compliance with applicable NRC requirements and the plant-specific design basis.”¹³ The current licensing basis is not

⁹ See *N.J. Envtl. Fed’n v. NRC*, 645 F.3d 220, 224 (3d Cir. 2011); *NextEra Energy Seabrook, LLC* (Seabrook Station, Unit 1), CLI-12-5, 75 NRC 301, 303 (2012).

¹⁰ See *Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-10-14, 71 NRC 449, 454 (2010) (quoting Nuclear Power Plant License Renewal; Revisions, 60 Fed. Reg. 22,461, 22,464 (May 8, 1995) (License Renewal Rule)).

¹¹ 10 C.F.R. §§ 54.4, 54.21.

¹² *Pilgrim*, CLI-10-14, 71 NRC at 453 (quoting License Renewal Rule, 60 Fed. Reg. at 22,464).

¹³ *Id.* at 454.

static. It is an “evolving set of requirements and commitments for a specific plant that [is] modified as necessary over the life of a plant to ensure continuation of an adequate level of safety.”¹⁴ The NRC “continually assesses the adequacy of and compliance with” the licensing basis both during the original license term and the subsequent license renewal term, and “does so through the NRC regulatory oversight process, which includes generic and plant-specific reviews, plant inspections, and enforcement actions.”¹⁵

A license renewal application is also subject to an environmental review under the National Environmental Policy Act of 1969, as amended (NEPA), and our regulations implementing NEPA.¹⁶ In the 1990s, the NRC determined that many of the environmental effects associated with license renewal could be assessed generically because these effects are gradual, predictable, and well understood from operating experience.¹⁷ Therefore, the NRC developed a generic environmental impact statement (GEIS) for license renewal and codified its findings in our regulations.¹⁸ Recognizing that environmental issues might change over time and

¹⁴ *Id.* (quoting License Renewal Rule, 60 Fed. Reg. at 22,473).

¹⁵ *Id.* (quoting License Renewal Rule, 60 Fed. Reg. at 22,473). The NRC also implements a process for ongoing assessment of natural hazards information to “proactively, routinely, and systematically seek, evaluate, and respond to new information on natural hazards” for operating nuclear power plants. “Proposed Resolution of Remaining Tier 2 and 3 Recommendations Resulting from the Fukushima Dai-ichi Accident,” Commission Paper SECY-16-0144 (Dec. 29, 2016), at 5 & Encl. 2 (ML16286A586 (package)); see “Process for the Ongoing Assessment of Natural Hazards Information,” Office of Nuclear Reactor Regulation Office Instruction LIC-208 (Nov. 20, 2019) (ML19210C288).

¹⁶ See 42 U.S.C. § 4321 et seq.; see generally 10 C.F.R. pt. 51.

¹⁷ *Entergy Nuclear Operations, Inc.* (Indian Point, Units 2 and 3), CLI-15-6, 81 NRC 340, 349-50 (2015).

¹⁸ See 10 C.F.R. pt. 51, subpt. A, app. B.

additional issues may arise, the Commission committed to review the material in the GEIS on a ten-year basis.¹⁹ The revision produced in 2013 applies in this proceeding.²⁰

For each environmental issue considered in the GEIS, the first determination is whether the analysis can be applied to all plants and whether additional plant-specific mitigation measures would be warranted.²¹ The GEIS designates as “Category 1” those issues for which the Staff’s analysis has demonstrated the following: (1) the environmental impacts apply either to all plants or to all plants sharing a specified characteristic; (2) a single significance level (i.e., small, moderate, or large) has been assigned to the impacts; and (3) it has been determined that additional plant-specific mitigation measures are not likely to be sufficiently beneficial to warrant implementation.²² “Category 2” issues are those for which a site-specific impacts analysis is required.²³ Because the findings of the NRC’s review are summarized and codified in our regulations, Category 1 generic findings may not be challenged in individual license proceedings unless accompanied by a petition for rule waiver.²⁴ The applicant’s environmental report may adopt the generic findings of the GEIS, but must provide a site-specific analyses of

¹⁹ See *id.* (stating that “the Commission intends to review the material” in Appendix B “on a 10-year cycle . . . and update it if necessary”); “Generic Environmental Impact Statement for License Renewal of Nuclear Plants” (Final Report), NUREG-1437, rev. 2, vol. 1 (Aug. 2024), at xxxii (ML24087A133 (package)) (2024 GEIS).

²⁰ See “Generic Environmental Impact Statement for License Renewal of Nuclear Plants” (Final Report), NUREG-1437, rev. 1, vols. 1, 2, and 3 (Final Report) (June 2013) (ML13107A023 (package)) (2013 GEIS); Application, app. E, at 1-6. The 2024 GEIS was not yet finalized when PG&E submitted its environmental report. As the Board noted, the portions of the 2024 GEIS pertaining to matters relevant to this proceeding are substantially similar to those in the 2013 revision of the GEIS. See LBP-24-6, 100 NRC at ___ (slip op. at 34 n.144).

²¹ See 2013 GEIS, vol. 1, at S-1; see also 10 C.F.R. Part 51, subpt. A, app. B, tbl.B-1.

²² See 2013 GEIS, vol. 1, at 1-6.

²³ *Id.* at 1-7.

²⁴ See 10 C.F.R. § 2.335; see also *Indian Point*, CLI-15-6, 81 NRC at 350-51; *Entergy Nuclear Vermont Yankee, LLC* (Vermont Yankee Nuclear Power Station), CLI-07-3, 65 NRC 13, 17-18 (2007).

Category 2 issues.²⁵ The applicant's environmental report is a starting point for the Staff's environmental review of the application, the results of which are prepared as a supplement to the GEIS.²⁶

B. Standards Governing Hearing Requests

To be granted a hearing, a petitioner must demonstrate standing and propose at least one admissible contention.²⁷ A contention is admissible if it meets the standards in 10 C.F.R. § 2.309(f)(1). These standards require that a contention state a genuine dispute with the application that is supported by specific facts or expert opinion.²⁸ The dispute raised must also be within the scope of the proceeding and be material to the findings the NRC must make regarding the underlying licensing action.²⁹ A contention that challenges an agency regulation is inadmissible unless the Commission grants a waiver of that regulation.³⁰

As we have previously discussed, in 1989, the NRC revised its rules to prevent the admission of contentions "based on little more than speculation."³¹ We raised the admission standards for contentions to avoid the serious hearing delays caused in the past by "ill-defined or poorly supported contentions."³² Under our current rules, while intervenors may use the discovery process to develop a case once contentions are admitted, "contentions shall not be

²⁵ See 10 C.F.R. § 51.53(c).

²⁶ See *id.* § 51.95(c).

²⁷ *Id.* § 2.309(d)(1), (f)(1).

²⁸ *Id.* § 2.309(f)(1)(v)-(vi).

²⁹ *Id.* § 2.309(f)(1)(iii)-(iv).

³⁰ See *id.* §§ 2.309(f)(iii), 2.335(a), (b).

³¹ *PPL Susquehanna, LLC* (Susquehanna Steam Electric Station, Units 1 and 2), CLI-15-8, 81 NRC 500, 504 (2015) (quoting *Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2, and 3), CLI-99-11, 49 NRC 328, 334 (1999)).

³² *Id.*

admitted if at the outset they are not described with reasonable specificity or are not supported by some alleged fact or facts demonstrating a genuine material dispute' with the applicant."³³ We therefore "reserve our hearing process for genuine, material controversies between knowledgeable litigants."³⁴

C. Standard of Review

Our regulations allow a petitioner whose hearing request has been wholly denied to appeal as of right.³⁵ We generally defer to the Board on matters of contention admissibility unless an appeal demonstrates an error of law or abuse of discretion.³⁶ Likewise, we generally defer to the Board on questions pertaining to the sufficiency of factual support for the admission of a contention.³⁷ With these points in mind, we turn to Petitioners' appeal.

D. Analysis of the Board's Ruling on Contention Admissibility

Petitioners claim that the Board erred in finding their three contentions inadmissible. Briefly stated, these contentions are: (1) Contention 1, which challenged the "unacceptable safety risk and significant adverse environmental impact of seismic core damage accidents" at Diablo Canyon;³⁸ (2) Contention 2, which claimed that the license renewal application "does not include an adequate plan to monitor and manage the effects of aging due to embrittlement of the Unit 1 reactor pressure vessel ('RPV') or an adequate time-limited aging analysis ('TLAA')";³⁹

³³ *Seabrook*, CLI-12-5, 75 NRC at 307 (quoting *Oconee*, CLI-99-11, 49 NRC at 335).

³⁴ *Id.* (quoting *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Unit 2), CLI-03-14, 58 NRC 207, 219 (2003) (footnote omitted)).

³⁵ 10 C.F.R. § 2.311(c).

³⁶ *Seabrook*, CLI-12-5, 75 NRC at 307.

³⁷ See, e.g., *DTE Electric Co.* (Fermi 2), CLI-21-5, 93 NRC 131, 134 (2021); *Holtec International* (HI-STORE Consolidated Interim Storage Facility), CLI-20-4, 91 NRC 167, 173 (2020).

³⁸ Petition at 7.

³⁹ *Id.* at 16.

and (3) Contention 3, which stated that the application failed to comply with the Coastal Zone Management Act (CZMA).⁴⁰ As explained below, we find that Petitioners have not demonstrated that the Board committed an error of law or abuse of discretion in denying admission of these three contentions.

1. Contention 1

In Contention 1, Petitioners claimed that continued operation of the reactors raises an unacceptable risk of core damage accidents due to earthquakes, and therefore renewal of the operating licenses would violate the Atomic Energy Act's requirement to "provide adequate protection to the health and safety of the public."⁴¹ Petitioners also asserted that PG&E underestimated the potential seismic hazard for Diablo Canyon, and therefore continued operation of Diablo Canyon posed large adverse environmental effects rather than the small effects described in PG&E's environmental report.⁴² Finally, Petitioners maintained that the environmental report should weigh the costs and benefits of the no-action alternative, which would entail closing Diablo Canyon on the reactors' current retirement dates.⁴³ As support for Contention 1, Petitioners cited an expert declaration by Dr. Peter Bird, Professor Emeritus of Geophysics and Geology at the University of California at Los Angeles.⁴⁴

⁴⁰ *Id.* at 18-20; see Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1451-1468.

⁴¹ Petition at 7 (quoting Atomic Energy Act of 1954, as amended, § 182, 42 U.S.C. § 2232 (internal quotations omitted)).

⁴² *Id.*; see also Tr. at 75; LBP-24-6, 100 NRC at ___ (slip op. at 34).

⁴³ Petition at 7, 12.

⁴⁴ See *id.* at 10; *id.*, Ex. 2, Declaration of Peter Bird, PhD (Mar. 4, 2024) (Bird Declaration). As support for Contention 1, Petitioners also cited correspondence between the NRC and PG&E regarding Diablo Canyon's seismic risk level and NRC guidance documents that they claimed support a finding that the seismic core damage frequency for Diablo Canyon, as estimated by Dr. Bird, "poses a significant safety and environmental risk." *Id.* at 12-13.

Petitioners conceded before the Board that the application is not required to address issues of seismic risk because these issues are not unique to license renewal.⁴⁵ They claimed, however, that Contention 1 was within the scope of the proceeding and admissible “because of a formal commitment, made by NRC Chairman Hanson on behalf of the Commission to Senator Alex Padilla of the Senate Committee on Environment and Public Works, to re-examine seismic risks during the license renewal process.”⁴⁶ Petitioners also asserted that “[t]his commitment logically encompasses the environmental risks posed by extended operation of [Diablo Canyon].”⁴⁷

The Board found that Contention 1 raised concerns outside the scope of the proceeding and did not raise a genuine dispute with the application.⁴⁸ The Board noted that the scope of a safety review on a license renewal application is limited by our regulations to evaluation of the AMP or TLAA for passive systems, structures and components, and Petitioners conceded that “issues of seismic risk” do not fall within the scope of these evaluations.⁴⁹ The Board observed

⁴⁵ *Reply by San Luis Obispo Mothers for Peace, Friends of the Earth and Environmental Working Group to Oppositions to Request for Hearing on Pacific Gas and Electric Company’s License Renewal Application for the Diablo Canyon Nuclear Plant* (Apr. 5, 2024) at 6, 7 (Reply).

⁴⁶ *Id.* at 7. Petitioners quote Chair Hanson as stating:

We’re going to be looking at updated safety information as part of that license renewal process. We did require all plants to take a look at the enhanced . . . you know to relook at their risks after Fukushima; Diablo, of course did look at their seismic risk again, and we’ll take another look at that as part of the license renewal process . . .

Id.; see also Petition at 13-15. Petitioners stated, “[b]y declaring that its license renewal review will include an evaluation of seismic risks, the NRC has established the materiality of the issue and effectively removed the regulatory obstacles . . . to bar admission of Contention 1.” Reply at 7-8.

⁴⁷ Reply at 11.

⁴⁸ See 10 C.F.R. § 2.309(f)(1)(iii), (vi).

⁴⁹ LBP-24-6, 100 NRC at ___ (slip op. at 28) (quoting Reply at 6); see 10 C.F.R. § 54.4.

that Chair Hanson's statement, taken in the context of the full exchange with Senator Padilla and viewed in light of the agency's binding regulations and the Commission's associated adjudicatory pronouncements as to the scope of license renewal proceedings, provided "nothing other than an indication that the Commission will consider the seismic risk on the required AMP or TLAA aspects of PG&E's [license renewal application]."⁵⁰ In addition, the Board concluded that Petitioners did not meet the required specificity for an admissible contention because Petitioners did not cite "any specific portion of the Diablo Canyon [application] that will be impacted by the purportedly different seismic risk posited by Petitioners."⁵¹

The Board further found that Contention 1 impermissibly challenged a Commission rule.⁵² Specifically, the 2013 GEIS states that changes in potential seismic hazards are not within the scope of the license renewal environmental review, except as part of the analysis of severe accident mitigation alternatives (SAMAs), because any such changes would not be the result of continued operation of the reactor.⁵³ As Petitioners did not raise a SAMA concern or seek a waiver under 10 C.F.R. § 2.335 to allow for a challenge to the GEIS's codified conclusion that severe accident impacts were small, the Board found that Contention 1 was inadmissible.⁵⁴ The

⁵⁰ LBP-24-6, 100 NRC at ___ (slip op. at 31). The Board found that Petitioners did not provide a basis for application of the conclusion in *Union of Concerned Scientists* that "the NRC cannot remove from the scope of an adjudicatory proceeding those items that would be factored into the Commission's decision as to whether to grant a license or license renewal." *Id.*; see *Union of Concerned Scientists v. NRC*, 735 F.2d 1437 (D.C. Cir. 1984).

⁵¹ LBP-24-6, 100 NRC at ___ (slip op. at 32-33).

⁵² *Id.* at ___ (slip op. at 33).

⁵³ See *id.* at ___ (slip op. at 34) (citing 2013 GEIS, vol 1. at 3-52). The Board noted that there is no substantive difference in the parallel provision in the 2024 GEIS. *Id.* at ___ (slip op. at 34 n.144) (citing 2024 GEIS, vol. 1, at 3-38).

⁵⁴ See *id.* at ___ (slip op. at 34-37). The environmental report's categorization of severe accident impacts as small came directly from Table B-1 of 10 C.F.R. Part 51, Appendix B, which designates severe accidents as a Category 1 issue not subject to challenge without a waiver petition. See 10 C.F.R. pt. 51, subpt. A, app. B, tbl.B-1; LBP-24-6, 100 NRC at ___ (slip op. at 35-36); Tr. at 55. The Board declined to admit the aspect of Contention 1 that sought

Board was unpersuaded by Petitioners' argument that Chair Hanson's testimony operated to render their environmental claims admissible notwithstanding the codified scope of license renewal.⁵⁵

We agree with the Board that the contention raises safety and environmental concerns outside the scope of this license renewal proceeding. Petitioners' claim that continued operation of Diablo Canyon poses an unacceptable safety risk due to earthquakes is not unique to license renewal, but instead falls within the current licensing basis, and as such is addressed in the Commission's ongoing oversight of operating reactors.⁵⁶ Further, as the Board observed, Petitioners have not established a nexus between their concerns and the evaluation of aging management or TLAA in the license renewal application.⁵⁷ On the environmental side, we agree with the Board that the seismic concerns raised in Contention 1 are excluded from consideration in the license renewal process.⁵⁸ Importantly, Petitioners have conceded that, but for their

reconsideration of the no-action alternative because it was based upon Petitioners' claim that the environmental impacts of a severe accident were large rather than small and was thus inadmissible for the same reasons as described above. See LBP-24-6, 100 NRC at ___ (slip op. at 37 n.157).

⁵⁵ LBP-24-6, 100 NRC at ___ (slip op. at 35).

⁵⁶ Nuclear Power Plant License Renewal, 56 Fed. Reg. 64,943, 64,946 (Dec. 13, 1991); *see also* Nuclear Power Plant License Renewal; Revisions, 60 Fed. Reg. 22,461, 22,464 (May 8, 1995) (stating that the "first principle of license renewal" is that "with the exception of age-related degradation unique to license renewal . . . , the regulatory process is adequate to ensure that the licensing bases of all currently operating power plants provides and maintains an acceptable level of safety so that operation will not be inimical to public health and safety or common defense and security.").

⁵⁷ See LBP-24-6, 100 NRC at ___ (slip op. at 32-33).

⁵⁸ The Board noted that Petitioners' environmental concern in Contention 1 was "based upon a claim that PG&E underestimated the seismic hazard for Diablo Canyon." *Id.* at ___ (slip op. at 34) (citing Tr. at 75). Petitioners have not contested the Board's characterization of the environmental aspect of their contention. See *generally* Appeal at 9-14. The GEIS states that "[c]hanges in potential seismic hazards are not within the scope of the license renewal review" except "during the analysis of severe accident mitigation alternatives." As noted above, Petitioners disclaimed an intent to assert a SAMA claim in Contention 1. See LBP-24-6, 100 NRC at ___ (slip op. at 33-34 & n.142) (citing Tr. at 46-47, 77-80).

argument regarding Chair Hanson's testimony, the subject matter of Contention 1 falls outside the scope of the proceeding.⁵⁹

In their appeal, Petitioners reassert their claim that Chair Hanson's testimony constituted a commitment that overrode the existing limitations on the scope of the NRC's license renewal safety and environmental reviews.⁶⁰ However, they have not explained how the Board's understanding of Chair Hanson's statement, giving due consideration to the full exchange

⁵⁹ See Reply at 6-7 (acknowledging that the application "is not required to address issues of seismic risk by 10 C.F.R. Part 54" and "that safety reviews for reactor license renewal application[s] do not include seismic risks or issues that are not unique to license renewal"); Appeal at 13-14 (acknowledging that the license renewal process "limits the safety review to aging management issues and excludes seismic risks from environmental reviews based on the [GEIS]" and noting that "the NRC's Part 54 regulations do not require PG&E to address seismic risk in the safety portion of its application."); Tr. at 41-42 (acknowledging severe accidents are Category 1 issues with small impacts but stating "the legal basis for Contention 1 being within the scope of this license renewal proceeding . . . is Chairman Hanson's statement to Senator Padilla.").

⁶⁰ See Appeal at 11-13.

between the Chair and Senator Padilla⁶¹ in the context of the NRC's licensing process,⁶² amounted to an error of law or abuse of discretion. Instead, Petitioners point to two district court cases that the Board itself considered in weighing Petitioners' concerns and argue that they compel a different outcome.⁶³ Even if we were to credit Petitioners' views of the substance of Chair Hanson's testimony, neither of these cases stands for the premise that a statement given during a congressional hearing by an agency official, even the Chair of the Commission, binds the agency to a course of action that overrides the plain language of the NRC's regulations and

⁶¹ See LBP-24-6, 100 NRC at ___ (slip op. at 28-30). Additional context of the exchange between Chair Hanson and Senator Padilla was reproduced by the Board:

Sen. Padilla. And in the same spirit but more specifically, not just maintaining safety standards more broadly, but continuing to be operationally safe with specific concern about seismic risk, which we have talked about for years here, and maintaining of that. Any comments here would be helpful. Also a friendly reminder to anticipate that when you do have these public hearings.

Mr. Hanson. Of course. We are going to be looking at updated safety information as part of that license renewal process. We did require all plants to take a look at the enhanced, relook at their risks after Fukushima. Diablo, of course, did look at their seismic risk and we will take another look at that as part of the license renewal process.

We also have a process, it is the process on natural hazards information, basically, it is kind of an ongoing information gathering on external hazards to plants where we look at that in conjunction with the licensee about maybe any changing conditions at the plant with regard to external hazards to make sure we are incorporating that into our safety bases.

Id. at ___ (slip op. at 28-29) (quoting The Nuclear Regulatory Commission's Proposed Fiscal Year 2024 Budget: Hearing Before the S. Comm. on Env't and Pub. Works, 117th Cong. 73-74 (2023) (statement of Christopher Hanson, Chair, U.S. Nuclear Reg. Comm'n), https://www.epw.senate.gov/public/?a=Files.Serve&File_id=FAA1FDEE-B869-4888-BF76-5BA6D8B317BB).

⁶² As part of license renewal, the Staff does not consider seismic risk or hazards independently, but the Staff does evaluate the impacts of the seismic hazard on structures, systems, and components within the scope of the license renewal review, such as those that are part of the AMP. In other words, the Staff considers how seismic hazards impact aging structures, systems, and components.

⁶³ See Appeal at 12 (citing *Texas v. United States*, 86 F. Supp. 3d 591, 654 n.64 (S.D. Tex. 2015); *United States v. Morgan*, 118 F. Supp. 621, 699 (S.D.N.Y. 1953)); LBP-24-6, 100 NRC at ___ (slip op. at 29 n.127) (citing same).

the established scope of the license renewal review.⁶⁴ Moreover, Petitioners ignore other, more compelling authorities cited by the Board that seem to support the Board's determination.⁶⁵ In short, we find that Petitioners have not presented a basis to overturn the Board's decision on Contention 1.

Finally, we note that although Contention 1 is not admissible within the narrow scope of this adjudicatory proceeding, Petitioners' concerns about seismic risk have not been ignored. Concurrently with filing their intervention petition, Petitioners requested that the Commission order the immediate shutdown of Diablo Canyon because of unacceptable seismic risks.⁶⁶ Petitioners' request was referred to the Executive Director of Operations for consideration under 10 C.F.R. § 2.206.⁶⁷ Although the Staff determined that there is no imminent safety concern that

⁶⁴ See Appeal at 11 (noting Board rejected Petitioners' argument that "Chairman Hanson's commitment . . . overrode the NRC's Part 54 and Part 51 regulations and rendered Petitioners' claims material to the NRC's license renewal decision . . ."). In the first case cited by Petitioners, *Texas v. United States*, the testimony cited by the court merely consisted of the Internal Revenue Service's Commissioner's clarification of how an existing policy applied to a certain population. See *Texas v. United States*, 86 F. Supp. at 654 n.64; Internal Revenue Service Operations and the President's Budget for Fiscal Year 2016: Hearing Before the S. Comm. On Finance, 114th Cong. 33 (Feb. 3, 2015). In the second case, *United States v. Morgan*, the court considered the views of members of the Securities and Exchange Commission on the application of antitrust laws to certain securities matters in litigation, which the court noted were "persuasive and helpful" but not binding upon itself "or upon any other court or judge." *United States v. Morgan*, 118 F. Supp. at 699.

⁶⁵ The Board considered *Lincoln v. Vigil*, 508 U.S. 182, 194 (1993), wherein the Supreme Court found that Congressional testimony by Indian Health Service officials concerning a program for disabled children's mental health did not commit the Service to continue that specific program, where funds were allocated generally, and their use was committed to the Service's discretion. The Board also cited *Ruiz v. Morton*, 462 F.2d 818, 822 (9th Cir. 1972), wherein the Ninth Circuit stated that Congressional awareness of the Bureau of Indian Affairs' views of the limits of its own jurisdiction could not alter the clear language of a statute providing a broader reach for a program providing assistance to Native Americans "throughout the United States."

⁶⁶ See *Petition by San Luis Obispo Mothers for Peace, Friends of the Earth and Environmental Working Group for Shutdown of Diablo Canyon Nuclear Power Plant Due to Unacceptable Risk of Seismic Core Damage Accident* (Mar. 4, 2024), at 1 (ML24067A066).

⁶⁷ See Order of the Secretary (Mar. 12, 2024) (unpublished) (referring request for consideration under 10 C.F.R. § 2.206) (ML24072A529); see also Letter from Michael Franovich, NRC, to Diane Curran, Harmon, Curran, Spielberg, & Eisenberg, LLP; Hallie Templeton, Friends of the

warrants immediate shutdown of Diablo Canyon, the Staff accepted four of Petitioners' seismic issues for further evaluation under the agency's § 2.206 process.⁶⁸ After considering all of the information submitted to the petition review board, the Staff determined that it did not have a basis to grant the requested action of ordering the shutdown of Diablo Canyon.⁶⁹

2. *Contention 2*

In Contention 2, Petitioners claimed that the license renewal application “does not include an adequate plan to monitor and manage the effects of aging due to embrittlement of the Unit 1 [RPV] or an adequate [TLAA], as required by 10 C.F.R. § 54.21.”⁷⁰ Petitioners rely on the declaration of their expert, Dr. Digby Macdonald, who asserts that prior analyses of RPV embrittlement for Diablo Canyon Unit 1 have been inadequate. In Dr. Macdonald's opinion, “the NRC currently lacks an adequate basis to conclude that Diablo Canyon Unit 1 can be operated safely”; therefore, “the NRC lacks a reasonable basis to approve PG&E's license renewal application.”⁷¹

The Board found Contention 2 inadmissible for three reasons, each of which would independently support dismissal. First, the Board found that the contention challenged the basis for current and past operations at Diablo Canyon and thus raised issues outside the scope of a

Earth; and Caroline Leary, Environmental Working Group (Aug. 27, 2024) (ML24205A066); Letter from Michael Franovich, NRC, to Diane Curran, Harmon Curran, Spielberg, & Eisenberg, LLP; Hallie Templeton, Friends of the Earth; and Caroline Leary, Environmental Working Group (Dec. 5, 2024) (ML24317A038).

⁶⁸ See Pacific Gas & Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; Petition, 89 Fed. Reg. 99,914 (Dec. 11, 2024).

⁶⁹ *Director's Decision Under 10 C.F.R. 2.206* (June 26, 2025), at 4-20 (ML25160A125); see Letter from Michael X. Franovich, NRC, to Diane Curran, Harmon, Curran, Spielberg, & Eisenberg, LLP; Hallie Templeton, Friends of the Earth; and Caroline Leary, Environmental Working Group (June 26, 2025) (ML25160A124).

⁷⁰ Petition at 16.

⁷¹ *Id.*, Ex. 3, Declaration of Digby Macdonald (Mar. 4, 2024), ¶¶ 20-21 (Macdonald Declaration).

license renewal safety review.⁷² Second, the Board found neither the petition nor Dr. Macdonald's declaration specifically identified portions of the application that are the subject of a genuine, material dispute that would warrant a hearing.⁷³ Third, the Board found that Petitioners had not disputed the relevant aspects of PG&E's application, which states that the AMP for the RPV was consistent with the Generic Aging Lessons Learned (GALL) Report, a key license renewal guidance document that describes acceptable AMPs.⁷⁴

On appeal, Petitioners repeat arguments they made before the Board but do not show error in the Board's reasoning or point to specific parts of the Board's analysis they disagree with. Instead, they argue generally that the Board "failed to consider the detail and specificity" within Dr. Macdonald's declaration.⁷⁵ Petitioners point to several subparagraphs in Dr. Macdonald's declaration which claim that PG&E, when seeking Staff approval of changes to its current licensing basis for ensuring RPV integrity, discarded certain plant-specific data that it considered unfavorable and substituted data from other reactors in its evaluation, resulting in an unjustifiable delay in the withdrawal of capsules from Diablo Canyon Unit 1 for physical testing.⁷⁶ In Petitioners' view, these actions—used to justify current and past operations—would be relevant here because the "license renewal application *depends on* the results of the current

⁷² LBP-24-6, 100 NRC at ___ (slip op. at 38-41).

⁷³ *Id.* at ___ (slip op. at 41-45).

⁷⁴ *Id.* at ___ (slip op. at 45-47). The Staff utilizes two essential documents in its safety review of a license renewal application—the GALL Report and the License Renewal Standard Review Plan. See "Generic Aging Lessons Learned (GALL) Report," NUREG-1801, rev. 1 (Sept. 2005), vol. 1 (ML052770419) & vol. 2 (ML052110006) (GALL Report); "Generic Aging Lessons Learned (GALL) Report—Final Report," NUREG-1801, rev. 2 (Dec. 2010) (ML103490041) (GALL Report Rev. 2); "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants," NUREG-1801, rev. 1 (Sept. 2005) (ML052770566) (Standard Review Plan). The GALL Report systematically compiles generic AMPs that the Staff has found effective to manage the effects of aging. See GALL Report Rev. 2 at 2.

⁷⁵ Appeal at 15.

⁷⁶ *Id.* at 16 (citing Macdonald Declaration, ¶¶ 19.a-g).

reactor vessel surveillance program and related analyses,” and therefore, the Board should have granted a hearing.⁷⁷

We disagree. As the Board correctly held, license renewal proceedings are not intended to duplicate the Staff’s ongoing oversight of operating reactors or to reexamine a plant’s current licensing basis.⁷⁸ The Board reviewed Dr. Macdonald’s assertions and found that they challenge the basis for Staff decisions on RPV integrity made during its routine oversight of Diablo Canyon in the initial license term.⁷⁹ Those decisions concern current and past operations and are not part of this license renewal proceeding.

The Board was also correct that Contention 2 did not present a material dispute regarding information in the application. The Board searched the petition and Dr. Macdonald’s declaration for specific, material disputes and found references to “five pages of the [license renewal application] and/or its Enclosure E” in Petitioners’ filings; however, the Board concluded that Petitioners had not shown how the two issues raised from within those pages were material to the adequacy of the AMP for the RPV.⁸⁰ On the first issue, the Board noted Dr. Macdonald’s statement that he was “unable to locate any commitment by PG&E to a deadline for removing and testing Capsule B,”⁸¹ but the Board itself found this information in the application.⁸² On the second issue, the Board noted Dr. Macdonald’s statement that he could not discern “how certain ultrasonic testing of beltline welds relates to the scheduled ultrasonic testing inspection.”⁸³ But

⁷⁷ *Id.* at 17 (emphasis in original).

⁷⁸ See 10 C.F.R. § 54.30; *Indian Point*, CLI-15-6, 81 NRC at 347.

⁷⁹ LBP-24-6, 100 NRC at __ (slip op. at 40).

⁸⁰ *Id.* at __ (slip op. at 42-43).

⁸¹ *Id.* at __ (slip op. at 42) (citing Macdonald Declaration, ¶ 14).

⁸² *Id.* at __ (slip op. at 43).

⁸³ *Id.* (citing Macdonald Declaration, ¶ 16).

the Board found that neither the petition nor Dr. Macdonald's declaration explained the significance of this relationship or showed that such information is required to be included in the application.⁸⁴ On appeal, Petitioners do not show any error in the Board's reasoning. Therefore, we see no basis to overturn the Board's decision.

Finally, we find no error in the Board's third basis for rejecting Contention 2—the application includes an undisputed statement that the RPV AMP will be “consistent” with a generically approved AMP in the GALL Report.⁸⁵ The Board rightly noted that “if an AMP is consistent with the GALL Report, then the Commission ‘accepts the applicant’s commitment to implement that AMP, finding the commitment itself to be an adequate demonstration of reasonable assurance under section 54.29(a).’”⁸⁶ But here, the Board found Contention 2 inadmissible because Petitioners did not “cite, assert, or argue in their Petition or accompanying expert report . . . that PG&E’s reactor vessel surveillance AMP either is not consistent with the GALL Report or that PG&E failed to include sufficient information for them to be able to make that determination.”⁸⁷ Petitioners do not address this finding on appeal. Therefore, we see no basis to overturn the Board's dismissal of Contention 2.⁸⁸

⁸⁴ *Id.* The Board also confirmed at oral argument that Petitioners did not challenge any specific TLAA. *Id.* at ___ (slip op. at 44-45) (citing Tr. at 114-15).

⁸⁵ *Id.* at ___ (slip op. at 45-47).

⁸⁶ *Id.* at ___ (slip op. at 45) (quoting *Seabrook*, CLI-12-5, 75 NRC at 304); see also *Entergy Nuclear Vermont Yankee, LLC* (Vermont Yankee Nuclear Power Station), CLI-10-17, 72 NRC 1, 36 (2010); *AmerGen Energy Co., LLC* (Oyster Creek Nuclear Generating Station), CLI-08-23, 68 NRC 461, 467-68 (2008). An AMP that is consistent with the GALL Report may still be challenged through the filing of a contention that is specific, well-supported, and shows a material dispute. *Vermont Yankee*, CLI-10-17, 72 NRC at 37-38.

⁸⁷ LBP-24-6, 100 NRC at ___ (slip op. at 46).

⁸⁸ The lack of a specific challenge to the Board's third basis is itself sufficient grounds to reject the contention on appeal. See, e.g., *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-04-36, 60 NRC 631, 638 (2004) (rejecting an appeal that did not address each independent ground for a Board's denial of contention admissibility).

3. *Contention 3*

In Contention 3, Petitioners asserted that the license renewal application should not be approved because PG&E has not demonstrated compliance with the CZMA.⁸⁹ Specifically, Petitioners claimed that the inclusion of a CZMA consistency certification in the environmental report is insufficient by itself to support license renewal.⁹⁰ Rather, Petitioners asserted, before the NRC can approve the license renewal application, the consistency certification must also be sanctioned by the State of California and the State must grant any necessary coastal development permits—neither of which has yet occurred.⁹¹ As support for this claim, Petitioners pointed to a letter from the California Coastal Commission stating that PG&E’s consistency certification is not yet complete and noting areas of inadequacy that PG&E must address.⁹²

The Board dismissed Contention 3 for failing to demonstrate a genuine dispute with the application.⁹³ While the CZMA requires that the NRC ultimately receive concurrence from the State on a licensee’s consistency certification, that final concurrence is not required to be submitted with the application.⁹⁴ The Board noted that at the application stage, the CZMA requires only that an “applicant for a required Federal license or permit . . . shall provide in the

⁸⁹ Petitioners also asserted in their petition that, because PG&E has not demonstrated compliance with the CZMA, the environmental report also did not satisfy 10 C.F.R. §§ 51.45(b), (c), and (d). Petition at 18 & n.36. In their Reply and in oral argument before the Board, however, Petitioners withdrew the portion of the contention asserting a violation of these regulations. See Reply at 19; Tr. at 132.

⁹⁰ Petition at 18.

⁹¹ *Id.* at 18-19; *see also* Tr. at 133 (“The failing of PG&E is to receive approval from the California Coastal Commission of its certification.”).

⁹² See Petition at 20, Ex. 4.

⁹³ LBP-24-6,100 NRC at __ (slip op. at 48, 52) (citing 10 C.F.R. § 2.309(f)(1)(vi)).

⁹⁴ *Id.* at __ (slip op. at 48) (citing CZMA, 16 U.S.C. § 1456(c)(3)(A)). While the CZMA provides a pathway for the Secretary of Commerce to approve the activity, that procedure is not relevant here. *Id.*

application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the State's approved program and that such activity will be conducted in a manner consistent with that program."⁹⁵ Because PG&E submitted the consistency certification with its application, PG&E supplied all that was required at this stage.⁹⁶

The Board also dismissed Petitioners' concern that the license renewal application could be granted without California's final consistency determination, a concern apparently based on the California Coastal Commission's letter informing PG&E that further information was required before it could consider the consistency certification.⁹⁷ The Board noted that both the Staff and PG&E were aware that a consistency determination is required prior to approval of the license renewal application, and Petitioners did not present any evidence that the Staff would fail to act in conformity with the CZMA.⁹⁸ Finally, the Board rejected Petitioners' bid to admit Contention 3 as a "placeholder" contention, observing that the Commission disfavors contentions that serve as a placeholder for future potential deficiencies.⁹⁹

On appeal, Petitioners do not challenge the Board's characterization of its contention or the reasons for the Board's determination that its contention did not raise a genuine dispute with PG&E's application. Instead, Petitioners argue that the Board's ruling is unlawful under *Union of*

⁹⁵ *Id.* (quoting 16 U.S.C. § 1456(c)(3)(A)).

⁹⁶ *Id.* at ___ (slip op. at 49).

⁹⁷ *Id.* at ___ (slip op. at 50).

⁹⁸ *Id.* at ___ (slip op. at 50-51); see Tr. at 143; *U.S. Department of Energy* (High-Level Waste Repository), CLI-08-11, 67 NRC 379, 384 (2008) ("Absent clear evidence to the contrary, we presume that public officers will properly discharge their official duties.") (citing *United States Postal Service v. Gregory*, 534 U.S. 1, 10 (2001)). The Staff's Environmental Standard Review Plan provides that a license cannot be issued until the State determines that the proposed license renewal action would be consistent with the State program. Environmental Standard Review Plan at 3-3.

⁹⁹ See LBP-24-6,100 NRC at ___ (slip op. at 51).

Concerned Scientists v. NRC.¹⁰⁰ Under this precedent, Petitioners assert, because a final consistency determination is “essential” to the NRC’s licensing decision, it is a material issue on which the NRC must offer a hearing.¹⁰¹ Petitioners state that the Commission “may hold the contention in abeyance pending further developments,” but we “may not reject the contention now as unripe and later impose a heightened pleading standard on Petitioners for litigating their concern.”¹⁰²

We do not agree that *Union of Concerned Scientists* mandates the admission of Petitioners’ unripe contention. In *Union of Concerned Scientists*, the Court of Appeals struck down a rule promulgated by the NRC which provided that the Atomic Safety and Licensing Board need not consider the results of emergency preparedness exercises in a licensing hearing. The rule provided, in lieu of a hearing opportunity, that the NRC’s final issuance of the license must be preceded by the NRC’s conclusion—based on satisfactory completion of an emergency preparedness exercise—that there was reasonable assurance that adequate protective measures can and would be taken in the event of a radiological emergency.¹⁰³ The court found that, because the rule categorically denied the opportunity for a hearing on a material factor relied upon by the Commission in making its licensing decisions, it was issued in excess of the Commission’s authority.¹⁰⁴

¹⁰⁰ Appeal at 18 (citing *Union of Concerned Scientists*, 735 F.2d at 1443).

¹⁰¹ *Id.*

¹⁰² *Id.* at 19.

¹⁰³ *Union of Concerned Scientists*, 735 F.2d at 1438.

¹⁰⁴ *Id.* at 1438, 1441-42. The court rejected the licensee’s argument that the evaluation of emergency preparedness exercises was “part of the NRC’s ongoing monitoring function . . . rather than part of its initial licensing responsibilities” because “the Commission itself says that it relies on its assessment of emergency exercises in deciding whether to issue a license.” The NRC did not take a position on this argument before the court. *Id.* at 1442.

In contrast, here, Petitioners are not prohibited by rule from raising a concern in the adjudicatory process regarding PG&E's compliance with the CZMA. Under the CZMA and applicable regulations, PG&E is required to submit a consistency certification with its license renewal application.¹⁰⁵ Had PG&E failed to do so, Petitioners would not have been barred from challenging this omission within the license renewal hearing process. Because PG&E did submit this consistency certification with its application, they have complied with the law as it applies at the license renewal application stage. Therefore, Petitioners have not demonstrated that the Board erred in denying Contention 3.¹⁰⁶

In sum, we find that the Board considered the record and reasonably determined that Petitioners' Contentions 1 through 3 did not meet our contention admissibility standards. We find no error of law or abuse of discretion and defer to the Board's judgment on the inadmissibility of these contentions.

¹⁰⁵ CZMA, 16 U.S.C. § 1456(c)(3)(A); 15 C.F.R. § 930.57(a); see also "Standard Review Plans for Environmental Reviews for Nuclear Power Plants, Supplement 1: Operating License Renewal" (Final Report), NUREG-1555, Supp. 1, rev. 2 (Aug. 2024), at 3-3 (ML23201A227) (Environmental Standard Review Plan) (noting that nuclear power plants situated in a coastal zone or coastal watershed require submission to the affected State "certification that the proposed license renewal action is consistent with the State Coastal Zone Management Program").

¹⁰⁶ We decline to adopt Petitioners' suggestion to "hold the contention in abeyance pending further developments," which would amount to admitting Contention 3 as a placeholder contention. Appeal at 19. Our regulations do not provide for the filing of contentions that merely anticipate a future deficiency, rather than pointing to a present defect, in a license application. See generally 10 C.F.R. § 2.309(f)(1); see also *Union Electric Co.* (Callaway Plant, Unit 1), CLI-15-11, 81 NRC 546, 550 (2015) (declining to allow "placeholder" contention); *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Unit 3), CLI-09-5, 69 NRC 115, 120 (2009). However, under our reopening rule, Petitioners will still have the opportunity to raise a new contention on compliance with the CZMA as the Staff's review of the application progresses. See 10 C.F.R. § 2.326(a), (b); *Virginia Electric and Power Co. d/b/a Dominion Virginia Power and Old Dominion Electric Cooperative* (Combined License Application for North Anna Unit 3), CLI-12-14, 75 NRC 692, 700 (2012).

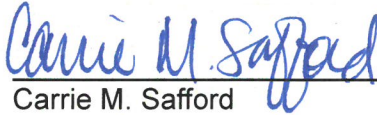
III. CONCLUSION

For the foregoing reasons, we *affirm* the Board's determination that Contentions 1, 2, and 3 are inadmissible.

IT IS SO ORDERED.

For the Commission





Carrie M. Safford
Secretary of the Commission

Dated at Rockville, Maryland,
this 15th day of July 2025.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **COMMISSION MEMORANDUM AND ORDER (CLI-25-04)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: ocaamail.resource@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001
Jeremy A. Mercer, Chair, Administrative
Judge
Nicholas G. Trikouros, Administrative Judge
Dr. Gary S. Arnold, Administrative Judge
Whitlee Dean, Law Clerk
Georgia Rock, Law Clerk
E-mail: jeremy.mercer@nrc.gov
nicholas.trikouros@nrc.gov
gary.arnold@nrc.gov
whitlee.dean@nrc.gov
georgia.rock@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-14A44
Washington, DC 20555-0001
David Roth
Susan H. Vrahoretis
Jeremy L. Wachutka
Anne Fream, Paralegal
Georgiann Hampton, Paralegal
Joelysa McLeod, Paralegal
E-mail: david.roth@nrc.gov
susan.vrahoretis@nrc.gov
jeremy.wachutka@nrc.gov
anne.fream@nrc.gov
georgiann.hampton@nrc.gov
joelysa.mcleod@nrc.gov

Counsel for Pacific Gas and Electric
Company
Morgan, Lewis & Bockius, LLC
1111 Pennsylvania Ave NW
Washington, DC 20004
Paul Bessette
Scott Clausen
Ryan K. Lighty
Timothy Matthews
E-mail: paul.bessette@morganlewis.com
scott.clausen@morganlewis.com
ryan.lighty@morganlewis.com
timothy.matthews@morganlewis.com

Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2)
COMMISSION MEMORANDUM AND ORDER (CLI-25-04)

Counsel for San Luis Obispo Mothers for
Peace
Harmon, Curran, Spielberg, &
Eisenberg, LLP
1725 DeSales Street, N.W.
Suite 500
Washington, DC 20036
Diane Curran
E-mail: dcurran@harmoncurran.com

Counsel for Environmental Working Group
1250 I Street, NW. Suite 1000
Washington, DC 20005
Caroline Leary
E-mail: cleary@ewg.org

Counsel for Friends of the Earth
1101 15th Street, 11th Floor
Washington, DC 20005
Hallie Templeton
E-mail: HTempleton@foe.org

California Energy Commission
Chief Counsel's Office
715 P Street
Sacramento, CA 95814
Melanie Mariotti
E-mail: melanie.mariotti@energy.ca.gov

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 15th day of July 2025.