

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman
Nicholas G. Trikouros
Dr. Gary S. Arnold

In the Matter of

PACIFIC GAS & ELECTRIC COMPANY

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

Docket No. 50-275-LR

Docket No. 50-323-LR

ASLBP No. 10-900-01-LR-BD01

January 5, 2015

NOTICE AND ORDER

(Concerning Instructions for Oral Argument)

As previously directed,¹ on January 21, 2015, at 9:30 a.m. EST, in the Atomic Safety and Licensing Board Panel's hearing room, located within the Nuclear Regulatory Commission's headquarters at 11555 Rockville Pike, Rockville, Maryland 20852, the Board will hear oral argument concerning the request for a hearing and petition to intervene² and request for a waiver³ by Friends of the Earth ("FoE"). All participants, as well as members of the public who wish to observe, should arrive at least fifteen minutes early to pass through security at One White Flint North and to proceed to the hearing room, located on the third floor of Two White Flint North.

At the argument, FoE and each of the three existing parties will be permitted to make a brief opening statement, not to exceed ten minutes. The Board expects, however, that the

¹ See Notice and Order (Scheduling Oral Argument) (Dec. 4, 2014) (unpublished).

² See FoE's Request for a Hearing and Petition to Intervene (Oct. 10, 2014).

³ See FoE's Petition for Waiver of 10 C.F.R. §§ 54.4, 54.21, and 54.29(a) as Applied to the Diablo Canyon License Renewal Proceeding (Oct. 10, 2014).

argument will consist primarily of responses to the Board's questions. Although the parties should be prepared to answer questions relating to all matters in their pleadings, in particular they should anticipate addressing the following issues:

- 1) Assuming serious seismic issues exist, how would these matters be addressed outside the license renewal context and how would FoE be able to participate?
- 2) How the petition submitted by FoE to the Commission on August 26, 2014 differs from FoE's petition before the Board, and whether that petition is sufficient to address FoE's concerns.
- 3) Is the 2014 PG&E Seismic Report part of the license renewal application and/or is it subject to challenge in the license renewal proceeding? What information in the report is significantly different and material? How does it differ from previous information?
- 4) Are the methods used to evaluate plant response to new seismic motion described in the FSAR or any other licensing document? Which are not?
- 5) Does any party disagree that PG&E must demonstrate its ability for safe shutdown during a seismic event? Does this duty pertain to license renewal or to the plant's continuing license basis ("CLB")? Assuming a waiver of 10 C.F.R. § 54.30 is required, would application of this rule not serve the purpose of avoiding duplicative reviews?
- 6) Are relay switches and snubbers within the scope of a licensing renewal proceeding in light of 10 C.F.R. § 54.21(a)(1)(i)? Which Time-Limited Aging Analyses (TLAAs) for relay switches and snubbers in Table 4.1-1 of the license renewal application allegedly fail to take into account new data from the seismic report?

- 7) Are aging management programs (“AMPs”) intended to account for the effects of earthquakes? If so, how should AMPs account for seismic effects? Can FoE identify a specific AMP and demonstrate how it relies on inaccurate seismic data?

Members of the public that wish to listen to the proceedings by telephone should contact the Board’s law clerk, Alana Wase at Alana.Wase@nrc.gov or 301-415-6693 no later than Wednesday, January 14, 2015 to receive the listen-only telephone conference number and passcode.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 5, 2015

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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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 **NOTICE AND ORDER (Concerning Instructions for Oral Argument)** have been served upon the following persons by the Electronic Information Exchange.

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Diablo Canyon Nuclear Power Plant - Docket Nos. 50-275-LR and 50-323-LR
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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 5th day of January 2015