



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

April 20, 2016

Mr. Mark Numainville, City Clerk
City of Berkeley, City Clerk Department
2180 Milvia Street
Berkeley, CA 94704

SUBJECT: BERKELEY CITY COUNCIL RESOLUTION NO. 67,372-N.S.

Dear Mr. Numainville:

The U.S. Nuclear Regulatory Commission (NRC) is in receipt of your February 16, 2016, letter that included Berkeley City Council Resolution No. 67,372-N.S. adopted on February 9, 2016. In the Resolution, the Council, in part, called on the NRC to "reject the license renewal of the Diablo Canyon Nuclear Power Plant and to create a plan to shut down the Diablo Canyon reactors."

The NRC's mission is to ensure the safe and secure operations of all 100 nuclear power plants in the United States, including Diablo Canyon's two units. Based on our independent inspection and oversight of the Diablo Canyon facility, the NRC continues to assess that Pacific Gas and Electric (PG&E) is operating the units safely and in accordance with Federal regulations and requirements. The seismic safety of Diablo Canyon has been, and continues to be, extensively evaluated by PG&E and reviewed by the NRC. While the seismic design at Diablo Canyon is complex, the NRC continues to conclude that the structures, systems, and components necessary for safely shutting down both reactors and maintaining them in a safe shutdown condition will remain functional following a seismic event, including ground motions occurring from the Hosgri and Shoreline faults located near the Diablo Canyon site.

Following the events in 2011 impacting the reactors at Fukushima, Japan, the NRC required all U.S. nuclear power plants, including Diablo Canyon, to reassess site-specific seismic and flooding hazards. The licensee, PG&E, complied with these actions, which were ordered by the NRC, and in particular, provided the re-evaluated seismic hazard information for Diablo Canyon in 2015¹. The NRC staff completed a preliminary review of the licensee's re-evaluated seismic hazard², and determined that the evaluation is of sufficient quality and suitable for use in the development of a revised seismic probabilistic risk assessment (SPRA) for the station. The SPRA is due for submittal to the NRC by September 30, 2017. The NRC staff continues to assess the new information gained from these hazard re-evaluations to determine if further actions are warranted. However, to date, neither the licensee nor the NRC have identified concerns with the re-evaluated seismic hazard which would call into question the licensee's ability to safely shut down the Diablo Canyon reactors following a seismic event.

¹ Available in the NRC's Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML15071A046, ML15224B575, ML15259A600, ML15349A874, and ML15362A569.

² See letter from NRC to PG&E, dated January 28, 2016 (ADAMS Accession NO. ML 15365A530).

The Council's Resolution included additional requests for NRC action. First, the Resolution called on the NRC to reject the license renewal of the Diablo Canyon Power Plant. As described on our website³, the NRC has been reviewing PG&E's license renewal application for Diablo Canyon since 2009. The NRC plans to issue the Draft Supplemental Environmental Impact Statement in August 2016, followed by a public comment period and public meeting. My staff forwarded the Berkeley City Council's Resolution to the applicable staff at NRC Headquarters responsible for the license renewal process requesting its inclusion during the upcoming public comment period. Further, I encourage you and/or the Council to participate in the Diablo Canyon license renewal process through public meetings and comment periods.

The Resolution also "requests the [NRC] to create a plan to shut down the Diablo Canyon reactors, at least until a satisfactory federal [sic] and state investigation has been conducted to evaluate the ability of Diablo Canyon to withstand an earthquake and until its owners have installed the necessary equipment to come into compliance with the law, and have demonstrated that they are doing so." This request would entail the NRC take enforcement action to modify, suspend, or revoke the license for Diablo Canyon. The NRC's regulations in Title 10 of the *Code of Federal Regulations* Part 2.206 (10 CFR 2.206) provide processes for requests of this nature. As such, my staff has also forwarded the Berkeley City Council Resolution to the applicable staff at NRC Headquarters responsible for implementing the 10 CFR 2.206 process⁴, and requested that they contact you to determine if you wish to proceed with a formal petition.

The NRC appreciates and welcomes the engagement of the public and local officials in our processes as we oversee the operation of commercial nuclear power reactors. The NRC continuously assesses the manner in which PG&E is operating the Diablo Canyon reactor facility to ensure that it is operated safely and in accordance with all applicable Federal regulations. If you have any questions regarding the NRC's oversight of Diablo Canyon Nuclear Power Plant, please contact Mr. Jeremy Groom of my staff at (817) 200-1148.

Sincerely,

/RA/

Marc L. Dapas
Regional Administrator

Docket Nos. 05000275, 05000323
License Nos. DPR-80, DPR-82

³ <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/diablo-canyon.html>

⁴ Further information on the 10 CFR 2.206 petition process may be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/petition.html>.

The Council's Resolution included additional requests for NRC action. First, the Resolution called on the NRC to reject the license renewal of the Diablo Canyon Power Plant. As described on our website³, the NRC has been reviewing PG&E's license renewal application for Diablo Canyon since 2009. The NRC plans to issue the Draft Supplemental Environmental Impact Statement in August 2016, followed by a public comment period and public meeting. My staff forwarded the Berkeley City Council's Resolution to the applicable staff at NRC Headquarters responsible for the license renewal process requesting its inclusion during the upcoming public comment period. Further, I encourage you and/or the Council to participate in the Diablo Canyon license renewal process through public meetings and comment periods.

The Resolution also "requests the [NRC] to create a plan to shut down the Diablo Canyon reactors, at least until a satisfactory federal [sic] and state investigation has been conducted to evaluate the ability of Diablo Canyon to withstand an earthquake and until its owners have installed the necessary equipment to come into compliance with the law, and have demonstrated that they are doing so." This request would entail the NRC take enforcement action to modify, suspend, or revoke the license for Diablo Canyon. The NRC's regulations in Title 10 of the *Code of Federal Regulations* Part 2.206 (10 CFR 2.206) provide processes for requests of this nature. As such, my staff has also forwarded the Berkeley City Council Resolution to the applicable staff at NRC Headquarters responsible for implementing the 10 CFR 2.206 process⁴, and requested that they contact you to determine if you wish to proceed with a formal petition.

The NRC appreciates and welcomes the engagement of the public and local officials in our processes as we oversee the safe operation of commercial nuclear power reactors. The NRC continuously assesses PG&E's operation of the Diablo Canyon facility to ensure that it is operated safely and in accordance with all applicable Federal regulations. If you have any questions regarding the NRC's oversight of Diablo Canyon Nuclear Power Plant, please contact Mr. Jeremy Groom of my staff at (817) 200-1148.

Sincerely,
/RA/
 Marc L. Dapas
 Regional Administrator

Docket Nos. 05000275, 05000323
 License Nos. DPR-80, DPR-82

DISTRIBUTION

See next page

ADAMS ACCESSION NUMBER: ML16112A036

<input checked="" type="checkbox"/> SUNSI Review By: RDA		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	
OFFICE	DRP/RPBA	DRP/DD	RIV/ORA				
NAME	JGroom	TPruett	MDapas				
SIGNATURE	/RA/	/RA/	/RA/				
DATE	4/18/16	4/19/16	4/20/16				

OFFICIAL RECORD COPY

³ <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/diablo-canyon.html>

⁴ Further information on the 10 CFR 2.206 petition process may be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/petition.html>.

Letter to Mark Numainville from Marc L. Dapas dated April 20, 2016

SUBJECT: BERKELEY CITY COUNCIL RESOLUTION NO. 67,372-N.S.

DISTRIBUTION:

Regional Administrator (Marc.Dapas@nrc.gov)
Deputy Regional Administrator (Kriss.Kennedy@nrc.gov)
DRP Director (Troy.Pruett@nrc.gov)
DRP Deputy Director (Ryan.Lantz@nrc.gov)
DRS Director (Anton.Vegel@nrc.gov)
DRS Deputy Director (Jeff.Clark@nrc.gov)
Acting Senior Resident Inspector (John.Reynoso@nrc.gov)
Acting Resident Inspector (Michael.Stafford@nrc.gov)
Administrative Assistant (Madeleine.Arel-Davis@nrc.gov)
Branch Chief, DRP/A (Jeremy.Groom@nrc.gov)
Senior Project Engineer, DRP/A (Ryan.Alexander@nrc.gov)
Project Engineer, DRP/A (Matthew.Kirk@nrc.gov)
Project Engineer, DRP/A (Thomas.Sullivan@nrc.gov)
Public Affairs Officer (Victor.Dricks@nrc.gov)
NRR/DLR Project Manager (Michael.Wentzel@nrc.gov)
NRR/DORL Project Manager (Balwant.Singal@nrc.gov)
Team Leader, DRS/IPAT (Thomas.Hipschman@nrc.gov)
Regional Counsel (Karla.Fuller@nrc.gov)
Regional State Liaison Officer (Bill.Maier@nrc.gov)
Congressional Affairs Officer (Jenny.Weil@nrc.gov)
RIV Congressional Affairs Officer (Angel.Moreno@nrc.gov)
RIV/ETA: OEDO (Jeremy.Bowen@nrc.gov)
RidsEDOMailCenter.Resource@nrc.gov
RidsSECYMailCenter.Resource@nrc.gov