

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2014-0488

1

RESPONSE  
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Damon Moglen

DATE

OCT 17 2014

**PART I. -- INFORMATION RELEASED**

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐ **GROUP** Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- ☒ **GROUP A & B** Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- ☒ **GROUP A & B** Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☒ We are continuing to process your request.
- ☒ See Comments.

**PART I.A -- FEES**

AMOUNT\*

\$ \* See comments  
for details☐

You will be billed by NRC for the amount listed.

☐

None. Minimum fee threshold not met.

☐

You will receive a refund for the amount listed.

☐

Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- ☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS ( Use attached Comments continuation page if required)**

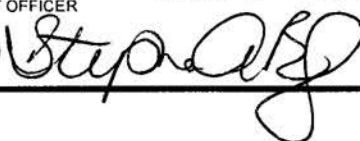
The incoming request FOIA/PA 2014-0488 will be made available in ADAMS as ML14261A399.

Portions of documents in Group A have been marked out of scope as these information do not concern Diablo Canyon and the DPO.

Records with an ML accession number are available in the NRC Library at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Stephanie A. Blaney (Acting FOIA Officer)



**RESPONSE TO FREEDOM OF INFORMATION  
ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

DATE

10/17/2014

**PART II.A -- APPLICABLE EXEMPTIONS**GROUP  
B

Records subject to the request that are contained in the specified group are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
- ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C., Section 4702(b), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ The information is considered to be confidential business (proprietary) information.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Disclosure will harm an identifiable private or governmental interest.
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
- ☐ Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
- ☐ Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
- ☐ Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- ☒ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☐ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☐ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrong doing or a violation of NRC requirements from investigators).
- ☐ (C) Disclosure could constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.

☐ OTHER (Specify)**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Eliot Brenner	Director, Office of Public Affairs	B1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

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**From:** Brenner, Eliot  
**Sent:** Monday, August 25, 2014 5:01 PM  
**To:** Brenner, Eliot  
**Subject:** Tomorrow's news tonight -- read and delete

~~Internal use only -- no distribution outside NRC -- no redistribution~~

DIABLO CANYON /Differing Professional Opinion – Extensive media interest today followed an AP story about the former Senior Resident Inspector's DPO currently in process and public interest groups making a copy of the DPO available online. We talked to the LA Times, KSBY-TV (San Luis Obispo, CA), and the San Luis Obispo News Tribune explaining that the NRC encourages and welcomes differing opinions and offers several paths for staff to document their differing views. Until the NRC completes its internal review process for the DPO, the agency is unable to comment on any potential documentation that is circulating as it is not final. Once a given review is complete the agency will have a final decision on the DPO and associated documentation. We reiterated that the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri-fault earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

[http://www.washingtonpost.com/national/health-science/ap-exclusive-expert-calls-for-nuke-plant-closure/2014/08/25/e1464372-2c6a-11e4-be9e-60cc44c01e7f\\_story.html](http://www.washingtonpost.com/national/health-science/ap-exclusive-expert-calls-for-nuke-plant-closure/2014/08/25/e1464372-2c6a-11e4-be9e-60cc44c01e7f_story.html)

CONTINUED STORAGE RULE – We had inquiries from C-Span and Al Jazeera TV about tomorrow's affirmation of the continued storage rule. C-Span was looking for something dramatic to cover in the depths of August, while Al Jazeera was following up on the Mother Jones article from last week that said the rule would gut safety controls on nuclear waste while allowing it to sit around for a century. We dissuaded both, and clarified issues for Al Jazeera..

PEACH BOTTOM – The Baltimore Sun asked some clarifying questions about the power uprates we approved today for the plant's two operating reactors. We announced the approvals in a press release issued this morning.

PILGRIM – The Cape Cod (Mass.) Times checked with us on the plant's return to full power following the completion of repairs to a feedwater heater. The unit was back at 100-percent power as of Saturday afternoon.

SUSQUEHANNA – A reporter for the Citizens' Voice (of Wilkes-Barre, Pa.) wanted to know more about a public meeting we'll be conducting on Sept. 3rd near the plant. The purpose of the meeting will be to discuss the preliminary results of a team inspection done at Unit 2 in response to a pair of "White" Performance Indicators received by the plant.

Press releases and speeches posted:

NRC Approves Power Uprate For Peach Bottom Atomic Power Station

NRC Plans Public Meeting for Sept. 3 on Results of Inspection Conducted at Susquehanna Nuclear Power Plant

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**From:** Uselding, Lara  
**Sent:** Tuesday, August 26, 2014 12:12 PM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Cc:** Dricks, Victor  
**Subject:** RE:

Please keep me posted...what a storm of activity - napa eq, seismic, sewell report, dpo leak, state report AND this final review

-----Original Message-----

From: Brenner, Eliot  
Just FYI, Satorius is expected to finish his decision

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**From:** Harrington, Holly  
**Sent:** Tuesday, August 26, 2014 5:01 PM  
**To:** Harrington, Holly  
**Subject:** Tomorrows News Tonight

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may contain material proprietary to news agencies~~

**CONTINUED STORAGE RULE** – After today's affirmation session on the continued storage rule, OPA HQ assisted a number of reporters with obtaining and deciphering the relevant documents. These included Greenwire, CQ Roll Call, Energy Daily, Platts, BNA, Exchange Monitor Publications, Nuclear Intelligence Weekly, Engineering News Record, and Ruth Thomas. USA Today also called, but decided not to do a story.

**PALISADES** – It's likely an investigative story on the safety conscious work environment in the plant's security department will air today on Chicago's NBC station. OPA Region III provided the reporter with our perspective on the issue last week.

**MONTICELLO** – Region III responded to questions from the Minneapolis Star Tribune about nuclear plant license renewal beyond 60 years. We said that there is no specific policy in existence right now but it is an issue the agency is reviewing.

**DIABLO CANYON /Differing Professional Opinion** – The second day of news coverage continues about the former Senior Resident Inspector's DPO currently in process but released publically. We spoke to KCOY-TV, NPR affiliate KPCC, Reuters, and KPRO and KPCA radio. We said once a review is complete, the agency will have a final decision on the DPO and associated documentation. We reiterated that the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

**PEACH BOTTOM** – The Lancaster (Pa.) New Era sought additional information on our approval of power uprates for both units. Our approval of the uprates was announced on Monday.

**INDIAN POINT** – WAMC-FM (Northeast Public Radio) wanted to know more about how a new natural gas pipeline that will cross part of the plant's Owner Controlled Area was being reviewed. Entergy has submitted a hazards analysis that should be made available in ADAMS later in the week.

**CONTINUED STORAGE DECISION** – OPA Region I responded to questions regarding the decision from the Newburyport (Mass.) Daily News, the Brattleboro (Vt.) Reformer, the Palladium-Times (of Oswego, N.Y.) and the Citizens' Voice (of Wilkes-Barre, Pa.).

**PILGRIM** – WQRC-FM (of Hyannis, Mass.) did a brief recorded interview with a Region I PAO on the plant's return to full power last weekend. The plant had been at reduced power due to a feedwater heater leak.

Press Releases Today

NRC Approves Final Rule on Spent Fuel Storage and Ends Suspension of Final Licensing Actions for Nuclear Plants and Renewals

Social Media Today

Blog: Q&A with Engineer Emma Wong In Recognition of Women's Equality Day <http://public-blog.nrc-gateway.gov/2014/08/26/qa-with-engineer-emma-wong-in-recognition-of-womens-equality-day/>

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may contain material proprietary to news agencies~~

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**From:** Brenner, Eliot  
**Sent:** Wednesday, August 27, 2014 5:06 PM  
**To:** Brenner, Eliot  
**Subject:** Tomorrow's news tonight -- read and delete

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DIABLO CANYON /DPO – We continued to discuss the leaked DPO currently in process and answered questions about Boxer's pending Senate hearing and a Friends of the Earth petition to shut down the plant. We spoke to the San Francisco Chronicle, Bloomberg, Energy Intelligence, TV Asahi, and Platts nuclear. We explained the DPO process and corrected reporting falsely claiming that the report was being hidden from the public. We reiterated that the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

SPENT FUEL – OPA fielded some follow-up inquiries from Nuclear Intelligence Weekly about the continued storage rule and GEIS affirmed yesterday. We also reached out to reporters from Platts and the Chattanooga Times Free Press to clarify mischaracterizations of the rule in their stories. Region I took calls from Vermont Public Radio and the Calvert (Md.) Recorder.

BROWNS FERRY – The Athens (Ala.) News-Courier contacted Region II OPA to inquire about an automatic scram of Unit 1 that occurred Tuesday evening. The reporter was told that the scram appears to have been uncomplicated and plant systems performed as expected. He was advised that the residents will be following up.

CONDENSER RETUBINGS – A reporter for Platts sought our perspectives on main condenser retubing projects. The interest was prompted by the just-initiated retubing of the condenser at the FitzPatrick nuclear power plant. We emphasized that the condenser is not considered safety-related. At the same time, condenser leakage can lead to downpowers, as has been the case at FitzPatrick.

PALISADES – Chicago Public Radio followed up on the recent media reports on the safety culture in the plant's security department. A Region 3 PAO provided the reporter with extensive background information on the ROP and safety culture in general and did a recorded interview on our current assessment of safety culture at Palisades and our actions going forward.

Press releases and speeches posted:

Prepared remarks of Chairman Allison M. Macfarlane at the American Nuclear Society's 8th International Conference on Isotopes

Prepared remarks of Chairman Allison M. Macfarlane at the Organization of Agreement States Meeting  
NRC Lifts Probation for Georgia's Agreement State Regulatory Program; Heightened Oversight to Continue

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**From:** Uselding, Lara  
**Sent:** Wednesday, August 27, 2014 3:44 PM  
**To:** Harrington, Holly; Brenner, Eliot; Burnell, Scott  
**Cc:** Dricks, Victor; Dapas, Marc  
**Subject:** TNF

**DIABLO CANYON /DPO** – We continued to discuss the leaked DPO currently in process and answered questions about Boxer's pending Senate hearing and a Friends of the Earth petition to shut down the plant . We spoke to the San Francisco Chronicle, Bloomberg, Energy Intelligence, TV Asahi, and Platts nuclear. We explained the DPO process and corrected reporting falsely stating that the report was being hid from the public. We reiterated that the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

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**From:** Uselding, Lara  
**Sent:** Monday, August 25, 2014 4:28 PM  
**To:** Brenner, Eliot; Burnell, Scott  
**Cc:** Dricks, Victor  
**Subject:** TNT

**DIABLO CANYON /Differing Professional Opinion** – There was extensive media interest today brought on by the Associated Press story about the former Senior Resident Inspector's DPO currently in process and public interest groups making a copy of the DPO available online. We provided interviews to the LA Times, KSBY-TV (San Luis Obispo, CA), and the San Luis Obispo News Tribune explaining that the NRC encourages and welcomes differing opinions and offers several paths for staff to document their differing views. Until the NRC completes its internal review process for the DPO, the agency is unable to comment on any potential documentation that is circulating as it is not final. Once a given review is complete the agency will have a final decision on the DPO and associated documentation. We reiterated that the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

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**From:** Brenner, Eliot  
**Sent:** Wednesday, September 10, 2014 5:34 PM  
**To:** Brenner, Eliot  
**Subject:** Tomorrow's news tonight -- read and delete

~~Internal use only – no distribution outside NRC – no redistribution~~

DIABLO CANYON – We spoke to Bloomberg, LA Times, AP, the News Tribune in San Luis Obispo, KSBY-TV and Central Coast News reporters about the EDO's public release of the DPO file submitted by an employee. We explained the lengthy file's contents and pointed to language used in the EDO response that neither we nor the DPO filer believed there was any imminent safety question raised by information in the filing.

Today PGE issued a seismic study report to the state as directed by the state legislature. The PG&E report, press release, and additional information can be found [here](#).

DAVIS-BESSE – The Toledo Blade informed us about a press release coming tomorrow by Beyond Nuclear and other environmental groups claiming that FENOC did not reveal information about the root cause for the propagation of laminar cracking in the shield building after it became available to them in 2012. Region 3 is working on a brief statement about the status of our review of the root cause report which was submitted to us in June and supposedly contains this information. The groups plan to submit this issue as a contention in the license renewal proceedings.

CONTINUED STORAGE RULE – A writer for Physics World had some questions about the continued storage rule.

SUSQUEHANNA – The Standard-Speaker (of Hazleton, Pa.) is working on a story about a proposed spinoff of PPL's power generation assets that would include the plant. The reporter checked with us on possible changes should the spinoff gain approval. He also asked about the status of a proposal for a new reactor near the site.

SALEM/HOPE CREEK – Platts inquired about two Severity Level IV violations recently issued to PSEG. One involved a Senior Reactor Operator candidate who deliberately falsified application information; the other pertained to security issues.

CALVERT CLIFFS – The Baltimore Sun may write about the Daily Caller story earlier in the week regarding perceived ease of access to the site. We explained the background behind the situation, emphasizing that plant security remains appropriate and is not compromised by the absence of security guards at entrance road booths. OPA posted a For The Record on plant security during the day and that was shared with the reporter.

SEABROOK – The Newburyport (Mass.) Daily News checked with us on the dismissal of a spent fuel storage contention in the plant's license renewal hearing proceeding. The ASLB panel issued the ruling in response to the recent Commission decision on the Continued Storage of Spent Nuclear Fuel Rule.

Social Media Today

Blog: Part II: Ensuring Safety in the First Temple of the Atom <http://public-blog.nrc-gateway.gov/2014/09/10/part-ii-ensuring-safety-in-the-first-temple-of-the-atom/>

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**From:** Burnell, Scott  
**Sent:** Thursday, August 28, 2014 7:43 AM  
**To:** Bates, Andrew; Hart, Ken; Baval, Rochelle; Laufer, Richard; Akstulewicz, Brenda; Jimenez, Patricia  
**Cc:** Brenner, Eliot; Harrington, Holly; Savoy, Carmel  
**Subject:** Morning note

OPA -- Continuing coverage of the Commission's vote on the Continued Storage rule leads the day's headlines, along with catchup articles on the leaked Differing Professional Opinion regarding Diablo Canyon's seismic design. Tuesday's reactor trip at Browns Ferry Unit 1 received local attention.

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**From:** Brenner, Eliot  
**Sent:** Friday, August 29, 2014 5:01 PM  
**To:** Brenner, Eliot  
**Subject:** Tomorrow's news tonight -- read and delete

~~Internal use only – no distribution outside NRC – no redistribution~~

**CHAIRMAN INTERVIEWS** – The chairman met separately today with reporters from Greenwire, the New York Times and the Washington Post to reflect on accomplishments of the past two years and look forward to the issues facing the agency. Among the areas touched on were continued storage (nee waste confidence), climate change, Fukushima, positioning the agency for the future, decommissioning and the regulatory structure, Diablo Canyon and the DPO, our relations with our Senate oversight committee, her management style, broadening public engagement, SMKS and the emerging international build-own-operate issue. There is no particular target date for publication of articles that will flow from these interviews, but we would expect them to start showing up over the next few days and into next week. The chairman is scheduled to talk with bloggers at an event hosted by the ANS and meet with other reporters as a group at an event sponsored by Energy Daily week after next.

**DIABLO CANYON /DPO** – We continued to discuss the status of the leaked DPO with the San Luis Obispo News Tribune and a California Energy Markets reporter. We explained the DPO process and that it is not being hid from the public. We reiterated that, at this time, the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

**PALISADES** – R3 OPA has worked closely for about six months with the reporters at the Kalamazoo Gazette who just completed a series of seven articles on the Palisades nuclear plant safety, history and factors that may impact its future. The series that has run through this week wrapped up with an editorial in today's paper which reflects a positive view of the NRC's recent oversight of the plant:

[http://www.mlive.com/opinion/kalamazoo/index.ssf/2014/08/safe\\_operation\\_of\\_palisades\\_nu.html](http://www.mlive.com/opinion/kalamazoo/index.ssf/2014/08/safe_operation_of_palisades_nu.html)

**LIMERICK** – The Pottstown (Pa.) Mercury is working on a story updating the status of the plant's license renewal application. We brought the reporter up to speed on recent developments, including the issuance of the Final Environmental Impact Statement and the Commission's lifting of the suspension of license renewal final decisions in conjunction with the approval of the Continued Storage of Spent Nuclear Fuel Rule. Separately, NBC-10 (the TV network's Philly affiliate) checked with us on an upcoming closed meeting regarding a preliminary "Greater than Green" security-related inspection finding.

**INDIAN POINT** – WAMC-FM (Northeast Public Radio) aired a piece on the Federal Energy Regulatory Commission (FERC) review of a proposed new natural gas pipeline that would cross part of the Indian Point Owner-Controlled Area: <http://wamc.org/post/proposed-pipeline-expansion-prompts-indian-point-analysis>. The story includes information on the NRC plans to provide input to the evaluation.

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**From:** Uselding, Lara  
**Sent:** Friday, August 29, 2014 3:31 PM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** "NT - no early dismissal today? :)"

**DIABLO CANYON /DPO** – We continued to discuss the status of the leaked DPO with the San Luis Obispo News Tribune and a California Energy Markets reporter. We explained the DPO process and that it is not being hid from the public. We reiterated that, at this time, the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

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**From:** Niedzielski-Eichner, Phillip  
**Sent:** Saturday, August 30, 2014 10:25 PM  
**To:** Brenner, Eliot  
**Subject:** RE: Press Interviews

Thanks Eliot....I appreciate your arranging these interviews and helping her prep for them. Enjoy the rest of your weekend. Best. Phil

-----Original Message-----

**From:** Brenner, Eliot  
**Sent:** Friday, August 29, 2014 4:22 PM  
**To:** Niedzielski-Eichner, Phillip  
**Subject:** RE: Press Interviews

Very Well, the Boss stuck to the script. Should produce some good stories about her looking forward, as well as focused on her position on not letting the continued storage decision be an out for policymakers to dodge a repository decision. Topics ranged from that to Diablo and the DPO, to global warming, build-own-operate, looking at how to position the agency for the future, public engagement, some personal questions for featurish purposes (Hannah), how she's liking the job, status of Fukushima. She didn't have to fumble for any facts of consequence.

Looking forward, I think I can get Mufson to get us an editorial board meeting. The trick is figuring out when is the best time to do it, perhaps after the roundtables, maybe after the IAEA General Conference.

Eliot

-----Original Message-----

**From:** Niedzielski-Eichner, Phillip  
**Sent:** Friday, August 29, 2014 4:14 PM  
**To:** Brenner, Eliot  
**Subject:** Press Interviews

Eliot: how did they go today?

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**From:** McIntyre, David  
**Sent:** Friday, August 15, 2014 4:56 PM  
**To:** McIntyre, David  
**Subject:** Tomorrow's News Tonight

~~INTERNAL DISTRIBUTION ONLY – May contain information proprietary to news agencies.~~

DIABLO CANYON – We learned that an AP reporter plans to run a story as early as next week on the former senior Resident Inspector and pending differing of professional opinion. The gist of the story will be that the former SRI recommends the reactors be shut down until PG&E can demonstrate that critical pumps, valves and piping can meet higher seismic stress levels, or until the NRC approves exemptions from regulatory and license requirements. We've provided extensive information about the NRC's position that the plant is currently safe to operate as documented in the Research Information Letter. We've also explained the ongoing work to look at the plant's seismic hazard.

CALLAWAY – A reporter with the Missouri Fulton Sun asked for the plant's 2013 radioactive effluent report which OPA provided. Earlier this week we spoke to the same reporter who had follow-up questions from last week's reported event involving tritium and cobalt detected in a ground monitoring well. We reiterated that no indications of offsite leaks or groundwater contamination had occurred.

DIABLO CANYON – A Bloomberg reporter read today's event report and we answered her questions about two of three Unit 2 emergency diesel generators being out-of-service. We explained the plant operator has replaced two faulty bolts and are currently fixing a seal leak on one EDG. Unit 1 is at full power and Unit 2 is powered down while the maintenance is completed.

PRESS RELEASE ISSUED TODAY:

NRC Meeting Aug. 26 to Discuss Proposed Language For Consolidated Accident Mitigation Rule

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**From:** Brenner, Eliot  
**Sent:** Thursday, August 28, 2014 5:04 PM  
**To:** Brenner, Eliot  
**Subject:** Tomorrow's news tonight -- read and delete

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**MILLSTONE** – We issued a Preliminary "White" inspection finding to Millstone 3 and a Severity Level III Violation to both Millstone units this afternoon. The reports were released via listserv. We answer related questions from the Associated Press and The Day (of New London, Conn.).

**PEACH BOTTOM** – The York (Pa.) Daily Record sought more information on the power uprates for both Peach Bottom units that we approved earlier in the week.

**CONTINUED STORAGE RULE** – The Rutland (Vt.) Herald played catch-up on the Commission decision regarding the Continued Storage of Spent Nuclear Fuel Rule. We also fact-checked a story by Vermont Public Radio on the topic and clarified some points. The VPR piece may be picked up by some other NPR stations.

**SUSQUEHANNA** – Bloomberg News Service inquired about a downpower at Unit 2. We said it was due to the trip of a reactor recirculation pump.

**DIABLO DPO** – The San Luis Obispo paper ran an editorial today that was less than complimentary to the agency and contained some errors and misconceptions. Because this story has a number of moving parts that will come into better focus shortly, OPA opted to hold off on any immediate response.  
<http://www.sanluisobispo.com/2014/08/28/3216178/nrc-should-respond-to-diablo-report.html?sp=/99/181/874/>

Press releases and speeches posted:

NRC Issues Final Safety Evaluation Report for Callaway Nuclear Power Plant License Renewal Application

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**From:** Harrington, Holly  
**Sent:** Thursday, September 04, 2014 4:50 PM  
**To:** Harrington, Holly  
**Subject:** Tomorrow's News Tonight

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may contain material proprietary to news agencies~~

DIABLO CANYON – OPA Region IV sent the San Luis Obispo News Tribune a Letter to the Editor on the DPO process following claims that the NRC has not responded to a former Senior Resident Inspector's DPO. We also spoke to a Platts Nuclear reporter who asked for comment on how the agency is handling a Friends of the Earth petition to shut down the plant.

MOX – OPA HQ explained to three reporters our process for reviewing Shaw-Areva MOX Services' request for a 10-year extension of the construction permit, which expires next March. We received questions from the Aiken Standard, Platts and ExchangeMonitor.

SONGS – OPA Region IV contacted KUSI-TV in San Diego regarding a story broadcast last night about a letter sent by the NRC to Southern California Edison advising them we had failed to substantiate an allegation that employees of the company didn't provide complete and accurate information to NRC inspectors. The station broadcast a lengthy interview with local attorney Mike Aguirre, who held up the one-page letter sent to Edison, complaining that it was all the agency did to investigate possible wrongdoing by the company. He called the NRC investigation a "whitewash." We spoke to the assistant news director and pointed out the actual investigative report is 161 pages and has almost 7,000 pages of exhibits; that an exhaustive investigation was conducted over a 20-month period, involving hundreds of man-hours, and that dozens of people were interviewed. We also said we would have appreciated an opportunity to comment on any story regarding the agency and provided our contact information.

SALEM/HOPE CREEK – The News Journal (of Wilmington, Del.) had several clarifying questions on two Office of Investigations letters. One involved a Senior Reactor Operator candidate who deliberately failed to disclose medically disqualifying information and the other pertained to security-related matters. The letters were issued via listserv on Wednesday.

MID-CYCLE LETTERS – Our issuance of Mid-Cycle Assessment Letters drew interest from multiple media outlets, including WATD-FM (of Marshfield, Mass.), the Palladium-Times (of Oswego, N.Y.), the Pottstown (Pa.) Mercury and the Citizens' Voice (of Wilkes-Barre, Pa.).

Press Releases Today

NRC Issues Mid-Cycle Assessments for Nation's Nuclear Plants

Social Media Today

Blog: "Continued Storage" – What It Means and What it Doesn't <http://public-blog.nrc.gov/2014/09/04/continued-storage-what-it-means-and-what-it-doesnt/>

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**From:** Uselding, Lara  
**Sent:** Friday, September 05, 2014 9:32 AM  
**To:** Dapas, Marc; Kennedy, Kriss; Pruett, Troy; Hay, Michael; Clark, Jeff; Miller, Geoffrey; Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David; Dricks, Victor  
**Cc:** Hipschman, Thomas; Reynoso, John; Walker, Wayne; Alexander, Ryan; Buchanan, Theresa  
**Subject:** NRC is reviewing employee's concerns | Letters to the Editor | SanLuisObispo

<http://www.sanluisobispo.com/2014/09/05/3228909/nrc-is-reviewing-employees-concerns.html?sp=/99/181/182/>

My Letter to the Editor ran today in the News Tribune in response to two editorials on Diablo Canyon and the DPO. Wasn't in the clips so I am emailing it. There was also another letter to the editor this morning that is in the clips.

Lara

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**From:** Harrington, Holly  
**Sent:** Monday, September 08, 2014 9:10 AM  
**To:** Brenner, Eliot; McIntyre, David; Burnell, Scott; Uselding, Lara; Dricks, Victor  
**Subject:** per Mark, the DPO is getting signed today

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

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**From:** Harrington, Holly  
**Sent:** Wednesday, September 10, 2014 10:17 AM  
**To:** Uselding, Lara; Brenner, Eliot; Burnell, Scott  
**Subject:** RE: DPOemailto reporters.docx

I believe we'd be giving them the URL for the package rather than sending an attachment?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

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**From:** Uselding, Lara  
**Sent:** Wednesday, September 10, 2014 10:11 AM  
**To:** Brenner, Eliot; Burnell, Scott  
**Cc:** Harrington, Holly  
**Subject:** DPOemailto reporters.docx  
**Importance:** High

Hello REPORTER NAME:

Based on your interest in the Michael Peck differing professional opinion story that ran a couple of weeks ago, I am sharing the agency's final decision that was made public today. Per the process, the Executive Director of Operations, Mark Satorius, has made a decision on the appeal and the submitter expressed his wish to have the file publically released.

To refresh your memory, the submitter Michael Peck stated that the new Shoreline fault information should be compared to the double design earthquake (DDE) and that PG&E needed a license amendment.

The independent reviewing panel (page 3) disagrees and states, "...an amendment to the license was not required because the Shoreline fault zone ground motions do not exceed the levels evaluated in the plant's design and licensing." Further, "...there is more than one appropriate evaluation method for evaluating the new seismic information. The Hosgri evaluation methods for structures used higher damping values than the Double Design earthquake." It goes on to say that "substituting the new seismic information into the calculation construct of the DDE would offer little insight as to how the structures, systems, and components would perform because the older techniques for overly conservative and no longer technically justified."

Also, let me draw your attention to page 5 of the attached document. Satorius says, "In the appeal, you noted your agreement with the Ad Hoc Review Panel's conclusion that issues raised in the DPO do not result in a significant or immediate safety concern. You also state agreement that the potential ground motions for the Shoreline fault do not exceed the levels considered during licensing of the plant."

Feel free to call me with additional questions.



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**From:** Uselding, Lara  
**Sent:** Wednesday, September 10, 2014 11:07 AM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Subject:** SLO Tribune editorial: September 10, 2014, NRC must shut Diablo

Appropriate timing for me to send DPO to news tribune reporter and editor

NRC must shut Diablo

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**From:** Uselding, Lara  
**Sent:** Wednesday, September 10, 2014 3:09 PM  
**To:** Brenner, Eliot; Harrington, Holly; Dricks, Victor  
**Cc:** Dapas, Marc; Kennedy, Kriss  
**Subject:** TNT

DIABLO CANYON – We spoke to Bloomberg, AP, News Tribune San Luis Obispo, and Central Coast News reporters about the EDO's public release of the DPO file submitted by Michael Peck. We explained the lengthy file's contents and pointed to language used in document 8 provided by the EDO addressing Peck's concerns. We explained Diablo's unique seismic licensing and design basis and highlighted there is not a safety concern with the continued safe operation of the plant.

Today PGE issued a seismic study report to the state per Assembly Bill 1632. The PG&E report, press release, and additional information can be found [here](#).

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**From:** Uselding, Lara  
**Sent:** Wednesday, September 10, 2014 4:28 PM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** TNT update

DIABLO CANYON – We spoke to Bloomberg, LA Times, AP, News Tribune San Luis Obispo, KSBY-TV, Platts Nuclear, and Central Coast News reporters about the EDO's public release of the DPO file submitted by Michael Peck. We explained the lengthy file's contents and pointed to language used in document 8 provided by the EDO addressing Peck's concerns. We explained Diablo's unique seismic licensing and design basis and highlighted there is not a safety concern with the continued safe operation of the plant.

Today PGE issued a seismic study report to the state per Assembly Bill 1632. The PG&E report , press release, and additional information can be found [here](#).

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**From:** Burnell, Scott  
**Sent:** Thursday, September 11, 2014 7:43 AM  
**To:** Bates, Andrew; Hart, Ken; Bovol, Rochelle; Laufer, Richard; Akstulewicz, Brenda; Jimenez, Patricia  
**Cc:** Brenner, Eliot; Harrington, Holly; Savoy, Carmel; McIntyre, David  
**Subject:** Morning note

OPA – The news is dominated by coverage of both the EDO's decision on a differing professional opinion regarding Diablo Canyon and Pacific Gas & Electric's latest seismic report concerning the plant. International news continued covering the Japanese regulator's decision to allow restart of the Sendai plant

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**From:** Harrington, Holly  
**Sent:** Friday, September 12, 2014 5:14 PM  
**To:** Harrington, Holly  
**Subject:** Tomorrow's News Tonight

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CHAIRMAN INTERVIEW COVERAGE – E&E News filed a story today based on the chairman's comments yesterday to reporters that what the Yucca Mountain issue is lacking is an applicant. A link to that story is below, followed by links to the American Nuclear Society coverage of their session with the chairman and nuclear bloggers, and a lengthy piece by nuclear blogger Rod Adams who attended the ANS session in person.

<http://www.eenews.net/greenwire/2014/09/12/stories/1060005738>

<http://ansnuclearcafe.org/2014/09/11/ans-webinar-with-nrc-chairman-allison-macfarlane-a-success/>

<http://atomicinsights.com/continuing-conversation-nrc-chairman-macfarlane/>

MILLSTONE – The Southold (Long Island) Local had questions about two Special Inspection reports issued in late August. One concerned the dual unit loss of off-site power in May; the other was conducted to look into issues with a turbine driven aux feed pump.

SUSQUEHANNA – The Region issued a letter today returning the plant to routine oversight. The plant had been the degraded cornerstone column of the action matrix. The Press Enterprise (Bloomsburg, Pa.) is writing a short story on this.

UNIV. OF MISSOURI—OPA Region III briefly discussed the University's recent submittal request for an alternative decommissioning schedule for Pickard Hall with a reporter from the University's paper "The Maneater." Pickard Hall houses the Museum of Art and Archeology and is on the National Register of Historic Places. OPA also told the reporter the building remains safe and we will review the request.

Social Media Today

Blog: The Latest Chapter in Diablo Canyon's Seismic Saga <http://public-blog.nrc-gateway.gov/2014/09/12/the-latest-chapter-in-diablo-canyons-seismic-saga/>

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**From:** Burnell, Scott  
**Sent:** Monday, September 15, 2014 7:29 AM  
**To:** Bates, Andrew; Hart, Ken; Baval, Rochelle; Laufer, Richard; Akstulewicz, Brenda; Jimenez, Patricia  
**Cc:** Brenner, Eliot; Harrington, Holly; Savoy, Carmel  
**Subject:** Morning note

OPA -- The Chairman's comments last week at a bloggers roundtable and media event, particularly her discussion of Yucca Mountain issues, leads the weekend news. An expected confirmation vote on Commission nominees Stephen Burns and Jeffery Baran also received coverage as did Diablo Canyon seismic issues and updates on Vogtle new reactor construction.

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**From:** Couret, Ivonne  
**Sent:** Monday, September 15, 2014 9:11 AM  
**To:** Brenner, Eliot  
**Subject:** FW: Blog Question Comment Posted

Eliot, I forgot to cc you on this blog comment/question. I sent it to Lara and Scott for follow up. Ivonne

**From:** Couret, Ivonne  
**Sent:** Monday, September 15, 2014 9:09 AM  
**To:** Burnell, Scott; Uselding, Lara  
**Subject:** Blog Question Comment Posted

Blog Question/comment from post The Latest Chapter in Diablo Canyon's Seismic Saga:  
<http://sanonofresafety.org/earthquake-and-tsunami-risks/>

Where do the following facts fit within the NRC's analysis?

The USGS states no one has ever predicted a major earthquake. They do not know how.

The size of an earthquake fault can change AFTER an earthquake starts.

No one's can predict the g-force of a large earthquake.

Ivonne L. Couret  
Public Affairs Officer  
Office of Public Affairs  
[U.S. Nuclear Regulatory Commission](#)  
301-415-8205

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**From:** Burnell, Scott  
**Sent:** Thursday, September 18, 2014 2:20 PM  
**To:** McIntyre, David; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

Not before 3, anyway...

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**From:** McIntyre, David  
**Sent:** Thursday, September 18, 2014 2:20 PM  
**To:** Burnell, Scott; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

You're too busy this afternoon, remember?

---

**From:** Burnell, Scott  
**Sent:** Thursday, September 18, 2014 1:57 PM  
**To:** McIntyre, David; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

And me, me too!

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**From:** McIntyre, David  
**Sent:** Thursday, September 18, 2014 1:56 PM  
**To:** Uselding, Lara; Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

Hi Lara – Eliot's in a commission agenda planning meeting. He and I are going to discuss this in about 30 minutes when he gets back.

Dave

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**From:** Uselding, Lara  
**Sent:** Thursday, September 18, 2014 1:51 PM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David  
**Subject:** AP Michael Blood Qs: Response to press release from FOE, other groups

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**From:** Blood, Michael [<mailto:mblood@ap.org>]  
**Sent:** Thursday, September 18, 2014 12:17 PM  
**To:** Uselding, Lara  
**Subject:** Response to press release from FOE, other groups

Lara,

I've attached a publicly released media announcement below. I'm assuming you'll handle the FOIA in the normal process. I have a few additional questions related to this,

I'd like to know, specifically, did the NRC and PGE coordinate to release these documents (Peck decision and seismic study) on the same day? If so, why?

The statement raises the question if the NRC and PGE "improperly worked together." Please address that directly in your response.

What rules/regulations govern your relationship with PGE on these types of matters?

Did PGE have any early notice of the Peck decision, which you told me was a confidential, internal process? Did PGE or their representatives have any access-input-advice to the decision-making process with the DPO?

Thanks.

**For Immediate Release:**  
September 18, 2014

## **Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety? Friends of the Earth files Freedom of Information Act request**

**WASHINGTON, D.C.** – Last week the Nuclear Regulatory Commission denied a dissent by the former chief inspector at the Diablo Canyon nuclear plant, who said new seismic data show the plant may be vulnerable to earthquakes of greater magnitude than allowed by its license. On the same day, Pacific Gas & Electric Co. released a long-awaited seismic study that, like the NRC's ruling, also claimed that Diablo Canyon is safe.

Was the timing a coincidence? Friends of the Earth doubts it.

Today, Friends of the Earth, joined by Public Employees for Environmental Responsibility, Mothers for Peace and the Santa Lucia Chapter of the Sierra Club filed a Freedom of Information Act request to determine whether the NRC and PG&E improperly worked together on a public relations strategy to counteract widespread news coverage of the inspector's dissent. According to the FOIA request, filed with the NRC in Washington:

The PG&E seismic report, released on the same day [as the decision on the inspector's dissent] indicates a possible relationship between the regulator and its licensee that has brought up widespread public concern regarding the independence of the regulator. There have been numerous concerns as to how the two documents could have been released simultaneously, given that [the handling of the inspector's dissent] has been kept secret.

The FOIA filing comes three days after three PG&E executives and a top staff member of the California Public Utilities Commission were removed for improperly working together to appoint the company's preferred judge to a case stemming from a September 2010 gas line explosion that killed eight people in San Bruno, California.

"You don't have to look any further than today's headlines to see that PG&E is capable of trying to improperly influence a government regulator when its profits are on the line," said Damon Moglen, Senior strategic advisor for Friends of the Earth. "Unfortunately, the NRC's track record on this issue shows an unfortunate tendency to put PG&E's interests before those of public safety. We want to find out to what extent PG&E and the NRC worked together to spin the story that Diablo Canyon is safe, despite the mounting evidence that it is vulnerable to quakes more powerful than it was built to withstand."

San Luis Obispo County supervisor Bruce Gibson, a seismologist and member of the Independent Peer Review Panel for Diablo Canyon appointed by the CPUC, also questioned the timing of the release of PG&E's report.

"PG&E chose to finalize its entire report and release it to the public before it sought any comment from—or even contacted—the peer review panel," Gibson wrote in the San Luis Obispo Tribune. "It appears to me that PG&E's public relations staff advised them to get their story to the public before any detailed questions might be asked."

Dr. Michael Peck, the former chief inspector at Diablo Canyon, in June 2013 filed a dissent known as a Differing Professional Opinion, or DPO, raising concerns that the plant might not withstand an earthquake on one of several fault lines that were not known when it was designed and built more than 40 years ago. Peck called for the shutdown of the plant until and unless PG&E could prove it is safe.

For more than a year, the NRC kept Peck's DPO secret and took no action on it. On August 25, 2014, the Associated Press revealed the existence of Peck's document, prompting Sen. Barbara Boxer of California to call a hearing to examine NRC's handling of the dissent. On September 10, the NRC announced it had ruled against Peck. Within hours, PG&E released a seismic safety study the NRC had ordered in the wake of the Fukushima nuclear disaster in March 2011.

"PG&E's seismic safety study is one more example of its half-century history of trying to rationalize away the extreme earthquake hazards to the Diablo Canyon reactors," said Jane Swanson, San Luis Obispo Mothers for Peace. "Despite three earthquake faults identified near Diablo, the NRC has continued to allow this devil of a plant to continue to operate."

Under federal law, the NRC has 20 days to respond to the Freedom of Information Act request.

###



**ASSOCIATED PRESS**

**Michael R. Blood**  
Los Angeles, Calif.

(b)(6)  
<http://twitter.com/MichaelRBloodAP>

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**From:** Uselding, Lara  
**Sent:** Thursday, September 18, 2014 3:03 PM  
**To:** Blood, Michael  
**Subject:** RE: Response to press release from FOE, other groups

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**From:** Blood, Michael [mailto:mblood@ap.org]  
**Sent:** Thursday, September 18, 2014 12:17 PM  
**To:** Uselding, Lara  
**Subject:** Response to press release from FOE, other groups

Lara,

I've attached a publicly released media announcement below. I'm assuming you'll handle the FOIA in the normal process. I have a few additional questions related to this,

I'd like to know, specifically, did the NRC and PGE coordinate to release these documents (Peck decision and seismic study) on the same day? If so, why?

No

The statement raises the question if the NRC and PGE "improperly worked together." Please address that directly in your response.

We know of no collaboration between NRC and PG&E regarding the individual timing of releases. (i.e. DPO decision and state-required report)

However, we take these matters seriously and the NRC staff itself has referred the matter to the agency's Inspector General.

What rules/regulations govern your relationship with PGE on these types of matters?

We do not share pre-decisional information with licensees.

Did PGE have any early notice of the Peck decision, which you told me was a confidential, internal process?

Did PGE or their representatives have any access-input-advice to the decision-making process with the DPO?

PG&E had no access, input, or advice on what was purely an internal matter. They were informed of the DPO decision at approximately the same time as the news media on Sep. 10.

Thanks.

**For Immediate Release:**  
September 18, 2014

## **Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?**

**Friends of the Earth files Freedom of Information Act request**

**WASHINGTON, D.C.** – Last week the Nuclear Regulatory Commission denied a dissent by the former chief inspector at the Diablo Canyon nuclear plant, who said new seismic data show the plant may be vulnerable to earthquakes of greater magnitude than allowed by its license. On the same day, Pacific Gas & Electric Co. released a long-awaited seismic study that, like the NRC's ruling, also claimed that Diablo Canyon is safe.

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San Luis Obispo County supervisor Bruce Gibson, a seismologist and member of the Independent Peer Review Panel for Diablo Canyon appointed by the CPUC, also questioned the timing of the release of PG&E's report.

"PG&E chose to finalize its entire report and release it to the public before it sought any comment from—or even contacted—the peer review panel," Gibson wrote in the San Luis Obispo Tribune. "It appears to me that PG&E's public relations staff advised them to get their story to the public before any detailed questions might be asked."

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Under federal law, the NRC has 20 days to respond to the Freedom of Information Act request.

###



**ASSOCIATED PRESS**

Michael R. Blood  
Los Angeles, Calif.

(b)(6)

<http://twitter.com/MichaelRBloodAP>

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**From:** Brenner, Eliot  
**Sent:** Thursday, September 18, 2014 5:01 PM  
**To:** Brenner, Eliot  
**Subject:** Tomorrow's news tonight -- read and delete

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EPR DESIGN CERTIFICATION – OPA facilitated a Finnish TV interview with NRO regarding the status of the NRC's review of Areva's EPR design certification application. NRO discussed the need for additional information before an overall schedule, technical issues being discussed, and the review process as a whole.

FOIA – Friends of the Earth and several other groups said today they have filed a FOIA because they suspect “the NRC and PG&E improperly worked together on a public relations strategy to counteract widespread news coverage” of a DPO dissent about Diablo Canyon. OPA knows of no communication with the licensee on the timing of our outreach to reporters and a seismic news release issued the same day by PG&E. We told reporters who asked both that and that NRC staff had forwarded the issue to the NRC IG. The Associated Press and Platts were among those calling about the FOE filing.

<http://www.foe.org/news/news-releases/2014-09-did-pge-and-the-nrc-work-together-to-spin-news-on-diablo-canyon-quake-safety>

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2014-0488

2

RESPONSE  
TYPE☐ FINAL☒ PARTIAL

REQUESTER

Damon Moglen

DATE

NOV 14 2014

**PART I. -- INFORMATION RELEASED**

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐

GROUP
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 Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- ☒

GROUP C & D
----------------

 Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- ☒

GROUP C & D
----------------

 Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☒ We are continuing to process your request.
- ☒ See Comments.

**PART I.A -- FEES**

AMOUNT\*

- \$ 



☐ You will be billed by NRC for the amount listed. ☐ None. Minimum fee threshold not met.
- \* See comments for details ☐ You will receive a refund for the amount listed. ☐ Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- ☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS ( Use attached Comments continuation page if required)**

The incoming request FOIA/PA 2014-0488 will be made available in ADAMS as ML14261A399.

Portions of documents in Group A have been marked out of scope as these information do not concern Diablo Canyon and the DPO.

Records with an ML accession number are available in the NRC Library at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

SIGNATURE, FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Roger D. Andoh

RESPONSE TO FREEDOM OF INFORMATION  
ACT (FOIA) / PRIVACY ACT (PA) REQUEST

DATE

NOV 14 2014

## PART II.A -- APPLICABLE EXEMPTIONS

GROUP

C

Records subject to the request that are contained in the specified group are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
- ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C., Section 4702(b), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ The information is considered to be confidential business (proprietary) information.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Disclosure will harm an identifiable private or governmental interest.
- ☒ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
- ☒ Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
- ☐ Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
- ☐ Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- ☒ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☐ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☐ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrong doing or a violation of NRC requirements from investigators).
- ☐ (C) Disclosure could constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ OTHER (Specify)

## PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Eliot Brenner	Director, Office of Public Affairs	C1 thru C34	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

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**From:** Juliana Hoskinson <jhoskinson@bulletinintelligence.com>  
**Sent:** Friday, September 05, 2014 9:39 AM  
**To:** Harrington, Holly; bulletin news  
**Subject:** RE: NRC is reviewing employee's concerns | Letters to the Editor | SanLuisObispo

Hi Holly,

Thanks for the link. From what I could gather, it posted about an hour or so ago, so we wouldn't have caught it. We'll be sure to include it Monday.

Best regards,  
Juliana

Juliana Hoskinson  
Director of Product Management  
(703) 483-6192 (work) | (703) 483-6112 (fax)

-----Original Message-----

From: Harrington, Holly [<mailto:Holly.Harrington@nrc.gov>]  
Sent: Friday, September 05, 2014 9:36 AM  
To: bulletin news ([NRC-editors@bulletinnews.com](mailto:NRC-editors@bulletinnews.com))  
Subject: FW: NRC is reviewing employee's concerns | Letters to the Editor  
| SanLuisObispo

This was missing from the clips. Can you make sure it gets into Monday's version?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

From: Uselding, Lara  
Sent: Friday, September 05, 2014 9:32 AM  
To: Dapas, Marc; Kennedy, Kriss; Pruett, Troy; Hay, Michael; Clark, Jeff; Miller, Geoffrey; Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David; Dricks, Victor  
Cc: Hipschman, Thomas; Reynoso, John; Walker, Wayne; Alexander, Ryan; Buchanan, Theresa  
Subject: NRC is reviewing employee's concerns | Letters to the Editor | SanLuisObispo

<http://www.sanluisobispo.com/2014/09/05/3228909/nrc-is-reviewing-employees-concerns.html?sp=/99/181/182/>

My Letter to the Editor ran today in the News Tribune in response to two editorials on Diablo Canyon and the DPO. Wasn't in the clips so I am emailing it. There was also another letter to the editor this morning that is in the clips.

Lara

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**From:** Uselding, Lara  
**Sent:** Thursday, September 04, 2014 4:32 PM  
**To:** Harrington, Holly  
**Subject:** RE: Draft Letter to the Editor

Yes, that was the plan

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**From:** Harrington, Holly  
**Sent:** Thursday, September 04, 2014 3:16 PM  
**To:** Uselding, Lara  
**Subject:** FW: Draft Letter to the Editor

This is good to go. Are you putting it under your name?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Harrington, Holly  
**Sent:** Wednesday, September 03, 2014 1:23 PM  
**To:** Uselding, Lara; Galloway, Melanie; Pedersen, Renee; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

Attached is a draft final version based on your feedback. I'd like to send it to the Chairman's Office today. Please let me know if additional revisions are needed.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Uselding, Lara  
**Sent:** Wednesday, September 03, 2014 12:54 PM  
**To:** Harrington, Holly; Galloway, Melanie; Pedersen, Renee; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** Re: Draft Letter to the Editor

That is my understanding especially since the DPO was released to the public already. in this case, wouldn't that affect decision? Same person's NCPs were publically released and have been discussed with locals at public meetings about Diablo.

Lara  
RIV OPA  
Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Harrington, Holly  
**Sent:** Wednesday, September 03, 2014 11:40 AM  
**To:** Galloway, Melanie; Pedersen, Renee; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

Renee – can you speak to Melanie’s question? It was my understanding that release would occur if the requested wished – once it was scrubbed for security/sensitive information.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Galloway, Melanie  
**Sent:** Wednesday, September 03, 2014 12:13 PM  
**To:** Pedersen, Renee; Harrington, Holly; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

My only comment is that the letter implies in 3 places that the only consideration in public release is whether the submitter would like the information released. But isn't there also consideration from an agency standpoint as to whether we want public release? Maybe not in this case but in general. And I wouldn't want to leave an impression that the only consideration is with the views of the submitter. Before stating that we will provide a public link to the DPO case file, we should ensure that we agree it can all be released.

---

**From:** Pedersen, Renee  
**Sent:** Wednesday, September 03, 2014 8:10 AM  
**To:** Harrington, Holly; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Galloway, Melanie; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

Holly,

Here are my comments on the article. I tried to put a link to the DPO MD under the words about DPO guidance, but it wouldn't link in the redline strikeout mode. You may want to do this, because the message is that we are in process!

Please let me know if you have any questions.

Renée

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 3:40 PM  
**To:** Johnson, Michael; Williamson, Edward; Pedersen, Renee  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot  
**Subject:** RE: Draft Letter to the Editor

To clarify – we assume you will share this with whomever else need to also review it. We will share a final (if it gets to that point) with the Chairman's Office.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 3:03 PM  
**To:** Johnson, Michael; Williamson, Edward; Pedersen, Renee  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot  
**Subject:** Draft Letter to the Editor

We have drafted a proposed "Letter to the Editor" in response to an earlier editorial and a letter to the editor at the San Luis Obispo (CA) Tribune (9/1, 126K which says, in part, that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone."

The letter to the editor addressing primarily the issue above in red is attached. Can you please review it to ensure it is factually accurate and appropriately worded. Please send me any suggestions for changes. We will then run it by the Chairman's Office.

We do need to do this quickly in order for it to be relevant in the "news" world, so I apologize for the haste with which we'd like it reviewed.

Thank you!

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

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**From:** Zimmerman, Roy  
**Sent:** Wednesday, September 03, 2014 1:51 PM  
**To:** Harrington, Holly  
**Subject:** RE: Draft Letter to the Editor

Well done, thx

---

**From:** Harrington, Holly  
**Sent:** Wednesday, September 03, 2014 1:23 PM  
**To:** Uselding, Lara; Galloway, Melanie; Pedersen, Renee; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

Attached is a draft final version based on your feedback. I'd like to send it to the Chairman's Office today. Please let me know if additional revisions are needed.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

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**From:** Uselding, Lara  
**Sent:** Wednesday, September 03, 2014 12:54 PM  
**To:** Harrington, Holly; Galloway, Melanie; Pedersen, Renee; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** Re: Draft Letter to the Editor

That is my understanding especially since the DPO was released to the public already. in this case, wouldn't that affect decision? Same person's NCPs were publically released and have been discussed with locals at public meetings about Diablo.

Lara  
RIV OPA  
Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Harrington, Holly  
**Sent:** Wednesday, September 03, 2014 11:40 AM  
**To:** Galloway, Melanie; Pedersen, Renee; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

Renee – can you speak to Melanie's question? It was my understanding that release would occur if the requested wished – once it was scrubbed for security/sensitive information.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

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**From:** Galloway, Melanie  
**Sent:** Wednesday, September 03, 2014 12:13 PM  
**To:** Pedersen, Renee; Harrington, Holly; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

My only comment is that the letter implies in 3 places that the only consideration in public release is whether the submitter would like the information released. But isn't there also consideration from an agency standpoint as to whether we want public release? Maybe not in this case but in general. And I wouldn't want to leave an impression that the only consideration is with the views of the submitter. Before stating that we will provide a public link to the DPO case file, we should ensure that we agree it can all be released.

---

**From:** Pedersen, Renee  
**Sent:** Wednesday, September 03, 2014 8:10 AM  
**To:** Harrington, Holly; Johnson, Michael; Williamson, Edward; Zimmerman, Roy  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot; Holahan, Patricia; Galloway, Melanie; Solorio, Dave; Sewell, Margaret  
**Subject:** RE: Draft Letter to the Editor

Holly,

Here are my comments on the article. I tried to put a link to the DPO MD under the words about DPO guidance, but it wouldn't link in the redline strikeout mode. You may want to do this, because the message is that we are in process!

Please let me know if you have any questions.

Renée

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 3:40 PM  
**To:** Johnson, Michael; Williamson, Edward; Pedersen, Renee  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot  
**Subject:** RE: Draft Letter to the Editor

To clarify – we assume you will share this with whomever else need to also review it. We will share a final (if it gets to that point) with the Chairman's Office.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 3:03 PM  
**To:** Johnson, Michael; Williamson, Edward; Pedersen, Renee  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot  
**Subject:** Draft Letter to the Editor

We have drafted a proposed "Letter to the Editor" in response to an earlier editorial and a letter to the editor at the San Luis Obispo (CA) Tribune (9/1, 126K which says, in part, that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone."

The letter to the editor addressing primarily the issue above in red is attached. Can you please review it to ensure it is factually accurate and appropriately worded. Please send me any suggestions for changes. We will then run it by the Chairman's Office.

We do need to do this quickly in order for it to be relevant in the "news" world, so I apologize for the haste with which we'd like it reviewed.

Thank you!

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, September 02, 2014 2:07 PM  
**To:** Uselding, Lara; Harrington, Holly  
**Subject:** Re: With EDITS: Revisit thoughts on a letter to editor RE: DPO

Mischaracterizations by public interest groups state the information was kept secret and that is simply not the case.

Change this sentence to read: those who suggest the decision was hidden are mistaken.

Drop the word 'the' after xxx process and xxx in the next sentence

Add a sentence at the end of the pgh that says xxx We have received no request from the submitter at this writing to make the documents public.

With those changes, put it into concurrence.

(b)(5)

----- Original Message -----

**From:** Uselding, Lara  
**Sent:** Tuesday, September 02, 2014 07:59 PM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** With EDITS: Revisit thoughts on a letter to editor RE: DPO

The word on the street, as reflected in an Aug. 28 editorial entitled "NRC should respond to the Diablo report" and a Sep. 1 "Close Diablo Canyon" letter, is that the Nuclear Regulatory Commission has not answered one of its current employee's differing professional opinion and is hiding its contents. A Differing Professional Opinion (DPO) is one of many paths the NRC encourages staff to use for officially documenting their differing views, including an Open Door Policy and a Non-Concurrence Process.

To provide clarity, a decision was rendered by the Nuclear Reactor Regulation Director to the submitter, Michael Peck, and he appealed the decision resulting in additional review from the Executive Director of Operations. Once that decision is rendered the submitter can request to have the documents publically released.

Before this process was complete, a document purporting to be Mr. Peck's DPO was published by interest groups. In keeping with our practice to protect those who want to challenge an agency decision, that document was not provided by the NRC. Mischaracterizations by public interest groups state the information was kept secret and that is simply not the case. The DPO process is an internal process and the NRC employees have a right to privacy. Until a final decision is issued, no documents would be released unless the submitter expresses an interest having them shared publically.

The NRC strives to establish and maintain an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. It is a healthy and necessary part of the regulatory process and the agency has an obligation to protect the individuals submitting non-concurrences and DPOs.

The NRC expects to complete the appeal in mid-September 2014 and following the appeal decision, the staff will seek permission from the submitter to release the DPO case file.

From: Brenner, Eliot  
Sent: Tuesday, September 02, 2014 12:19 PM  
To: Uselding, Lara  
Cc: Harrington, Holly  
Subject: Re: Revisit thoughts on a letter to editor RE: DPO

Write something short and tame and let me see it.

From: Uselding, Lara  
Sent: Tuesday, September 02, 2014 07:16 PM  
To: Brenner, Eliot  
Cc: Harrington, Holly  
Subject: Revisit thoughts on a letter to editor RE: DPO

Hi: Holly said I could email you as I asked to revisit writing a letter to editor clarifying the DPO process to state that we aren't "hiding" anything...this aired again in the News Tribune SLO yesterday

Letter Writer Faults NRC Response To Former Official's Claims. In a letter to the editor of the San Luis Obispo (CA) Tribune<<http://www.sanluisobispo.com/2014/09/01/3222262/close-diablo-canyon.html#storylink=rss>> (9/1, 126K), Debbie Highfill of Morro Bay, writes that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone."

Any thoughts on me submitting a short, tame letter to the editor?

Lara Uselding  
U.S. Nuclear Regulatory Commission (NRC) Public Affairs – Region IV, Arlington, Texas  
817.200.1519  
[lara.uselding@nrc.gov](mailto:lara.uselding@nrc.gov)<<mailto:lara.uselding@nrc.gov>>

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, September 02, 2014 1:55 PM  
**To:** Uselding, Lara  
**Cc:** Harrington, Holly  
**Subject:** RE: Revisit thoughts on a letter to editor RE: DPO

Good, but we cannot say the dpo was leaked to the press. We can say that a document purporting to be Mr. Peck's dpo was published by interest groups. In keeping with our practice to protect those who want to challenge an agency decision, that document was not provided by the NRC. Please weave that in and let me see it again. Then, when I am comfortable with it, I want it reviewed by OGC, by whoever is most familiar with the dpo process, like maybe OE, by the EDO and then b

yc jen swartzman for OCM. We must be exceedingly careful with this.

Eliot Brenner  
Director, Office of Public Affairs  
U.S. Nuclear Regulatory Commission  
Rockville, Md. 20852  
O: 301-415-8200 C: (b)(6)

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**From:** Uselding, Lara  
**Sent:** Tuesday, September 02, 2014 1:43 PM  
**To:** Brenner, Eliot  
**Cc:** Harrington, Holly  
**Subject:** RE: Revisit thoughts on a letter to editor RE: DPO

The word on the street, as reflected in an Aug. 28 editorial entitled "NRC should respond to the Diablo report," and a Sep. 1 "Close Diablo Canyon" letter, is that the Nuclear Regulatory Commission has not answered one of its current employee's differing professional opinion in a timely fashion and is hiding its contents. A Differing Professional Opinion (DPO) is one many paths the NRC encourages staff to use for officially documenting their differing views, including an Open Door Policy and a Non-Concurrence Process.

To provide clarity, a decision was rendered by the Nuclear Reactor Regulation Director to the submitter, Michael Peck, and he appealed the decision resulting in additional review from the Executive Director of Operations. Once that decision is rendered the submitter can request to have the documents publically released.

Before this process was complete, the differing professional opinion was leaked to the press. Mischaracterizations by public interest groups state this was kept secret and that is simply not the case. The DPO process is an internal process and the NRC employees have a right to privacy. Until a final decision is issued, no documents would be publically released unless the submitter expresses an interest in doing so.

The NRC strives to establish and maintain an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. It is a healthy and necessary part of the regulatory process and the agency has an obligation to protect the individuals submitting non-concurrences and DPOs.

The NRC expects to complete the appeal in mid-September 2014 and following the appeal decision, the staff will seek permission from the submitter to release the DPO case file.

We can check this part with EDO's office for clarification

From: Brenner, Eliot  
Sent: Tuesday, September 02, 2014 12:19 PM  
To: Uselding, Lara  
Cc: Harrington, Holly  
Subject: Re: Revisit thoughts on a letter to editor RE: DPO

Write something short and tame and let me see it.

From: Uselding, Lara  
Sent: Tuesday, September 02, 2014 07:16 PM  
To: Brenner, Eliot  
Cc: Harrington, Holly  
Subject: Revisit thoughts on a letter to editor RE: DPO

Hi: Holly said I could email you as I asked to revisit writing a letter to editor clarifying the DPO process to state that we aren't "hiding" anything...this aired again in the News Tribune SLO yesterday

Letter Writer Faults NRC Response To Former Official's Claims. In a letter to the editor of the San Luis Obispo (CA) Tribune<<http://www.sanluisobispo.com/2014/09/01/3222262/close-diablo-canyon.html#storylink=rss>> (9/1, 126K), Debbie Highfill of Morro Bay, writes that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone."

Any thoughts on me submitting a short, tame letter to the editor?

Lara Uselding  
U.S. Nuclear Regulatory Commission (NRC) Public Affairs – Region IV, Arlington, Texas  
817.200.1519  
[lara.uselding@nrc.gov](mailto:lara.uselding@nrc.gov)<<mailto:lara.uselding@nrc.gov>>

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, August 26, 2014 12:15 PM  
**To:** Uselding, Lara; Harrington, Holly; Burnell, Scott  
**Cc:** Dricks, Victor  
**Subject:** RE:

One riot. One ranger.

-----Original Message-----

From: Uselding, Lara  
Sent: Tuesday, August 26, 2014 12:12 PM  
To: Brenner, Eliot; Harrington, Holly; Burnell, Scott  
Cc: Dricks, Victor  
Subject: RE:

Please keep me posted...what a storm of activity - napa eq, seismic, sewell report, dpo leak, state report AND this final review

-----Original Message-----

From: Brenner, Eliot  
Just FYI, Satorius is expected to finish his decision

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, August 26, 2014 11:30 AM  
**To:** Uselding, Lara; Harrington, Holly; Burnell, Scott  
**Cc:** Dricks, Victor  
**Subject:** RE: BLOG IN PREP FOR STATE REPORT....Earthquake Research Continues at Diablo Canyon | U.S. NRC Blog

Just FYI, Satorius is expected to finish his decision on the DPO this week. perhaps it might be best to get a package of things and roll them up in one?

-----Original Message-----

**From:** Uselding, Lara  
**Sent:** Tuesday, August 26, 2014 11:27 AM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Cc:** Dricks, Victor  
**Subject:** BLOG IN PREP FOR STATE REPORT....Earthquake Research Continues at Diablo Canyon | U.S. NRC Blog

<http://public-blog.nrc-gateway.gov/2012/10/22/earthquake-research-continues-at-diablo-canyon/>

In light of 1) all the media attention on the DPO and seismic concerns and 2) in anticipation of the state report, I propose we do an update to Scott's well written seismic blog. So when the report hits the street in the coming days, we are prepared to provide all the complex seismic activity and analyses from our perspective.

We can discuss the HOW. Holly, perhaps it would just be an update to this blog?

Lara

---

**From:** Schwartzman, Jennifer  
**Sent:** Friday, September 12, 2014 1:49 PM  
**To:** Harrington, Holly  
**Subject:** RE: second stab at Diablo blog post  
**Attachments:** DiabloRpt\_blog\_srb.docx

Here it is with our comments.

---

**From:** Harrington, Holly  
**Sent:** Thursday, September 11, 2014 3:57 PM  
**To:** Schwartzman, Jennifer  
**Subject:** second stab at Diablo blog post

See what you think. I'm much happier. It's now 13.9 BTW

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Uselding, Lara  
**Sent:** Friday, September 05, 2014 9:55 AM  
**To:** Harrington, Holly  
**Subject:** RE: NRC is reviewing employee's concerns | Letters to the Editor | SanLuisObispo

Thanks for your help pushing it through , we needed to have it run :)

-----Original Message-----

From: Harrington, Holly  
Sent: Friday, September 05, 2014 8:36 AM  
To: Uselding, Lara; Dapas, Marc; Kennedy, Kriss; Pruett, Troy; Hay, Michael; Clark, Jeff; Miller, Geoffrey; Brenner, Eliot; Burnell, Scott; McIntyre, David; Dricks, Victor  
Cc: Hipschman, Thomas; Reynoso, John; Walker, Wayne; Alexander, Ryan; Buchanan, Theresa  
Subject: RE: NRC is reviewing employee's concerns | Letters to the Editor | SanLuisObispo

I'll get it to Bulletin News

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

From: Uselding, Lara  
Sent: Friday, September 05, 2014 9:32 AM  
To: Dapas, Marc; Kennedy, Kriss; Pruett, Troy; Hay, Michael; Clark, Jeff; Miller, Geoffrey; Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David; Dricks, Victor  
Cc: Hipschman, Thomas; Reynoso, John; Walker, Wayne; Alexander, Ryan; Buchanan, Theresa  
Subject: NRC is reviewing employee's concerns | Letters to the Editor | SanLuisObispo

<http://www.sanluisobispo.com/2014/09/05/3228909/nrc-is-reviewing-employees-concerns.html?sp=/99/181/182/>

My Letter to the Editor ran today in the News Tribune in response to two editorials on Diablo Canyon and the DPO. Wasn't in the clips so I am emailing it. There was also another letter to the editor this morning that is in the clips.  
Lara

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**From:** Brenner, Eliot  
**Sent:** Wednesday, September 10, 2014 10:22 AM  
**To:** Uselding, Lara; Burnell, Scott  
**Cc:** Harrington, Holly  
**Subject:** RE: DPOemailto reporters.docx

Lara: in this note you need to be specific about where page 3 is, because the I suspect what they will be looking at is the whole package. So you may want to specify that the decision is document 8, and so it's page 3 of document 8. Second, you might also point them to the 4<sup>th</sup> paragraph.

I agree with holly, I believe we should give them a URL rather than attach the collected documents.

---

**From:** Uselding, Lara  
**Sent:** Wednesday, September 10, 2014 10:11 AM  
**To:** Brenner, Eliot; Burnell, Scott  
**Cc:** Harrington, Holly  
**Subject:** DPOemailto reporters.docx  
**Importance:** High

Hello REPORTER NAME:

Based on your interest in the Michael Peck differing professional opinion story that ran a couple of weeks ago, I am sharing the agency's final decision that was made public today. Per the process, the Executive Director of Operations, Mark Satorius, has made a decision on the appeal and the submitter expressed his wish to have the file publically released.

To refresh your memory, the submitter Michael Peck stated that the new Shoreline fault information should be compared to the double design earthquake (DDE) and that PG&E needed a license amendment.

The independent reviewing panel (page 3) disagrees and states, "...an amendment to the license was not required because the Shoreline fault zone ground motions do not exceed the levels evaluated in the plant's design and licensing." Further, "...there is more than one appropriate evaluation method for evaluating the new seismic information. The Hosgri evaluation methods for structures used higher damping values than the Double Design earthquake." It goes on to say that "substituting the new seismic information into the calculation construct of the DDE would offer little insight as to how the structures, systems, and components would perform because the older techniques for overly conservative and no longer technically justified."

Also, let me draw your attention to page 5 of the attached document. Satorius says, "In the appeal, you noted your agreement with the Ad Hoc Review Panel's conclusion that issues raised in the DPO do not result in a significant or immediate safety concern. You also state agreement that the potential ground motions for the Shoreline fault do not exceed the levels considered during licensing of the plant."

Feel free to call me with additional questions.

Lara Uselding

---

**From:** Uselding, Lara  
**Sent:** Friday, August 15, 2014 3:55 PM  
**To:** Burnell, Scott; Dricks, Victor; Brenner, Eliot  
**Subject:** RE: DPO

Scott, would you check with Trent Wertz on Monday for us just to understand where they are at? Wouldn't think something is ready to release next week as it needs a SUNSI review still....

---

**From:** Burnell, Scott  
**Sent:** Friday, August 15, 2014 2:48 PM  
**To:** Uselding, Lara; Dricks, Victor; Brenner, Eliot; McIntyre, David  
**Subject:** Re: DPO

That would be all I'd suggest. I have nothing further on the DPO

Sent from an NRC Blackberry  
Scott Burnell

(b)(6)

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**From:** Uselding, Lara  
**Sent:** Friday, August 15, 2014 03:45 PM  
**To:** Dricks, Victor; Brenner, Eliot; Burnell, Scott; McIntyre, David  
**Subject:** FW: DPO

FYI

(b)(6)

Any update on the DPO just for awareness sake?

---

**From:** Blood, Michael [<mailto:mblood@ap.org>]  
**Sent:** Friday, August 15, 2014 2:38 PM  
**To:** Uselding, Lara  
**Subject:** RE: DPO

Hello Lara,

I expect my story on Diablo Canyon and Michael Peck's DPO to run shortly. You have previously told me the document is "non-public."

If you have any further comment, please let me know asap and no later than Monday, Aug. 18.

Also, Victor Dricks raised an apparent issue involving Peck's departure from Diablo Canyon. He told me in a telephone call there was something that needed to be corrected. Please explain.

The story will say that Peck recommends the reactors be shut down until PG&E can demonstrate that critical pumps, valves and piping can meet higher seismic stress levels, or

until the NRC approves exemptions from regulatory and license requirements. His concern stems from 2011 PG&E research that found three nearby faults (Shoreline, Los Osos and San Luis Bay) can produce significantly more ground shaking than was used in the plant's design (safe shutdown earthquake).

Thank you.

Michael Blood, AP

---

**From:** Uselding, Lara [<mailto:Lara.Uselding@nrc.gov>]  
**Sent:** Wednesday, July 23, 2014 10:06 AM  
**To:** Blood, Michael  
**Subject:** RE: DPO

Hello Michael: The Differing Professional Opinion process is an internal, non-public process. The DPO submitter has rights, including the right to privacy over this issue. The DPO submitter has a key role in determining whether or not the DPO and Director's decision become available publicly. So far that decision has not been rendered nor made publically available. If the submitter wants it to be made publically available, it would undergo a SUNSI review to redact any sensitive information.  
Lara

---

**From:** Blood, Michael [<mailto:mblood@ap.org>]  
**Sent:** Tuesday, July 22, 2014 7:47 PM  
**To:** Uselding, Lara  
**Subject:** RE: DPO

Lara, Can you confirm it has been filed?

---

**From:** Uselding, Lara [<mailto:Lara.Uselding@nrc.gov>]  
**Sent:** Wednesday, May 21, 2014 7:58 PM  
**To:** Blood, Michael  
**Subject:** Re: DPO

We can't provide a document that hasn't been issued Michael

Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Blood, Michael [<mailto:mblood@ap.org>]  
**Sent:** Wednesday, May 21, 2014 06:00 PM  
**To:** Uselding, Lara  
**Subject:** RE: DPO

Lara, Please provide me with more explanation. Why isn't this a public document? Under what legal basis are you withholding it?

---

**From:** Uselding, Lara [mailto:Lara.Uselding@nrc.gov]  
**Sent:** Wednesday, May 21, 2014 5:57 PM  
**To:** Blood, Michael  
**Subject:** Re: DPO

When this issue is resolved and if there is a document to be made public, you will get it.  
Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Blood, Michael [mailto:mblood@ap.org]  
**Sent:** Wednesday, May 21, 2014 01:23 PM  
**To:** Uselding, Lara  
**Subject:** FW: DPO

Lara, Just making sure my question hasn't been lost. I requested a copy of Mr. Peck's DPO. If you can send me a copy of the document, please do. (Eliot suggests below there might be a disclosure issue.) If you cannot, please notify me that is the case and provide an explanation of why the document cannot be released. Thank you,

---

**From:** Brenner, Eliot [mailto:Eliot.Brenner@nrc.gov]  
**Sent:** Wednesday, May 21, 2014 12:54 PM  
**To:** Blood, Michael; Dricks, Victor; Uselding, Lara  
**Subject:** Re: DPO

Michael: your point of contact on all things diablo canyon is lara uselding, who I have copied on this message. I believe she emailed you about one of the issues raised by Peck, but you haven't gotten back to her. I think victor has also reached out to you on this subject. Before you write anything on this subject it is important that you talk to lara about peck's assertion on personnel matters.

We're checking on the process for making these things public. If it becomes public, you'll get it.

Eliot  
Eliot Brenner  
Director, Office of Public Affairs  
US Nuclear Regulatory Commission  
Protecting People and the Environment  
301 415 8200  
C: (b)(6)  
Sent from my Blackberry

---

**From:** Blood, Michael [mailto:mblood@ap.org]  
**Sent:** Wednesday, May 21, 2014 11:32 AM  
**To:** Brenner, Eliot; Dricks, Victor  
**Subject:** DPO

Eliot, Victor,

Please send me a copy of the DPO filed by Mr. Peck.

Thank you,



## ASSOCIATED PRESS

**Michael R. Blood**  
Los Angeles, Calif.

[mblood@ap.org](mailto:mblood@ap.org)  
213-346-3116 (O)  

(b)(6)

 (C)

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~~[IP US\_DISC]~~

msk dccc60c6d2c3a6438f0cf467d9a4938

---

**From:** Uselding, Lara  
**Sent:** Thursday, August 21, 2014 5:09 PM  
**To:** Burnell, Scott; Oesterle, Eric  
**Cc:** Walker, Wayne; Hipschman, Thomas; Singal, Balwant; Brenner, Eliot; Markley, Michael  
**Subject:** RE: COMMUNICATIONS STRATEGY ON STATE REPORT

Thanks. I have sent this to Lauren Gibson and Joe Sebrosky for their input if they have time. I'll be sure we get that piece right.  
Lara

---

**From:** Burnell, Scott  
**Sent:** Thursday, August 21, 2014 4:01 PM  
**To:** Uselding, Lara; Oesterle, Eric  
**Cc:** Walker, Wayne; Hipschman, Thomas; Singal, Balwant; Brenner, Eliot; Markley, Michael  
**Subject:** Re: COMMUNICATIONS STRATEGY ON STATE REPORT

After a quick read, I suggest revising to note PG&E has to incorporate the new info into the seismic hazard re-analysis the plant must perform in response to the 50.54f letter. The current narrative suggests the JLD does the re-analysis.

Sent from an NRC Blackberry  
Scott Burnell

(b)(6)

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**From:** Uselding, Lara  
**Sent:** Thursday, August 21, 2014 04:53 PM  
**To:** Oesterle, Eric  
**Cc:** Walker, Wayne; Hipschman, Thomas; Singal, Balwant; Burnell, Scott; Brenner, Eliot; Markley, Michael  
**Subject:** COMMUNICATIONS STRATEGY ON STATE REPORT

Eric: The Region has put together the attached messaging and Q&A for the report we expect to receive next week. We want to share that with you and get your insights prior to us briefing Marc Dapas Monday morning. Could you take a look and let me know your thoughts?

Remember, this is what I will use to respond to questions next week from the public and reporters. OPA's plan is to NOT issue a press release, or a blog but to take questions as they come in. We already have a communications plan on Diablo so the attached will be incorporated into the existing comm plan. No other action is needed on that front.

We can have a call to discuss strategy with the involved parties from RIV and HQ at your convenience.

Lara Uselding  
U.S. Nuclear Regulatory Commission (NRC)  
Public Affairs - Region IV, Arlington, Texas  
817.200.1519  
[lara.uselding@nrc.gov](mailto:lara.uselding@nrc.gov)

---

**From:** Brenner, Eliot  
**Sent:** Sunday, August 24, 2014 12:27 PM  
**To:** Brenner, Eliot  
**Subject:** FW: COMMUNICATIONS STRATEGY ON STATE REPORT  
**Attachments:** STATE REPORT MESSAGING.docx  
  
**Importance:** High

**From:** Uselding, Lara  
**Sent:** Thursday, August 21, 2014 4:53 PM  
**To:** Oesterle, Eric  
**Cc:** Walker, Wayne; Hipschman, Thomas; Singal, Balwant; Burnell, Scott; Brenner, Eliot; Markley, Michael  
**Subject:** COMMUNICATIONS STRATEGY ON STATE REPORT  
**Importance:** High

Eric: The Region has put together the attached messaging and Q&A for the report we expect to receive next week. We want to share that with you and get your insights prior to us briefing Marc Dapas Monday morning. Could you take a look and let me know your thoughts?

Remember, this is what I will use to respond to questions next week from the public and reporters. OPA's plan is to NOT issue a press release, or a blog but to take questions as they come in. We already have a communications plan on Diablo so the attached will be incorporated into the existing comm plan. No other action is needed on that front.

We can have a call to discuss strategy with the involved parties from RIV and HQ at your convenience.

Lara Uselding  
U.S. Nuclear Regulatory Commission (NRC)  
Public Affairs - Region IV, Arlington, Texas  
817.200.1519  
[lara.uselding@nrc.gov](mailto:lara.uselding@nrc.gov)

Actual date 8/24/14

DRAFT Talking Points: State Report  
09/30/2014 10:26 AM

- As required by the NRC, as documented in the RIL, PG&E has entered the new preliminary seismic info into their Corrective Action Program. The results of the study are used to assess the impact on the current design and licensing basis of DCP.

*In response to the NRC's review of the January 2011 Shoreline Fault Report, PG&E made the following commitment to the NRC:*

*"If during PG&E's ongoing collection of seismic data, new faults are discovered or information is uncovered that would suggest the Shoreline fault is more capable than currently believed, PG&E will provide the NRC with an interim evaluation that describes actions taken or planned to address the higher seismic hazard relative to the design basis, as appropriate, prior to completion of the evaluations requested in the NRC staff's March 12, 2012, request for information (Reference 2)." Where Reference 2 is NRC letter to All Power Reactor Licensees and Holders of Construction Permits in Active or Deferred Status, "Request of Information Pursuant to Title 10 of the Code of Federal Regulations 50.54(f) Regarding Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights from the Fukushima Dai-Ichi Accident," March 12, 2012*

- The NRC performed an independent deterministic analysis of new seismic information provided by PG&E in 2011 relating to the Shoreline fault. NRC's conclusions are documented in Research Information Letter (RIL) 12-01, dated October 10, 2012 (publically available in ADAMS ML121230035). NRC determined that the maximum ground motion expected at DCP from a seismic event occurring along the Shoreline fault would be bounded by previous analyses of expected ground motion for seismic events associated with the Hosgri fault and PG&E's Long Term Seismic Program (LTSP) ground motion response spectra.
- Region IV, including the Resident Inspectors, have taken an initial review of PGE's initial operability evaluation of the new information to verify it does not affect the plant's ability to operate safely and be able to remain safely shutdown following an earthquake.
- The new information, required by the state of CA AB 1632, has been presented to the NRC as a condition of the RIL and shows that the Shoreline fault is longer and more capable. (Simply put, it produces more energy over a wider area which is why the NRC agrees that it is still bounded by the Hosgri.)
- The initial operability evaluation does not invalidate the NRC's standing assessment that the plant is built to withstand a 7.5 mag earthquake or .75 ground motion on the Hosgri. The RIL documents the NRC's assessment of the seismic hazard at DCP. The Hosgri fault which was reviewed by the NRC, still bounds the Shoreline Fault even now it

appears the shoreline fault is more capable. Further analysis on site by PG&E and has determined that DCPD is still within its design to withstand the longer, more capable shoreline fault. (It produces more energy over a wider area which is why the NRC agrees that it is still bounded by the Hosgri.)

- Because this is a complex technical issue, there will be additional review by the seismic experts at HQ. This new information will also be evaluated by the Japan Lessons Learned Directorate and incorporated into the 50.54f review being conducted as part of the post-Fukushima actions and due in March 2015.
- In addition, a longer-term review is underway by the License renewal staff to determine whether an amendment to the 2011 issued Draft EIS (ML#....) is needed.

#### **Q and A:**

##### **What will the NRC do with this new information?**

The NRC has reviewed the plant's operability evaluation provided by PG&E. All indications are that the Shoreline fault remains bounded by the Hosgri fault for which the plant was built and licensed to withstand. This new information does not negate or invalidate the NRC's assessment laid out in the RIL and therefore the plant remains safe to operate.

The 1000-page document has also been given to the Japan Lessons Learned Directorate to be incorporated into the 50.54f review. Consistent with the UFSAR, the new preliminary information regarding regional source characterization (i.e. fault capability) and potential site ground motion will be evaluated in accordance with the process defined by the NRC in their Fukushima 50.54(f) letter, through the SSHAC process and a final Seismic Hazard and Ground Motion Response Spectra (GMRS) will be submitted to the NRC by March 2015. The updated Seismic Hazards/GMRS will be used as input to an updated Seismic Probabilistic Risk Assessment (SPRA), which will be submitted to the NRC by June 2017.

*(If pushed on any "unkowns" in the report : If necessary, actions could include orders to halt operations if the new information suggests there is an immediate safety concern. The NRC will fulfill its mandate to protect public health and safety.)*

*(If asked what things the plant has done since Fukushima: It is important to note that DCPD is an industry leader in implementing FLEX which was a post-Fukushima industry initiative to have extra equipment available remotely in the event of a beyond design basis event.)*

##### **Why are you saying this report is preliminary?**

For the state, the report is final. For the NRC, this information will be incorporated into the more comprehensive 50.54f analysis due to the NRC in March 2015. However, because the licensee

must notify the NRC of any new seismic info, they have shared this report and an initial operability evaluation showing why the plant is safe to operate. The NRC has looked at this evaluation and agrees based on the info that the Hosgri bounds all seismic events.

**Why didn't the NRC discover the length of the faults when it did its seismic review of the Shoreline fault in 2011 prior to issuing the RIL?**

California Assembly Bill 1632 (Blakeslee, Chapter 722, Statutes of 2006) directs the California Energy Commission to assess the potential vulnerability of California's largest baseload power plants, Diablo Canyon Power Plant and San Onofre Nuclear Generating Station, to a major disruption due to a seismic event or plant aging; to assess the impacts of such a disruption on system reliability, public safety, and the economy; to assess the costs and impacts from nuclear waste accumulating at these plants; and to evaluate other major issues related to the future role of these plants in the state's energy portfolio. The licensee has used the most state of the art methodologies using 2D and 3D mapping. This is different methodology than what was used for the 2011 Shoreline Fault.

The NRC has requested licensees to submit a seismic hazard reevaluation using up-to-date methodologies and analysis which is due for DCPD in March 2015. (Lauren, JLLD: anything to add here?)

**What is the impact of this new information on seismic design and licensing of DCPD?**

Based on the preliminary results of the studies that are under review, it has been determined that the Shoreline Fault Zone may be more capable than summarized in the January 2011 report, but the deterministic response spectra are still bounded by those for the Hosgri and LTSP earthquakes. Therefore, the conclusions remain the same and there is no adverse impact on the seismic design of DCPD. As a result, the assessment associated with the January 2011 Shoreline Fault Report remains valid.

---

**From:** Burnell, Scott  
**Sent:** Tuesday, August 26, 2014 7:54 AM  
**To:** Bates, Andrew; Hart, Ken; Bovol, Rochelle; Laufer, Richard; Akstulewicz, Brenda; Jimenez, Patricia  
**Cc:** Brenner, Eliot; Harrington, Holly; Savoy, Carmel  
**Subject:** Morning note

OPA -- An array of outlets, primarily California media, covered the leaked Differing Professional Opinion (minus the ongoing staff review and response) regarding Diablo Canyon's seismic design. Mostly financial media noted the NRC's approval of an uprate for both Peach Bottom units, while Wisconsin outlets discussed the revised tax valuation for the permanently closed Kewaunee plant.

---

**From:** McIntyre, David  
**Sent:** Tuesday, August 26, 2014 12:42 PM  
**To:** Brenner, Eliot  
**Cc:** Harrington, Holly; Burnell, Scott; Uselding, Lara; Dricks, Victor  
**Subject:** RE: BLOG IN PREP FOR STATE REPORT....Earthquake Research Continues at Diablo Canyon | U.S. NRC Blog

I just spoke to Trent Wertz in NRR and Renee Pedersen in OE. Renee will ask NRR to commence its documents review under the assumption that Peck will want the DPO record made public, so that we can respond more quickly once Mark Satorius finishes his review of Peck's appeal.

Mark's schedule indicates mid-September for that decision, but Eliot says Mark told him today he hopes to finalize it this week. Once he does, there will be a high-level summary of the DPO and its resolution for publication in the Weekly Information Report, which is public. Renee thinks that the SUNSI review process should not take very long, and that if NRR starts it now, we could be ready to release it within a couple days of Mark's decision.

-----Original Message-----

**From:** Brenner, Eliot  
**Sent:** Tuesday, August 26, 2014 12:20 PM  
**To:** McIntyre, David  
**Subject:** FW: BLOG IN PREP FOR STATE REPORT....Earthquake Research Continues at Diablo Canyon | U.S. NRC Blog

-----Original Message-----

**From:** Harrington, Holly  
**Sent:** Tuesday, August 26, 2014 12:13 PM  
**To:** Brenner, Eliot; Uselding, Lara; Burnell, Scott  
**Cc:** Dricks, Victor  
**Subject:** RE: BLOG IN PREP FOR STATE REPORT....Earthquake Research Continues at Diablo Canyon | U.S. NRC Blog

I'd rather do a new post that contains and links back to the previous post. Can Scott and Lara get together to figure out how to make this happen? I assume we're on a shortish time frame if a decision is being made at the end of the week?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

**From:** Brenner, Eliot  
**Sent:** Tuesday, August 26, 2014 11:30 AM  
**To:** Uselding, Lara; Harrington, Holly; Burnell, Scott

Cc: Dricks, Victor

Subject: RE: BLOG IN PREP FOR STATE REPORT....Earthquake Research Continues at Diablo Canyon | U.S. NRC Blog

Just FYI, Satorius is expected to finish his decision on the DPO this week. perhaps it might be best to get a package of things and roll them up in one?

-----Original Message-----

From: Uselding, Lara

Sent: Tuesday, August 26, 2014 11:27 AM

To: Brenner, Eliot; Harrington, Holly; Burnell, Scott

Cc: Dricks, Victor

Subject: BLOG IN PREP FOR STATE REPORT....Earthquake Research Continues at Diablo Canyon | U.S. NRC Blog

<http://public-blog.nrc-gateway.gov/2012/10/22/earthquake-research-continues-at-diablo-canyon/>

In light of 1) all the media attention on the DPO and seismic concerns and 2) in anticipation of the state report, I propose we do an update to Scott's well written seismic blog. So when the report hits the street in the coming days, we are prepared to provide all the complex seismic activity and analyses from our perspective.

We can discuss the HOW. Holly, perhaps it would just be an update to this blog?

Lara

---

**From:** Uselding, Lara  
**Sent:** Tuesday, August 26, 2014 12:10 PM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Cc:** Dricks, Victor; Weil, Jenny; Moreno, Angel  
**Subject:** RE: Petition filed to shut Diablo Canyon; Boxer calls hearings into suppression of whistleblower report

Yes, how about:

As is the case with any petition received, the NRC will review it according to its procedures and respond accordingly.

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, August 26, 2014 11:06 AM  
**To:** Uselding, Lara; Harrington, Holly; Burnell, Scott  
**Cc:** Dricks, Victor; Weil, Jenny; Moreno, Angel  
**Subject:** RE: Petition filed to shut Diablo Canyon; Boxer calls hearings into suppression of whistleblower report

I would respond that as is the case with any petition of this nature, it will be dealt with in the normal process for handling such matters, or something to that effect.

---

**From:** Uselding, Lara  
**Sent:** Tuesday, August 26, 2014 12:02 PM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Cc:** Dricks, Victor; Weil, Jenny; Moreno, Angel  
**Subject:** FW: Petition filed to shut Diablo Canyon; Boxer calls hearings into suppression of whistleblower report

FYI

---

**From:** Sewell, Abigail M [<mailto:Abigail.Sewell@latimes.com>]  
**Sent:** Tuesday, August 26, 2014 10:18 AM  
**To:** Uselding, Lara  
**Subject:** FW: Petition filed to shut Diablo Canyon; Boxer calls hearings into suppression of whistleblower report

Hi Lara – Friends of the Earth is filing a petition seeking to have Diablo Canyon shut down pending a license amendment. Does NRC want to comment?

Abby

---

**From:** Bill Walker [<mailto:bw.deadline@gmail.com>]  
**Sent:** Tuesday, August 26, 2014 8:03 AM  
**Subject:** Petition filed to shut Diablo Canyon; Boxer calls hearings into suppression of whistleblower report

[Online: <http://www.foe.org/news/news-releases/2014-08-nuclear-watchdog-petitions-federal-regulator-to-close-unsafe-diablo-canyon-nuclear-reactors>]

For Immediate Release: August 26, 2014

Expert Contact:

Damon Moglen, senior strategic advisor, (202) 352-4223, [dmoglen@foe.org](mailto:dmoglen@foe.org)

#### Communications Contacts:

EA Dyson, (202) 222-0730, [edyson@foe.org](mailto:edyson@foe.org)

Bill Walker, (510) 759-9911, [bw.deadline@gmail.com](mailto:bw.deadline@gmail.com)

## Nuclear watchdog petitions federal regulator to close unsafe Diablo Canyon nuclear reactors

### *Sen. Boxer calls for hearings on NRC's failure of 'responsibility to protect public health and safety'*

**WASHINGTON, D.C.** – One day after the release of a document suppressed by the Nuclear Regulatory Commission revealed that the Diablo Canyon nuclear power plant in California is vulnerable to earthquakes, Friends of the Earth filed a petition charging that the plant is in violation of its license and must be closed immediately pending public hearings to prove it is safe. Meanwhile, the Senate Environment and Public Works Committee announced it will hold its own hearings into the NRC's suppression of the document.

Friends of the Earth's petition to the NRC charges that despite having new information that earthquake faults surrounding Diablo Canyon are capable of ground motion far greater than the reactors were designed and licensed to withstand, both Pacific Gas and Electric and the agency have failed to conduct a rigorous safety analysis and licensing review required by the agency's rules. Friends of the Earth's petition states:

"Studies done so far indicate that the Shoreline Fault and the nearby Los Osos and San Luis Bay faults are capable of producing an earthquake with ground acceleration that far exceeds the plant's current licensing basis, posing a serious safety risk to the public and the environment near the plant...When a plant cannot operate within the specific parameters described in the current licensing basis, the (Atomic Energy Act) requires the licensee to seek a license amendment and engage in a public process with an adjudicatory hearing."

Citing the fact that the new seismic data shows that the reactors do not meet their licensing specifications and requirements and could therefore fail catastrophically in a massive earthquake, Friends of the Earth is asking that the NRC close Diablo and convene a public review with hearings before a federal judge to assess whether or not the reactors can be run safely.

The petition is similar to one Friends of the Earth filed in June 2012 that resulted in a landmark ruling that led to Southern California Edison's decision to permanently close the San Onofre nuclear reactors, where damaged equipment made it impossible for the plant to operate in accordance with its license.

"This is a really scary situation," said Damon Moglen of Friends of the Earth. "PG&E and the NRC both know that earthquakes are possible that far surpass those for which the reactors are designed and licensed, but they have decided to look the other way. Given the overwhelming risk of earthquakes at Diablo Canyon, federal and state authorities would never allow nuclear reactors to be built on this site now."

On Monday the Associated Press reported that a formal dissent by Dr. Michael Peck, formerly the NRC's senior resident safety inspector at Diablo Canyon, reveals in detail that new seismic data shows that the reactors are vulnerable to earthquakes. Peck filed his report, known as a Dissenting Professional Opinion, in July 2013 and requested it be made public, but the agency has neither released nor ruled on it, despite NRC policy that DPOs must be ruled on within 120 days.

Peck's dissent says that since the 1960-era reactors were built new information has emerged about potential earthquakes in the area that means the plant is operating "outside the bounds of the existing Diablo Canyon design basis and safety analysis" – in other words, in violation of its federal license.

"Continued reactor operation...challenges the presumption of nuclear safety," Peck asserted. "The reactors should remain shut down pending demonstration that...safety functions can be met at the higher seismic stress levels."

In response to release of the suppressed report, Environment and Public Works Committee chair Sen. Barbara Boxer announced that she would hold hearings on the situation at Diablo and said: "The NRC's failure to act constitutes an abdication of its responsibility to protect public health and safety."

Seismic safety has been a major concern at Diablo Canyon since construction on the reactors began in 1968. Over the years, it has become increasingly clear that the reactors are surrounded by seismic faults. In the aftermath of the Fukushima disaster in 2011, a report issued by the NRC itself ranked the Diablo Canyon reactors as the most likely in the nation to be hit by an earthquake stronger than they were designed to withstand.



**Bill Walker**  
**dba Deadline Now**  
**Berkeley, CA**  
**(510) 759-9911**

**Twitter: @deadlinenow**  
**Facebook: DeadlineNow**  
**Skype: deadlinenow**  
**<http://www.deadlinenow.com>**

---

**From:** Burnell, Scott  
**Sent:** Wednesday, August 27, 2014 9:03 AM  
**To:** Brenner, Eliot; Harrington, Holly; Dricks, Victor; Uselding, Lara; McIntyre, David  
**Subject:** RE: i'd like to have a quick conversation on the DPO

There's also an effort to convene an EDO-level discussion, and we're invited. I suggested Lara and Dave or myself.

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, August 27, 2014 9:02 AM  
**To:** Harrington, Holly; Dricks, Victor; Uselding, Lara; Burnell, Scott; McIntyre, David  
**Subject:** i'd like to have a quick conversation on the DPO

How about 10 a.m. in my office, with RIV on the phone?

---

**From:** Dricks, Victor  
**Sent:** Wednesday, August 27, 2014 9:34 AM  
**To:** Brenner, Eliot  
**Subject:** RE: i'd like to have a quick conversation on the DPO

ok

Victor Dricks  
Senior Public Affairs Officer  
U.S. Nuclear Regulatory Commission / Region IV  
1600 E. Lamar Blvd.  
Arlington, Texas 76011  
(817) 200-1128 (Office)  
(b)(6) (Cell)

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, August 27, 2014 8:32 AM  
**To:** Dricks, Victor  
**Subject:** RE: i'd like to have a quick conversation on the DPO

You guys should just call in to my direct number.

---

**From:** Dricks, Victor  
**Sent:** Wednesday, August 27, 2014 9:24 AM  
**To:** Brenner, Eliot; Harrington, Holly; Uselding, Lara; Burnell, Scott; McIntyre, David  
**Subject:** RE: i'd like to have a quick conversation on the DPO

Will do!

Victor Dricks  
Senior Public Affairs Officer  
U.S. Nuclear Regulatory Commission / Region IV  
1600 E. Lamar Blvd.  
Arlington, Texas 76011  
(817) 200-1128 (Office)  
(b)(6) (Cell)

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, August 27, 2014 8:02 AM  
**To:** Harrington, Holly; Dricks, Victor; Uselding, Lara; Burnell, Scott; McIntyre, David  
**Subject:** i'd like to have a quick conversation on the DPO

How about 10 a.m. in my office, with RIV on the phone?

---

**From:** Uselding, Lara  
**Sent:** Wednesday, August 27, 2014 9:37 AM  
**To:** Dricks, Victor; Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David  
**Subject:** Re: i'd like to have a quick conversation on the DPO

Yes, that works  
Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Dricks, Victor  
**Sent:** Wednesday, August 27, 2014 08:24 AM  
**To:** Brenner, Eliot; Harrington, Holly; Uselding, Lara; Burnell, Scott; McIntyre, David  
**Subject:** RE: i'd like to have a quick conversation on the DPO

Will do!

Victor Dricks  
Senior Public Affairs Officer  
U.S. Nuclear Regulatory Commission / Region IV  
1600 E. Lamar Blvd.  
Arlington, Texas 76011  
(817) 200-1128 (Office)  
(b)(6) (Cell)

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, August 27, 2014 8:02 AM  
**To:** Harrington, Holly; Dricks, Victor; Uselding, Lara; Burnell, Scott; McIntyre, David  
**Subject:** i'd like to have a quick conversation on the DPO

How about 10 a.m. in my office, with RIV on the phone?

---

**From:** Uselding, Lara  
**Sent:** Thursday, August 28, 2014 2:21 PM  
**To:** Brenner, Eliot  
**Subject:** LETTERTOEDITOR SLOTRIB.docx  
**Attachments:** LETTERTOEDITOR SLOTRIB.docx

In an August 28 editorial, entitled "NRC should respond to the Diablo report," the Tribune staff says it is disappointing the Nuclear Regulatory Commission has not answered one of its employee's differing professional opinion in a timely fashion. A Differing Professional Opinion (DPO) is one many paths the NRC encourages staff to use for officially documenting their differing views, including: Open Door Policy and Non-Concurrence Process (formal & informal methods).

To provide clarity, a decision was rendered by the Nuclear Reactor Regulation Director to the submitter, Michael Peck, and that decision was appealed by the submitter. Therefore the appeal is under review by the head of the NRC's Director of Operation. Once that decision is rendered the submitter can request to have the documents released publically.

To correct an error in the editorial, the staff state "he submitted a "differing professional opinion" to the NRC in 2012, which contains much of the information in the leaked document referring to the FOE press release and public release of the document. Had the staff checked with their reporter with whom the NRC spoken to about this, they would know that in fact, the former Senior Resident inspector (SRI) submitted non-concurrence papers (NCPs) in January 2011 and January 2012, followed by a Differing Professional Opinion (DPO) in July 2013 detailing a disagreement with the NRC about how the new seismic information (Shoreline fault) should be compared to the plant's current seismic license requirements.

These non-concurrence papers are public record and have been discussed at numerous public meetings held in SLO to provide members to the local community opportunities to ask questions about the plant with the regulator.

The NRC strives to establish and maintain an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. It is a healthy and necessary part of the regulatory process and the agency has an obligation to protect the individuals submitting non-concurrences and DPOs.

The NRC expects to complete the appeal in mid-September 2014 and following the appeal decision, the staff will seek permission from the submitter to release the DPO case file.

The former Senior Resident filed the DPO associated with the regulatory response following the discovery of the Shoreline Fault. In April 2009 the NRC issued Research Information Letter (RIL) 09-01, "Preliminary Deterministic Analysis of Seismic Hazard at Diablo Canyon NPP from Newly Identified Shoreline Fault." This was an independent study of potential impacts of the Shoreline Fault. The NRC concluded that adequate seismic margin existed and the plant was safe to operate.

The NRC concluded that it was appropriate to use the same methods and criteria as was used for the Long-Term Seismic Program/Hosgri to evaluate the Shoreline fault. This was because the Shoreline Fault frequency and peak ground acceleration at the plant were below what LTSP/Hosgri would produce at the plant.

The former SRI did not agree. The NRC encourages members of the staff to share concerns and differing views without fear of negative consequences. Again, the submitter is currently with the NRC as an instructor at the training center in Tennessee.

---

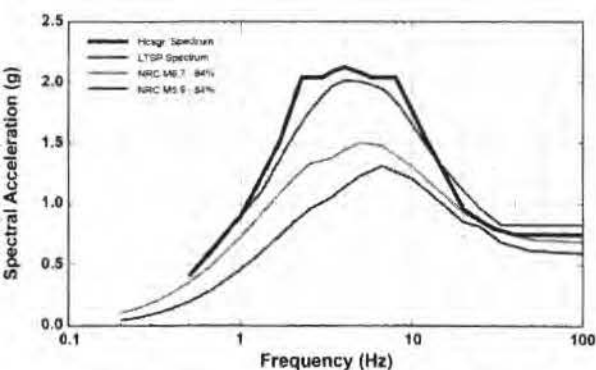
**From:** Uselding, Lara  
**Sent:** Thursday, August 28, 2014 10:26 AM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Subject:** BROCHURE RIL.docx  
**Attachments:** BROCHURE RIL.docx

### RIL 09-001

- The NRC's first assessment of the Shoreline fault was detailed in RIL 09-001 and was based on information available at the time. The NRC found the Shoreline fault's maximum predicted shaking is less than what the plant was previously analyzed for.

### RIL 12-001

- RIL 12-01, "Confirmatory Analysis of Seismic Hazard at the Diablo Canyon Power Plant from the Shoreline Fault Zone," updates the NRC's evaluation based on information PG&E provided in January 2011, as well as a staff visit to Diablo Canyon.
- The NRC continues to conclude that ground shaking from the Shoreline fault's earthquake scenarios are less than the HE and LTSP ground motion levels for which the plant was previously evaluated and demonstrated to have reasonable assurance of safety



**Comparison of Hosgri and LTSP Spectra to NRC Deterministic Evaluation Results**

## JAPAN LESSONS LEARNED

- The NRC staff issued a request for additional information to all nuclear power plants on March 12, 2012, to initiate several actions as a result of lessons learned from the Fukushima Dai-ichi accident in Japan:
  - Conduct "walkdowns" of all nuclear power plants to verify flooding and seismic protection features



- Reevaluate flooding and seismic hazard and design using present day methods and guidance
- The DCCP seismic hazard reevaluation, scheduled to be submitted by March 2015, will assess all known faults in the area (i.e., not limited to just the Shoreline fault) using a process similar to what is done for siting new reactors.

*For additional information contact the Office of Public Affairs. Phone: (301) 415-8200 or email: [opa@nrc.gov](mailto:opa@nrc.gov)*



## **NRC REVIEW OF SEISMIC HAZARD AT THE DIABLO CANYON POWER PLANT FROM THE SHORELINE FAULT ZONE**



This brochure provides an overview of the NRC's review of the Shoreline fault zone near Diablo Canyon. It also places the Shoreline fault review in context with the NRC's request that all U.S. nuclear power plants reanalyze seismic hazards based on lessons learned from the Fukushima Dai-ichi accident in Japan.

*(Prepared November 2012)*

## DIABLO CANYON POWER PLANT SEISMIC BACKGROUND

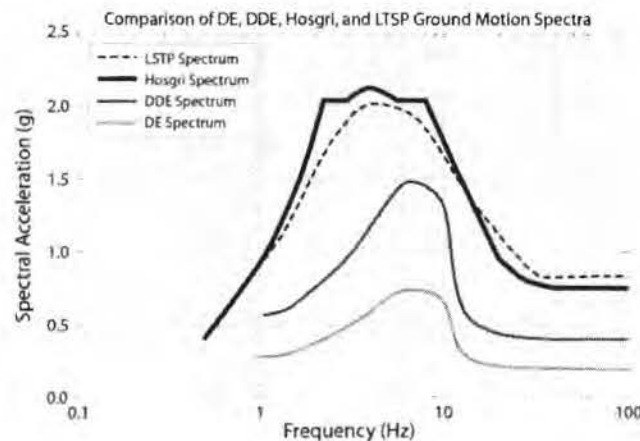
- Nuclear power plant designs consider earthquake effects by providing margins against ground motion levels at the plant site.
  - The ground motion levels show how much energy (measured in 'g,' or percent of Earth's gravity) is transmitted at different shaking frequencies
  - Designers use ground motion levels to analyze how structures and equipment respond during an earthquake
- Diablo Canyon is licensed to three earthquake ground motions (most plants have two)
  - Design Earthquake (DE) ground motion is the biggest earthquake the plant is allowed to continue operating through
    - The DE ground motion level is 0.2g anchored at 100 Hz
  - Double Design Earthquake (DDE), ground motion is the shaking level at which all safety related equipment must remain functional
    - The DDE ground motion level is double the amplitude of the DE (0.4g peak ground acceleration anchored at 100 Hz)

- Hosgri Earthquake (HE) ground motion level, which is based on an earthquake from the Hosgri fault which was discovered in 1971.

- The HE ground motion level is 0.75g peak ground acceleration anchored at 100 Hz based on a 7.5 magnitude earthquake 5 kilometers from the site
- Diablo Canyon's design was modified so that sufficient equipment survives the HE to safely shutdown the plant and keep the nuclear fuel cool

### • Long Term Seismic Program (LTSP)

- The plant's original license required seismic reevaluation in 10 years
- The LTSP was initiated to meet this license condition
- The LTSP spectrum has been used to evaluate seismic margins



## SHORELINE FAULT



- In November of 2008, plant owner Pacific Gas and Electric (PG&E) informed the NRC it had identified a previously unknown fault during collaborative research with the U.S. Geological Survey (USGS)
- The Shoreline fault is approximately 600 meters from the reactor and 300 meters offshore
- The NRC's first assessment of the Shoreline fault was detailed in Research Information Letter (RIL) 09-001, "Preliminary Deterministic Analysis of Seismic Hazard at Diablo Canyon Nuclear Power Plant from Newly Identified 'Shoreline Fault'"

---

**From:** Uselding, Lara  
**Sent:** Friday, August 29, 2014 3:46 PM  
**To:** Brenner, Eliot  
**Subject:** RE: TNT - no early dismissal today? :)

(b)(6)

How did the interviews go?

---

**From:** Brenner, Eliot  
**Sent:** Friday, August 29, 2014 2:44 PM  
**To:** Uselding, Lara; Harrington, Holly  
**Subject:** RE: TNT - no early dismissal today? :)

I've been too busy, and it's about time for folks to start folding tents. I will not make bedcheck phonecalls.

---

**From:** Uselding, Lara  
**Sent:** Friday, August 29, 2014 3:31 PM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** TNT - no early dismissal today? :)

**DIABLO CANYON /DPO** – We continued to discuss the status of the leaked DPO with the San Luis Obispo News Tribune and a California Energy Markets reporter. We explained the DPO process and that it is not being hid from the public. We reiterated that, at this time, the NRC continues to conclude the plant is built to safely withstand the effects of a Hosgri earthquake and that the plant would protect the public and the environment. We pointed to the Research Information Letter as the basis for this.

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**From:** Uselding, Lara  
**Sent:** Tuesday, September 02, 2014 1:43 PM  
**To:** Brenner, Eliot  
**Cc:** Harrington, Holly  
**Subject:** RE: Revisit thoughts on a letter to editor RE: DPO

The word on the street, as reflected in an Aug. 28 editorial entitled "NRC should respond to the Diablo report," and a Sep. 1 "Close Diablo Canyon" letter, is that the Nuclear Regulatory Commission has not answered one of its current employee's differing professional opinion in a timely fashion and is hiding its contents. A Differing Professional Opinion (DPO) is one many paths the NRC encourages staff to use for officially documenting their differing views, including an Open Door Policy and a Non-Concurrence Process.

To provide clarity, a decision was rendered by the Nuclear Reactor Regulation Director to the submitter, Michael Peck, and he appealed the decision resulting in additional review from the Executive Director of Operations. Once that decision is rendered the submitter can request to have the documents publically released.

Before this process was complete, the differing professional opinion was leaked to the press. Mischaracterizations by public interest groups state this was kept secret and that is simply not the case. The DPO process is an internal process and the NRC employees have a right to privacy. Until a final decision is issued, no documents would be publically released unless the submitter expresses an interest in doing so.

The NRC strives to establish and maintain an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. It is a healthy and necessary part of the regulatory process and the agency has an obligation to protect the individuals submitting non-concurrences and DPOs.

The NRC expects to complete the appeal in mid-September 2014 and following the appeal decision, the staff will seek permission from the submitter to release the DPO case file.

We can check this part with EDO's office for clarification

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, September 02, 2014 12:19 PM  
**To:** Uselding, Lara  
**Cc:** Harrington, Holly  
**Subject:** Re: Revisit thoughts on a letter to editor RE: DPO

Write something short and tame and let me see it.

---

**From:** Uselding, Lara  
**Sent:** Tuesday, September 02, 2014 07:16 PM  
**To:** Brenner, Eliot  
**Cc:** Harrington, Holly  
**Subject:** Revisit thoughts on a letter to editor RE: DPO

Hi: Holly said I could email you as I asked to revisit writing a letter to editor clarifying the DPO process to state that we aren't "hiding" anything...this aired again in the News Tribune SLO yesterday

***Letter Writer Faults NRC Response To Former Official's Claims.*** In a letter to the editor of the San Luis Obispo (CA) Tribune (9/1, 126K), Debbie Highfill of Morro Bay, writes that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone."

Any thoughts on me submitting a short, tame letter to the editor?

Lara Uselding

U. S. Nuclear Regulatory Commission (NRC)

Public Affairs, Region IV, Arlington, Texas

817.200.1519

[lara.uselding@nrc.gov](mailto:lara.uselding@nrc.gov)

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 2:40 PM  
**To:** Uselding, Lara  
**Cc:** Brenner, Eliot  
**Subject:** RE: LETTER TO EDITOR FOR CONCURRENCE

I will attempt to run this through the cast of thousands for review

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

**From:** Uselding, Lara  
**Sent:** Tuesday, September 02, 2014 2:14 PM  
**To:** Harrington, Holly  
**Cc:** Brenner, Eliot  
**Subject:** LETTER TO EDITOR FOR CONCURRENCE

Holly: Per Eliot, here is the revised letter to the editor in response to a second editorial in the News Tribune:

TODAY'S CLIPS: Letter Writer Faults NRC Response To Former Official's Claims. In a letter to the editor of the San Luis Obispo (CA) Tribune (9/1, 126K), Debbie Highfill of Morro Bay, writes that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone."

LETTER TO THE EDITOR:

The word on the street, as reflected in an Aug. 28 editorial entitled "NRC should respond to the Diablo report" and a Sep. 1 "Close Diablo Canyon" letter, is that the Nuclear Regulatory Commission has not answered one of its current employee's differing professional opinion and is hiding its contents. A Differing Professional Opinion (DPO) is one of many paths the NRC encourages staff to use for officially documenting their differing views, including an Open Door Policy and a Non-Concurrence Process.

To provide clarity, a decision was rendered by the Nuclear Reactor Regulation Director to the submitter, Michael Peck, and he appealed the decision resulting in additional review from the Executive Director of Operations. Once that decision is rendered the submitter can request to have the documents publically released.

Before this process was complete, a document purporting to be Mr. Peck's DPO was published by interest groups. In keeping with our practice to protect those who want to challenge an agency decision, that document was not provided by the NRC. Those who suggest the decision was hidden are mistaken. The DPO process is

an internal process and NRC employees have a right to privacy. Until a final decision is issued, no documents would be released unless the submitter expresses an interest having them shared publically.

NRC strives to establish and maintain an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. It is a healthy and necessary part of the regulatory process and the agency has an obligation to protect the individuals submitting non-concurrences and DPOs.

The NRC expects to complete the appeal in mid-September 2014 and following the appeal decision, the staff will seek permission from the submitter to release the DPO case file. We have received no request from the submitter at this writing to make the documents public.

From: Brenner, Eliot  
Sent: Tuesday, September 02, 2014 12:19 PM  
To: Uselding, Lara  
Cc: Harrington, Holly  
Subject: Re: Revisit thoughts on a letter to editor RE: DPO

Write something short and tame and let me see it.

From: Uselding, Lara  
Sent: Tuesday, September 02, 2014 07:16 PM  
To: Brenner, Eliot  
Cc: Harrington, Holly  
Subject: Revisit thoughts on a letter to editor RE: DPO

Hi: Holly said I could email you as I asked to revisit writing a letter to editor clarifying the DPO process to state that we aren't "hiding" anything...this aired again in the News Tribune SLO yesterday

Letter Writer Faults NRC Response To Former Official's Claims. In a letter to the editor of the San Luis Obispo (CA) Tribune<<http://www.sanluisobispo.com/2014/09/01/3222262/close-diablo-canyon.html#storylink=rss>> (9/1, 126K), Debbie Highfill of Morro Bay, writes that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone." Any thoughts on me submitting a short, tame letter to the editor?

Lara Uselding  
U.S. Nuclear Regulatory Commission (NRC) Public Affairs – Region IV, Arlington, Texas  
817.200.1519  
[lara.uselding@nrc.gov](mailto:lara.uselding@nrc.gov)<<mailto:lara.uselding@nrc.gov>>

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**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 2:54 PM  
**To:** Uselding, Lara; Brenner, Eliot  
**Cc:** McIntyre, David; Burnell, Scott  
**Subject:** RE: Chairman brief on Diablo

From Jen: It's my understanding that Thursday's meeting is going to deal with the technical issues associated with the Shoreline fault and an update of what's going on with the DPO, and that Phil has requested a separate meeting (as yet unscheduled) to address messaging on Diablo and the foreign ownership issue - to which he's asked that OPA, OCA, and assorted others be invited.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

**From:** Uselding, Lara  
**Sent:** Tuesday, September 02, 2014 2:07 PM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** Chairman brief on Diablo

Hello: I left a voicemail for Scott as I heard from a RIV staffer that the Chairman wants a brief on all things Diablo this Thursday. Do you know about this and if so, will someone from HQ OPA sit in on that?  
Lara

-----Original Message-----

**From:** Burnell, Scott  
**Sent:** Tuesday, September 02, 2014 1:03 PM  
**To:** Uselding, Lara  
**Subject:** I'm out today and tomorrow

Sorry, should have updated my voicemail. Haven't heard anything about a chairman brief. Check w/Holly?

Sent from an NRC Blackberry  
Scott Burnell

(b)(6)

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 3:03 PM  
**To:** Johnson, Michael; Williamson, Edward; Pedersen, Renee  
**Cc:** Uselding, Lara; Burnell, Scott; McIntyre, David; Brenner, Eliot  
**Subject:** Draft Letter to the Editor  
**Attachments:** TODAY.docx

We have drafted a proposed "Letter to the Editor" in response to an earlier editorial and a letter to the editor at the San Luis Obispo (CA) Tribune (9/1, 126K which says, in part, that former Diablo Canyon Senior Resident Inspector Michael Peck, filed a report, "twice, recommending that, because the plant is potentially so dangerous, it should be shut down until proven safe from seismic activity from a newly discovered fault line that lies approximately just 650 yards from Diablo Canyon." Peck is concerned "that the piping carrying the critical cooling water at the plant will never withstand the severe shaking generated by a fault line so close to it." But the NRC "never responded in any way" to Peck's assertions. They were "hidden away and not reported to anyone."

The letter to the editor addressing primarily the issue above in red is attached. Can you please review it to ensure it is factually accurate and appropriately worded. Please send me any suggestions for changes. We will then run it by the Chairman's Office.

We do need to do this quickly in order for it to be relevant in the "news" world, so I apologize for the haste with which we'd like it reviewed.

Thank you!

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

## LETTER TO THE EDITOR:

The word on the street, as reflected in an Aug. 28 editorial entitled "NRC should respond to the Diablo report" and a Sep. 1 "Close Diablo Canyon" letter, is that the Nuclear Regulatory Commission has not answered one of its current employee's differing professional opinion and is hiding its contents. A Differing Professional Opinion (DPO) is one of many paths the NRC encourages staff to use for officially documenting their differing views, including an Open Door Policy and a Non-Concurrence Process.

To provide clarity, a decision was rendered by the Nuclear Reactor Regulation Director to the submitter, Michael Peck, and he appealed the decision resulting in additional review from the Executive Director of Operations. Once that decision is rendered the submitter can request to have the documents publically released.

Before this process was complete, a document purporting to be Mr. Peck's DPO was published by interest groups. In keeping with our practice to protect those who want to challenge an agency decision, that document was not provided by the NRC. Those who suggest the decision was hidden are mistaken. The DPO process is an internal process and NRC employees have a right to privacy. After a final decision is issued, documents may be made public if the submitter agrees.

NRC strives to establish and maintain an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. It is a healthy and necessary part of the regulatory process and the agency has an obligation to protect the individuals submitting non-concurrences and DPOs.

The NRC expects to complete the appeal in mid-September 2014 and following the appeal decision, the staff will seek permission from the submitter to release the DPO case file. We have received no request from the submitter at this writing to make the documents public.

---

**From:** McIntyre, David  
**Sent:** Wednesday, September 03, 2014 7:53 AM  
**To:** Burnell, Scott; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: Chairman brief on Diablo

Solomonic wisdom may be called for. ;-)

There is major overlap. Diablo is an operating plant issue, but with a seismic emphasis which recently we've bundled under Japan issues. FOCD is handled out of NRR (operating plants) primarily, but with major involvement of NRO because it has featured prominently in the STP and Calvert Cliffs COL adjudications.

-----Original Message-----

**From:** Burnell, Scott  
**Sent:** Wednesday, September 03, 2014 6:16 AM  
**To:** Brenner, Eliot; Harrington, Holly; McIntyre, David  
**Subject:** RE: Chairman brief on Diablo

I've dealt with the Diablo seismic issues for years. Both Dave and I are working on the foreign ownership paper, for whatever that's worth.

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, September 03, 2014 12:16 AM  
**To:** Harrington, Holly; McIntyre, David; Burnell, Scott  
**Subject:** Re: Chairman brief on Diablo

I think dave because this is a long running operating issue.

----- Original Message -----

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 10:01 PM  
**To:** Brenner, Eliot; McIntyre, David; Burnell, Scott  
**Subject:** FW: Chairman brief on Diablo

Ok, the one we're invited to is this Friday from 3 to 3:45 Who is best to represent OPA?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

**From:** Burnell, Scott  
**Sent:** Tuesday, September 02, 2014 3:20 PM  
**To:** Harrington, Holly; McIntyre, David; Uselding, Lara; Brenner, Eliot  
**Subject:** RE: Chairman brief on Diablo

Understood.

---

From: Harrington, Holly  
Sent: Tuesday, September 02, 2014 3:17 PM  
To: Burnell, Scott; McIntyre, David; Uselding, Lara; Brenner, Eliot  
Subject: RE: Chairman brief on Diablo

Thursday's meeting is the one we're not invited to. The one we are is yet unscheduled

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

From: Burnell, Scott  
Sent: Tuesday, September 02, 2014 3:09 PM  
To: McIntyre, David; Harrington, Holly; Uselding, Lara; Brenner, Eliot  
Subject: RE: Chairman brief on Diablo

I can certainly call in to the separate meeting if it's Thursday -- both Dave and I have kept an eye on the foreign ownership issue.

---

From: McIntyre, David  
Sent: Tuesday, September 02, 2014 3:03 PM  
To: Harrington, Holly; Uselding, Lara; Brenner, Eliot  
Cc: Burnell, Scott  
Subject: RE: Chairman brief on Diablo

Sounds like a fun day.

-----Original Message-----

From: Harrington, Holly  
Sent: Tuesday, September 02, 2014 2:54 PM  
To: Uselding, Lara; Brenner, Eliot  
Cc: McIntyre, David; Burnell, Scott  
Subject: RE: Chairman brief on Diablo

From Jen: It's my understanding that Thursday's meeting is going to deal with the technical issues associated with the Shoreline fault and an update of what's going on with the DPO, and that Phil has requested a separate meeting (as yet unscheduled) to address messaging on Diablo and the foreign ownership issue - to which he's asked that OPA, OCA, and assorted others be invited.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

From: Uselding, Lara  
Sent: Tuesday, September 02, 2014 2:07 PM  
To: Brenner, Eliot; Harrington, Holly  
Subject: Chairman brief on Diablo

Hello: I left a voicemail for Scott as I heard from a RIV staffer that the Chairman wants a brief on all things Diablo this Thursday. Do you know about this and if so, will someone from HQ OPA sit in on that?  
Lara

-----Original Message-----

From: Burnell, Scott  
Sent: Tuesday, September 02, 2014 1:03 PM  
To: Uselding, Lara  
Subject: I'm out today and tomorrow

Sorry, should have updated my voicemail. Haven't heard anything about a chairman brief. Check w/Holly?

Sent from an NRC Blackberry  
Scott Burnell

(b)(6)

---

**From:** McIntyre, David  
**Sent:** Wednesday, September 03, 2014 9:02 AM  
**To:** Burnell, Scott; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: Chairman brief on Diablo

Per the morning meeting, this meeting has now been moved to THURSDAY at 11 am.

-----Original Message-----

**From:** Burnell, Scott  
**Sent:** Wednesday, September 03, 2014 6:16 AM  
**To:** Brenner, Eliot; Harrington, Holly; McIntyre, David  
**Subject:** RE: Chairman brief on Diablo

I've dealt with the Diablo seismic issues for years. Both Dave and I are working on the foreign ownership paper, for whatever that's worth.

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, September 03, 2014 12:16 AM  
**To:** Harrington, Holly; McIntyre, David; Burnell, Scott  
**Subject:** Re: Chairman brief on Diablo

I think dave because this is a long running operating issue.

----- Original Message -----

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 10:01 PM  
**To:** Brenner, Eliot; McIntyre, David; Burnell, Scott  
**Subject:** FW: Chairman brief on Diablo

Ok, the one we're invited to is this Friday from 3 to 3:45 Who is best to represent OPA?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

**From:** Burnell, Scott  
**Sent:** Tuesday, September 02, 2014 3:20 PM  
**To:** Harrington, Holly; McIntyre, David; Uselding, Lara; Brenner, Eliot  
**Subject:** RE: Chairman brief on Diablo

Understood.

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 02, 2014 3:17 PM  
**To:** Burnell, Scott; McIntyre, David; Uselding, Lara; Brenner, Eliot

Subject: RE: Chairman brief on Diablo

Thursday's meeting is the one we're not invited to. The one we are is yet unscheduled

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

From: Burnell, Scott  
Sent: Tuesday, September 02, 2014 3:09 PM  
To: McIntyre, David; Harrington, Holly; Uselding, Lara; Brenner, Eliot  
Subject: RE: Chairman brief on Diablo

I can certainly call in to the separate meeting if it's Thursday -- both Dave and I have kept an eye on the foreign ownership issue.

---

From: McIntyre, David  
Sent: Tuesday, September 02, 2014 3:03 PM  
To: Harrington, Holly; Uselding, Lara; Brenner, Eliot  
Cc: Burnell, Scott  
Subject: RE: Chairman brief on Diablo

Sounds like a fun day.

-----Original Message-----

From: Harrington, Holly  
Sent: Tuesday, September 02, 2014 2:54 PM  
To: Uselding, Lara; Brenner, Eliot  
Cc: McIntyre, David; Burnell, Scott  
Subject: RE: Chairman brief on Diablo

From Jen: It's my understanding that Thursday's meeting is going to deal with the technical issues associated with the Shoreline fault and an update of what's going on with the DPO, and that Phil has requested a separate meeting (as yet unscheduled) to address messaging on Diablo and the foreign ownership issue - to which he's asked that OPA, OCA, and assorted others be invited.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

-----Original Message-----

From: Uselding, Lara  
Sent: Tuesday, September 02, 2014 2:07 PM  
To: Brenner, Eliot; Harrington, Holly  
Subject: Chairman brief on Diablo

Hello: I left a voicemail for Scott as I heard from a RIV staffer that the Chairman wants a brief on all things Diablo this Thursday. Do you know about this and if so, will someone from HQ OPA sit in on that?  
Lara

-----Original Message-----

From: Burnell, Scott

Sent: Tuesday, September 02, 2014 1:03 PM

To: Uselding, Lara

Subject: I'm out today and tomorrow

Sorry, should have updated my voicemail. Haven't heard anything about a chairman brief. Check w/Holly?

Sent from an NRC Blackberry

Scott Burnell

(b)(6)

---

**From:** McIntyre, David  
**Sent:** Wednesday, September 03, 2014 9:17 AM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** RE: Chairman brief on Diablo

(b)(6)

But

with the rescheduling, perhaps that's moot anyway, though he wants to call in.

Given the overlap, if call in is available, perhaps no harm in both of us participating.

-----Original Message-----

**From:** Brenner, Eliot  
**Sent:** Wednesday, September 03, 2014 8:58 AM  
**To:** McIntyre, David; Harrington, Holly  
**Subject:** Re: Chairman brief on Diablo

Sorry, at the core an operating reactor/dpo matter, not seismic.

----- Original Message -----

**From:** Brenner, Eliot  
**Sent:** Wednesday, September 03, 2014 02:57 PM  
**To:** McIntyre, David; Harrington, Holly  
**Subject:** Re: Chairman brief on Diablo

Ok. In my view, at the core this is a DPO issue, not a true seismic matter.

----- Original Message -----

**From:** McIntyre, David  
**Sent:** Wednesday, September 03, 2014 01:53 PM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** RE: Chairman brief on Diablo

I'm content to defer to Scott.

-----Original Message-----

**From:** Burnell, Scott  
**Sent:** Wednesday, September 03, 2014 6:16 AM  
**To:** Brenner, Eliot; Harrington, Holly; McIntyre, David  
**Subject:** RE: Chairman brief on Diablo

I've dealt with the Diablo seismic issues for years. Both Dave and I are working on the foreign ownership paper, for whatever that's worth.

---

**From:** Brenner, Eliot  
**Sent:** Wednesday, September 03, 2014 12:16 AM  
**To:** Harrington, Holly; McIntyre, David; Burnell, Scott  
**Subject:** Re: Chairman brief on Diablo

I think dave because this is a long running operating issue.

----- Original Message -----

---

**From:** Harrington, Holly  
**Sent:** Wednesday, September 03, 2014 1:25 PM  
**To:** Schwartzman, Jennifer; Niedzielski-Eichner, Phillip  
**Cc:** Brenner, Eliot  
**Subject:** Letter to the Editor  
**Attachments:** lettereditorfinal).docx

This was written by (and will be signed by) Lara Uselding in our Region IV OPA. She feels strongly we should push back on this erroneous coverage. This letter has been reviewed by, well, a cast of thousands, and the language has been OK'd. (I've actually sent it back for final, final review.) But this should be considered largely final. Please review and let me know your sentiments . . .

Thanks,

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

## LETTER TO THE EDITOR:

The word on the street, as reflected in an Aug. 28 editorial entitled "NRC should respond to the Diablo report" and a Sept. 1 "Close Diablo Canyon" letter, is that the Nuclear Regulatory Commission has not answered one of its current employee's differing professional opinion and is hiding its contents. This is incorrect.

A Differing Professional Opinion (DPO) is one of many paths the NRC encourages staff to use for officially documenting their differing views, including an Open Door Policy and a Non-Concurrence Process. Consistent with our [guidance for implementing the DPO process](#), a decision was rendered by the Nuclear Reactor Regulation Director to the submitter, Michael Peck, and he appealed the decision, which resulted in additional review from the Executive Director of Operations. Once that review is complete and a decision is rendered, a summary will be posted on the NRC public web site as part of the Commission's Weekly Information Report. In addition, if the submitter asks to have the documents publically released, the summary will include a link to the DPO Case File (subject to appropriate redactions, according to agency requirements).

This process is not yet complete and there is no final decision. However, a document purporting to be Mr. Peck's DPO was published by interest groups. We do not release predecisional documents and we protect those who want to challenge an agency decision. This document did not come from the NRC. To be clear, the NRC is following its rules related to DPOs.

NRC strives to establish and maintain an open collaborative work environment that encourages all employees and contractors to promptly speak up and share concerns and differing views without fear of negative consequences. It is a healthy and necessary part of the regulatory process and the agency has an obligation to protect the individuals submitting non-concurrences and DPOs.

The NRC expects to complete the appeal in mid-September 2014 and following the appeal decision, the staff will ask the submitter whether he would like public release of the DPO Case File.

---

**From:** Uselding, Lara  
**Sent:** Wednesday, September 03, 2014 2:46 PM  
**To:** Brenner, Eliot; Harrington, Holly  
**Subject:** Region3 RA speaking before Lochbaum/journalists- DIABLO  
**Attachments:** [Untitled].pdf

Putting this on your radar

-----Original Message-----

**From:** Uselding, Lara  
**Sent:** Wednesday, September 03, 2014 1:38 PM  
**To:** Chandrathil, Prema  
**Subject:** dpo

Prema: I would use this to answer DPO and Peck questions. AS for discussing Diablo, let me give you 3 main points she can speak from and then leave it at that. She can always direct reporters to me here in Region IV for additional questions as we will want to know if they are planning to write stories.  
Lara

**From:** Chandrathil, Prema  
**Sent:** Thursday, August 21, 2014 9:00 AM  
**To:** Uselding, Lara  
**Subject:** RE: Send me a blurb

It's for the Society for Environmental Journalists...the moderator has had questions specifically about Diablo Canyon and their seismic evaluations. It will be all journalists in the audience. Thanks for anything you can share with me. Prema

#### Nuclear Power in Fukushima's Wake

Seen by proponents as a promise and opponents as a peril, nuclear power and its global prospects have fundamentally changed after the triple meltdown at the Fukushima Daiichi Nuclear Power Plant. Or have they? Nations like Germany and Italy have decided to give up on the atom altogether, while others such as the U.S. and Japan and developing economies like China and Vietnam have decided to stick with their nuclear energy programs. Amid tightening safety rules, increasing competition from currently cheaper natural gas and elevated concerns over greenhouse gases, the panelists will discuss the outlook and issues for nuclear power in the U.S. and abroad.

**Moderator:** James Simms II, Freelance Writer/Television and Radio Commentator; and 2013-2014 Scripps Journalism Fellow, Center for Environmental Journalism, Journalism and Mass Communication, University of Colorado at Boulder

#### **Speakers:**

Steven Kraft, Senior Technical Advisor, Nuclear Energy Institute Dave Lochbaum, Director, Nuclear Safety Project, Union of Concerned Scientists Hannah Northey, Energy Reporter, Greenwire Nuclear Regulatory Commission representative TBA

### DCPP DPO Key Messages:

- The NRC really appreciates members of the staff bring issues like this to its attention
- We encourage the use of non-concurrences and the Differing Professional Opinion (DPO) process
- We review all non-concurrences and DPOs thoroughly
- It is a healthy and necessary part the regulatory process
- In the end, all of our regulatory decisions are better because of this process
- We do also have an obligation to protect the individual(s) submitting non-concurrences and DPOs
- The DPO process is a non-public process
- It is a strictly controlled and formalized process
- Persons serving on the DPO Panels are independent of the issues raised in the DPO
- Upon disposition of the DPO via a Director's decision, the DPO submitter has appeal rights to the EDO
- While the DPO is under review or appeal, NRC is prohibited from engaging in discussions with external stakeholders regarding the specifics of the of the DPO submittal
- After the EDO's decision, the individual has the right to make the DPO case file public to the extent that personal privacy information and SUNSI information is not contained in the DPO
- Regarding the DPO for Diablo Canyon, we will be as open and scrutable as we can be while protecting the privacy rights of the individual
- At present, we do not know the source of the public release of the Diablo CanyonDPO submittal
- We can, however, comment on a few aspects of our review
  - A Director's Decision has been made and the DPO is under appeal to the EDO
  - We expect to complete the appeal in mid-September 2014
  - Following the appeal decision, we will seek permission from the DPO submitter to release the DPO case file
  - We would expect the public release to be in early to mid-October, if authorized
- Regarding the operational status of Diablo Canyon Power Plant, Units 1 and 2
  - The plant remains within its design and licensing basis
  - We have no current operability concerns
  - We would also note that there were no adverse impacts on the units from the recent earthquake in the Napa Valley

---

**From:** Uselding, Lara  
**Sent:** Monday, September 08, 2014 10:55 AM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David  
**Subject:** RE: Do we want a blog post with link to DPO?

Will do

---

**From:** Brenner, Eliot  
**Sent:** Monday, September 08, 2014 9:52 AM  
**To:** Harrington, Holly; Uselding, Lara; Burnell, Scott; McIntyre, David  
**Subject:** Re: Do we want a blog post with link to DPO?

Let's draft one, hopefully linking to the decision, then shop it upstairs.

---

**From:** Harrington, Holly  
**Sent:** Monday, September 08, 2014 10:42 AM  
**To:** Uselding, Lara; Brenner, Eliot; Burnell, Scott; McIntyre, David  
**Subject:** RE: Do we want a blog post with link to DPO?

I don't know. I'll let others weigh in. It might not be hard to turn the letter to the editor into a blog post, especially since it's been largely approved.

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

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**From:** Uselding, Lara  
**Sent:** Monday, September 08, 2014 9:49 AM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David  
**Subject:** Do we want a blog post with link to DPO?

Another editorial ran over the weekend stating we haven't responded and are hiding DPO. Would a blog be useful?

## Diablo Canyon In the News



Reports that the NRC has been hiding a document raising safety concerns about the Diablo Canyon nuclear power plant, located on the Pacific coast near San Luis Obispo, can be laid to rest. Today, NRC Executive Director of Operations, Mark Satorious released a final decision on the matter and reaffirmed the plant is safe to operate.

The document known as a differing professional opinion is one of many paths available for employees to formally document their views. In past weeks, public interest groups falsely claimed that NRC hid this particular document even though it was still in process for fear that its contents would be known.

The submitter, Michael Peck, is a current NRC employee and former inspector at the plant. He has previously used the non-concurrence process to share his professional opinion and that file is publically available. In all three instances, the agency's position did not support the inspector's understanding of the plant's seismic licensing basis.

In the final decision cover letter, Satorious said, “ .”

Peck's issues involve the discovery of the “Shoreline Fault,” located just a few hundred yards offshore from the plant in 2008. In 2011, the plant operator, PG&E submitted a detailed analysis of the newly discovered fault to the NRC. Both PG&E's analysis and the NRC's independent review reached the same conclusion – Shoreline's shaking potential falls within what the Diablo Canyon reactors are already designed to withstand. Per PG&E's long-term seismic program, they are required to share any new seismic related information as it becomes available.

Today PG&E issued a report to the state as required by California Assembly Bill 1632 and has also shared a copy with the NRC. In 2006, the California Energy Commission required plants to assess the vulnerability of the state's nuclear power plants to seismic hazards. As part of the assessment, PG&E performed 2-D and 3-D mapping on and offshore the area near the plant. This is a different methodology than what was used to assess the Shoreline fault.

Based upon NRC staff's preliminary review of the report, there is no new information to suggest that there is an immediate safety concern. NRC Resident Inspectors have looked at the licensee's operability assessment that was performed as a result of the new seismic information and so far there is no new information that would lead the NRC to conclude that continued safe operation of Diablo Canyon is challenged.

However, just as was done with the review of the Shoreline fault information in 2011, the NRC will do a more thorough review of the new information. The seismic report is XXXX-thousand pages and contains a lot of new technical information that will need to be run through our analytical models to independently verify the calculations against the Research Information Letter (RIL) 12-01 *"Confirmatory Analysis of Seismic Hazard at the Diablo Canyon Power Plant from the Shoreline Fault Zone."*

In the RIL, NRC determined that the maximum ground motion expected at Diablo from a seismic event occurring along the Shoreline fault would be bounded by previous analyses of expected ground motion for seismic events associated with the Hosgri fault and PG&E's Long Term Seismic Program.

This new seismic information will also be used to respond to the NRC's request for every U.S. nuclear power plant to re-analyze their earthquake hazards following Japan's Fukushima nuclear accident. PG&E's response is due to the NRC in March 2015.

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**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 11:11 AM  
**To:** Brenner, Eliot; Burnell, Scott  
**Subject:** Re: DRAFT blog I'm running around here for concurrence

A holder for inserting what he says when we see the letter. This blog would go up IF his letter gets released and after the state report is issued

Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, September 09, 2014 10:08 AM  
**To:** Uselding, Lara; Burnell, Scott  
**Subject:** Re: DRAFT blog I'm running around here for concurrence

I am in the senate confirmation hearing Is that a quote from mark's letter?

---

**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 10:55 AM  
**To:** Brenner, Eliot; Burnell, Scott  
**Subject:** DRAFT blog I'm running around here for concurrence

FYI, this is what I'm prepping....  
It can always be modified depending on timing of dpo and state report release

---

**From:** Uselding, Lara  
**Sent:** Monday, September 08, 2014 12:12 PM  
**To:** Brenner, Eliot  
**Cc:** McIntyre, David; Burnell, Scott  
**Subject:** RE: Strategy Call

Thanks! Let me know what time might work best for you all and I could just call into your office

---

**From:** Brenner, Eliot  
**Sent:** Monday, September 08, 2014 11:03 AM  
**To:** Uselding, Lara  
**Cc:** Harrington, Holly; McIntyre, David; Burnell, Scott  
**Subject:** Re: Strategy Call

Ok.

---

**From:** Uselding, Lara  
**Sent:** Monday, September 08, 2014 11:42 AM  
**To:** Brenner, Eliot  
**Cc:** Harrington, Holly; McIntyre, David; Burnell, Scott  
**Subject:** Strategy Call

Hello Eliot: I know you are busy traveling and getting back today. When you have a moment, could we discuss having a quick brainstorming call later this afternoon with the purpose of proposing a communications strategy to deal with DPO decision and pending state report? I would really appreciate this.

Lara Uselding  
U.S. Nuclear Regulatory Commission (NRC)  
Public Affairs - Region IV, Arlington, Texas  
817.200.1519  
[lara.uselding@nrc.gov](mailto:lara.uselding@nrc.gov)

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**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 12:43 PM  
**To:** Brenner, Eliot; McIntyre, David; Burnell, Scott  
**Cc:** Harrington, Holly; Dricks, Victor  
**Subject:** Public release of state report activities/timeline  
**Attachments:** nrr dd 9-9 diablo brief.docx  
  
**Importance:** High

Here's what's going to go down tomorrow on PG&E end. I'd like to be able to put our blog up tomorrow afternoon and be able to include info on the DPO. Anyone able to share our proposed strategy with EDO office to see if they think they could issue it tomorrow?  
Lara

---

**From:** Sebrosky, Joseph  
**Sent:** Tuesday, September 09, 2014 11:19 AM  
**To:** Markley, Michael; Munson, Clifford; Stovall, Scott; Kock, Andrea; Williams, Megan; Li, Yong; Oesterle, Eric  
**Cc:** Weil, Jenny; Manoly, Kamal; Lund, Louise; Dudek, Michael; Case, Michael; Burnell, Scott; Hay, Michael; Franovich, Mike; Whaley, Sheena; Bowman, Gregory; Bowen, Jeremy; Moreno, Angel; Balazik, Michael; Singal, Balwant; Farnholtz, Thomas; Kanatas, Catherine; Hipschman, Thomas; Reynoso, John; Ake, Jon; Folk, Kevin; DiFrancesco, Nicholas; Balazik, Michael; Reynoso, John; Hill, Brittain; Walker, Wayne; Uselding, Lara; Buchanan, Theresa; Keegan, Elaine; Jackson, Diane; Wittick, Brian; Harris, Brian; Roth(OGC), David; Kanatas, Catherine; OKeefe, Neil; Uhle, Jennifer; Lund, Louise  
**Subject:** info: status of public release of Diablo Canyon State of California report

To all,

Based on my discussions with Philippe Soenen of PG&E, PG&E is targeting the public release of the State of California report for 11:00 am Pacific time (2:00 pm eastern) on 9/10/14. PG&E intends to do the following:

- Issue an announcement
- Issue a press release
- Make the document publicly available on their website
- Provide a hard copy to the County
- Walk a copy of the report to us to be provided to the document control desk in accordance with 10 CFR 50.4 requirements

On a different note, Mike Markley, Eric Oesterle, and I briefed Jennifer Uhle on the status of Diablo seismic issues using the attached briefing sheet.

No action required on your part. Thought you should know.

Let me know if you have any questions.

Thanks,

Joe Sebrosky  
301-415-1132

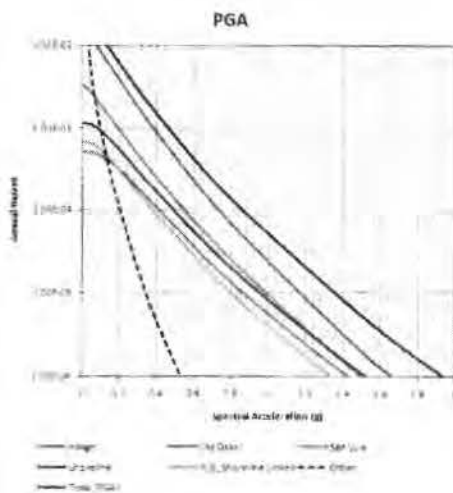
Purpose: To inform Jennifer of the current status of Diablo Seismic issues including inability to calculate seismic core damage frequency (SCDF) in the near term.

Outcome: Clear understanding of current status and direction as appropriate provided

Agenda:

I. Background

- a. 8/28/14 received direction from NRR/DD to consider using CEUS approach for assessing new Diablo Canyon seismic information (i.e., calculate seismic core damage frequency (SCDF))
- b. Project plan developed for reviewing State of California report information
- c. 9/3/14 information needs for calculating SCDF provided to PG&E
- d. 9/4/14 Chairman briefed including SCDF approach
- e. 9/8/14 PG&E informs staff that updated curves to calculate SCDF will not be available until March 2015



II. Current status

- a. Project plan being revised to consider following approach
  - i. Qualitative discussion of changes to SCDF based on sensitivity information in State of California report
  - ii. Focused updated deterministic calculation using NRC developed ground motion model
  - iii. Determination on whether in-structure response spectra analysis discussed in DPO can be performed by PG&E using new information

III. Other issues

- a. Status of review of State of California report
  - i. Updates on when report will be made publicly available
- b. Status of release of DPO information
- c. Status of Friends of the Earth Petition

IV. Next steps

V. Wrapup

---

**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 4:45 PM  
**To:** Harrington, Holly; Brenner, Eliot; Burnell, Scott; McIntyre, David; Dricks, Victor  
**Subject:** Re: Draft WIR

I have a diablo state report strategy call w HQ at 7:30 central time on what I can say tomorrow so let's talk before or after that if possible

Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 09, 2014 03:28 PM  
**To:** Brenner, Eliot; Burnell, Scott; McIntyre, David; Uselding, Lara; Dricks, Victor  
**Subject:** RE: Draft WIR

Mark Satorius just came down with a copy of his letter to Peck. He confirmed Peck has said he wants the whole package to go public. It's slated to go public tomorrow. I don't know what that does to our time table. Perhaps we all need to talk in the morning?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, September 09, 2014 4:25 PM  
**To:** Burnell, Scott; McIntyre, David; Uselding, Lara; Dricks, Victor; Harrington, Holly  
**Subject:** Fw: Draft WIR

I have absolutely no clue what a WIR is. Wow, it's real?

---

**From:** Pedersen, Renee  
**Sent:** Tuesday, September 09, 2014 04:22 PM  
**To:** Sampson, Michele; Galloway, Melanie  
**Cc:** Segala, John; Sewell, Margaret; Brenner, Eliot  
**Subject:** RE: Draft WIR

Thanks Michele!! We are working on the ADAMS record as we speak. I'll send you the ML number as soon as I get it.

---

**From:** Sampson, Michele  
**Sent:** Tuesday, September 09, 2014 4:18 PM  
**To:** Galloway, Melanie  
**Cc:** Pedersen, Renee; Segala, John  
**Subject:** Draft WIR

Melanie,

Attached is a draft WIR for the DPO Appeal Decision. Trent Wertz in NRR has reviewed it and I've incorporated his comments.

Renee is putting together the public case file and will provide the ML number when it is available. I have a placeholder in the WIR at the end to include that information. Please let me know if you have any comments, or any additional information that you may need.

Thank you,

Michele Sampson, Chief

Licensing Branch

U.S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

Spent Fuel Storage and Transportation Division

Mail Stop 3WFN-14A44

Washington, D.C. 20555-0001

Phone: 301-287-9077

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**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 5:01 PM  
**To:** Harrington, Holly; Brenner, Eliot; Burnell, Scott; McIntyre, David; Dricks, Victor  
**Subject:** Re: Draft WIR

Depending on the timing of the release- which I'd very much like to know-reporters are going to be inundated w PGEs state report starting at 11am central. Not for sure how this is going to be received. PGE is issuing a press release and report then..BIG news

Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

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**From:** Harrington, Holly  
**Sent:** Tuesday, September 09, 2014 03:56 PM  
**To:** Uselding, Lara; Brenner, Eliot; Burnell, Scott; McIntyre, David; Dricks, Victor  
**Subject:** RE: Draft WIR

We can tweet; we can do a media advisory; we can do email. We can give SLO News tribune a bit of an early heads up, but what do you mean exclusive?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

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**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 4:55 PM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David; Dricks, Victor  
**Subject:** Re: Draft WIR

I'd like to give an exclusive to David Snead at SLO News Tribune thoughts?

Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

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**From:** Brenner, Eliot  
**Sent:** Tuesday, September 09, 2014 03:53 PM  
**To:** Uselding, Lara; Harrington, Holly; Burnell, Scott; McIntyre, David; Dricks, Victor  
**Subject:** Re: Draft WIR

Ok, let's talk at 9am. R4 can call my direct line. That is after my session with the chairman so I should have the 17th floor comments. Refresh my memory on rollout plans. Since we have the whole megilla, what about an email to reporters with a link?

---

**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 04:45 PM  
**To:** Harrington, Holly; Brenner, Eliot; Burnell, Scott; McIntyre, David; Dricks, Victor  
**Subject:** Re: Draft WIR

I have a diablo state report strategy call w HQ at 7:30 central time on what I can say tomorrow so let's talk before or after that if possible

Lara Uselding  
NRC Region 4 Public Affairs  
817-200-1519

---

**From:** Harrington, Holly  
**Sent:** Tuesday, September 09, 2014 03:28 PM  
**To:** Brenner, Eliot; Burnell, Scott; McIntyre, David; Uselding, Lara; Dricks, Victor  
**Subject:** RE: Draft WIR

Mark Satorius just came down with a copy of his letter to Peck. He confirmed Peck has said he wants the whole package to go public. It's slated to go public tomorrow. I don't know what that does to our time table. Perhaps we all need to talk in the morning?

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, September 09, 2014 4:25 PM  
**To:** Burnell, Scott; McIntyre, David; Uselding, Lara; Dricks, Victor; Harrington, Holly  
**Subject:** Fw: Draft WIR

I have absolutely no clue what a WIR is. Wow, it's real?

---

**From:** Pedersen, Renee  
**Sent:** Tuesday, September 09, 2014 04:22 PM  
**To:** Sampson, Michele; Galloway, Melanie  
**Cc:** Segala, John; Sewell, Margaret; Brenner, Eliot  
**Subject:** RE: Draft WIR

Thanks Michele!! We are working on the ADAMS record as we speak. I'll send you the ML number as soon as I get it.

---

**From:** Sampson, Michele  
**Sent:** Tuesday, September 09, 2014 4:18 PM  
**To:** Galloway, Melanie  
**Cc:** Pedersen, Renee; Segala, John  
**Subject:** Draft WIR

Melanie,  
Attached is a draft WIR for the DPO Appeal Decision. Trent Wertz in NRR has reviewed it and I've incorporated his comments.

Renee is putting together the public case file and will provide the ML number when it is available. I have a placeholder in the WIR at the end to include that information. Please let me know if you have any comments, or any additional information that you may need.

Thank you,  
Michele Sampson, Chief  
Licensing Branch  
U.S. Nuclear Regulatory Commission  
Office of Nuclear Material Safety and Safeguards  
Spent Fuel Storage and Transportation Division  
Mail Stop 3WFN-14A44  
Washington, D.C. 20555-0001  
Phone: 301-287-9077

---

**From:** Uselding, Lara  
**Sent:** Tuesday, September 09, 2014 1:57 PM  
**To:** Brenner, Eliot; Schwartzman, Jennifer  
**Cc:** Harrington, Holly; Burnell, Scott; McIntyre, David  
**Subject:** RE: diablo

And option 2 and one that Victor and I discussed, is to NOT include anything on the DPO- especially if nothing is available tomorrow that we can release. SO I'm rewriting the blog to just focus on the state report and new seismic info. If you give me a bit I'll send that around...

---

**From:** Brenner, Eliot  
**Sent:** Tuesday, September 09, 2014 12:47 PM  
**To:** Schwartzman, Jennifer  
**Cc:** Harrington, Holly; Burnell, Scott; McIntyre, David; Uselding, Lara  
**Subject:** diablo

Jen: Tomorrow PG&E puts out its new seismic report, and there is at least some prospect that the DPO decision, at least in summary form, will be made public. Pre-emptively, please take a gander at this as a possible blog that wraps the two together. The blog's DPO language may have to be modified depending on how that unfolds.

I am off the grid until about 4 p.m. for a medical appointment and then should be back reading email again.

Eliot

The NRC's Executive Director for Operations -- the agency's senior technical manager -- has released a final decision in a Differing Professional Opinion (DPO) filed by an agency staffer about the Diablo Canyon nuclear power plant. The decision concluded the issue raised in the DPO was not a safety issue, and noted all involved -- including the employee -- agreed safety was not an issue.

The DPO is one of many paths available for employees to formally document their views. While some suggested the agency hid its decision from public view, in reality the decision was made public when the formal review process reached its conclusion.

The submitter, Michael Peck, is a current NRC employee and former inspector at the plant. He has twice previously used what is known as the non-concurrence process to share his professional opinion and that file is publically available. In all three instances, the agency's technical experts declined to endorse the inspector's position.

In the final decision cover letter, Satorious said, " XXXXXX ."

Peck's issues involve the discovery of the "Shoreline Fault," located just a few hundred yards offshore from the plant in 2008. In 2011, the plant operator, PG&E submitted a detailed analysis of the newly discovered fault to the NRC. Both PG&E's analysis and the NRC's independent review reached the same conclusion -- the Shoreline fault's shaking potential falls within what the Diablo Canyon reactors are already designed to withstand from another fault, known as the Hosgri fault.

Under PG&E's long-term seismic program, it must share any new seismic related information as it becomes available. Today PG&E issued a report to the state as required by the California state legislature and also shared a copy with the NRC. In 2006, the California Energy Commission required plants to assess the vulnerability of the state's nuclear power plants to seismic hazards. As part of the assessment, PG&E

performed 2-D and 3-D mapping on and offshore the area near the plant. This is a different methodology than what was used to assess the Shoreline fault.

Based upon NRC staff's preliminary review of the newest report, there is no new information to suggest that there is an immediate safety concern. NRC Resident Inspectors have looked at the licensee's operability assessment that was performed as a result of the new seismic information and so far there is no new information that would lead the NRC to conclude that continued safe operation of Diablo Canyon is challenged.

However, just as was done with the review of the Shoreline fault information in 2011, the NRC will conduct a more thorough review of the new information. The seismic report is XXXX-thousand pages and contains a lot of new technical information that will need to be analyzed to independently verify the calculations against the requirements of Research Information Letter (RIL) 12-01 "Confirmatory Analysis of Seismic Hazard at the Diablo Canyon Power Plant from the Shoreline Fault Zone."

In the RIL, NRC determined that the maximum ground motion expected at Diablo from a seismic event occurring along the Shoreline fault would be bounded by (less than) the shaking that would be generated by the Hosgri fault.

This new seismic information will also be used to respond to the NRC's request for every U.S. nuclear power plant to re-analyze their earthquake hazards following Japan's Fukushima nuclear accident. PG&E's response is due to the NRC in March 2015.

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**From:** Burnell, Scott  
**Sent:** Wednesday, September 10, 2014 8:34 AM  
**To:** Brenner, Eliot; McIntyre, David; Harrington, Holly; Uselding, Lara; Dricks, Victor  
**Cc:** Oesterle, Eric  
**Subject:** DPO comm plan

I'm told by reliable sources that NRR is updating the plan to account for the EDO decision and we'll see it this morning.

Sent from an NRC Blackberry  
Scott Burnell

(b)(6)

---

**From:** Burnell, Scott  
**Sent:** Wednesday, September 10, 2014 9:45 AM  
**To:** McIntyre, David; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** Re: Diablo DPO IS public in ADAMS

Yes, I agree.

Sent from an NRC Blackberry  
Scott Burnell

(b)(6)

---

**From:** McIntyre, David  
**Sent:** Wednesday, September 10, 2014 09:42 AM  
**To:** Burnell, Scott; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: Diablo DPO IS public in ADAMS

But it IS public as of yesterday. They just won't be able to find it via our nrc.gov website until later today.

---

**From:** Burnell, Scott  
**Sent:** Wednesday, September 10, 2014 9:42 AM  
**To:** McIntyre, David; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** Re: Diablo DPO IS public in ADAMS

I would imagine someone's given ADAMS staff a nudge to immediately replicate it to the public site.

Sent from an NRC Blackberry  
Scott Burnell

(b)(6)

---

**From:** McIntyre, David  
**Sent:** Wednesday, September 10, 2014 09:39 AM  
**To:** Uselding, Lara; Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Subject:** Diablo DPO IS public in ADAMS

Lara, et al – The DPO is public in Adams at ML14252A743. It was dated yesterday (9/9) and date to be released is yesterday (9/9). It does not yet come up in web-based Adams, which has a 1-day delay; however, anyone who has direct adams access can already find it. (eg., Platts, I imagine)

---

**From:** Uselding, Lara  
**Sent:** Wednesday, September 10, 2014 2:21 PM  
**To:** Brenner, Eliot; Burnell, Scott  
**Cc:** Harrington, Holly  
**Subject:** Ready for review by Chairman STATEREPORTblogFINAL.docx  
**Attachments:** STATEREPORTblogFINAL.docx

# Diablo Canyon In the News

By Lara Uselding and Scott Burnell



Today PG&E issued a report to the state as required by [California Assembly Bill 1632](#) and has also shared a copy with the NRC. In 2006, the bill required the California Energy Commission to assess the vulnerability of the state's nuclear power plants to seismic hazards and plant aging among other things. As part of the assessment, PG&E performed state-of-the-art seismic studies on and offshore the area near the plant.

The methodology used for the state report is different than was used to assess the Shoreline fault after it was discovered in 2008. New seismic information in the state-required report indicates that the Shoreline fault is both longer than previously thought and able to produce a stronger earthquake. Previously, PG&E provided Region IV with an operability evaluation after entering the new information in their corrective action program to assess the impact on systems, structures, components and plant operations.

NRC Resident Inspectors and Region IV staff have looked at PG&E's operability evaluation and the information did not indicate there is an immediate threat to public health and safety nor did it call into question the ability of systems, structures, and components to perform their safety functions. While the new seismic information gathered by PG&E adds detail about the Shoreline fault's length and strength, the company's evaluation reaffirms that the Shoreline fault is not as powerful as the Hosgri earthquake Diablo Canyon must withstand.

Just as the NRC reviewed the Shoreline fault information in 2009 and [2012](#), the agency will thoroughly review the new information through our inspection process. The 1,400-page seismic report contains new technical information that will be reviewed by staff.

PG&E will also use this new information in providing an overall seismic hazard re-analysis to the NRC as part of the agency's [response](#) to the 2011 Fukushima nuclear accident. PG&E's re-analysis is due to the NRC in March 2015.

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**From:** Harrington, Holly  
**Sent:** Wednesday, September 10, 2014 3:30 PM  
**To:** Brenner, Eliot  
**Subject:** FW: Ready for review by Chairman STATEREPORTblogFINAL.docx  
**Attachments:** STATEREPORTblogFINAL.docx

Note: This is the same attachment as the one attached to Lara Uselding's 09/10/2014 2:21 PM email.

I understand you OK'd this? It's grade 16 and kind of mess . . . Whatever

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Uselding, Lara  
**Sent:** Wednesday, September 10, 2014 2:21 PM  
**To:** Brenner, Eliot; Burnell, Scott  
**Cc:** Harrington, Holly  
**Subject:** Ready for review by Chairman STATEREPORTblogFINAL.docx

---

**From:** Dricks, Victor  
**Sent:** Thursday, September 11, 2014 8:26 AM  
**To:** Dapas, Marc; Kennedy, Kriss; Pruett, Troy; Uselding, Lara; Brenner, Eliot  
**Subject:** FW: NRC again rebuffs inspector's concerns of quake safety at Diablo Canyon

FYI

Victor Dricks  
Senior Public Affairs Officer  
U.S. Nuclear Regulatory Commission / Region IV  
1600 E. Lamar Blvd.  
Arlington, Texas 76011  
(817) 200-1128 (Office)  
(b)(6) (Cell)

**For immediate release:** September 10, 2014

**Expert Contact:**

Damon Moglen, Friends of the Earth: [\(202\) 352-4223](tel:(202)352-4223), [dmoglen@foe.org](mailto:dmoglen@foe.org)

**Communications Contacts:**

Kate Colwell, [\(202\) 222-0744](tel:(202)222-0744), [kcolwell@foe.org](mailto:kcolwell@foe.org) (East Coast)  
Bill Walker, [\(510\) 759-9911](tel:(510)759-9911), [bw.deadline@gmail.com](mailto:bw.deadline@gmail.com) (West Coast)

**WASHINGTON, D.C.** – After suppressing a safety inspector's report for more than a year, federal regulators are continuing to brush aside his warning that the Diablo Canyon nuclear power plant may not be safe from an earthquake stronger than the aging plant was designed to withstand.

Today the U.S. Nuclear Regulatory Commission notified Friends of the Earth that it has dismissed the Differing Professional Opinion filed in June 2013 by Dr. Michael Peck, who was then chief resident inspector at the Diablo Canyon nuclear power plant, on the Pacific coast between San Francisco and Los Angeles. Peck wrote that new seismic data, unknown when the plant was built more than 40 years ago, show that the NRC and Pacific Gas & Electric Co. can no longer be sure the plant is safe to operate. He said since the plant is now in violation of its federal operating license, it should be shut down pending additional safety studies.

Friends of the Earth, which has filed a petition with the NRC to shut the plant and conduct an adjudicated relicensing hearing with public participation, said the decision is deeply disturbing, especially since it comes before the long-awaited release of PG&E's long-overdue seismic safety study.

A statement from Damon Moglen, senior strategic advisor for Friends of the Earth:

For over a year, the NRC has kept secret the recommendation of its then-Resident Inspector that the Diablo Canyon nuclear plant is operating in violation of its license and should be shut down until proven safe. Now that the Associated Press has penetrated the NRC's veil of secrecy, the agency announced that it has denied Dr. Michael Peck's recommendation, without affording anyone else an opportunity to contribute evidence or expert opinion to inform that decision.

Fortunately the Atomic Energy Act did not empower the NRC to be a dictator and make highly contested decisions behind closed doors. Under the Act, the public has a voice. Friends of the Earth has raised that voice in its petition to the NRC. The regulator must provide the public a chance to hear the facts, weigh the evidence and give input on this vital issue of health and safety.

Diablo Canyon could never be built on such an earthquake-prone site today. It should not be allowed to operate for another day without being closed and subjected to a full public safety review.



**Bill Walker**  
**dba Deadline Now**  
**Berkeley, CA**  
**(510) 759-9911**

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Skype: deadlinenow  
<http://www.deadlinenow.com>

---

**From:** Dricks, Victor  
**Sent:** Thursday, September 11, 2014 8:27 AM  
**To:** Brenner, Eliot  
**Subject:** FW: PG&E's report on seismic safety at Diablo Canyon: the disturbing truth

FYI

Victor Dricks  
Senior Public Affairs Officer  
U.S. Nuclear Regulatory Commission / Region IV  
1600 E. Lamar Blvd.  
Arlington, Texas 76011  
(817) 200-1128 (Office)  
(b)(6) (Cell)

**For immediate release:** September 10, 2014

**Expert Contact:**

Damon Moglen, Friends of the Earth: (202) 352-4223, [dmoglen@foe.org](mailto:dmoglen@foe.org)

**Communications Contacts:**

Kate Colwell, (202) 222-0744, [kcolwell@foe.org](mailto:kcolwell@foe.org) (East Coast)  
Bill Walker, (510) 759-9911, [bw.deadline@gmail.com](mailto:bw.deadline@gmail.com) (West Coast)

**PG&E's report on seismic safety at Diablo Canyon: the disturbing truth**  
*Friends of the Earth: Alarming findings should trigger immediate closure of nuclear plant*

**WASHINGTON, D.C.** – Pacific Gas and Electric Co. released today its long-awaited, state-mandated seismic safety study of the Diablo Canyon nuclear power plant, with disturbing findings that Friends of the Earth says should result in immediate closure of the plant.

The study finds that the nearby Shoreline Fault, only discovered a few years ago, is far longer than previously assumed (the longer the fault, the more energy it can release in an earthquake). And PG&E now concedes that it should be assumed that the Shoreline Fault may connect to other nearby faults that surround the Diablo Canyon reactors; such linked faults can mean a far greater potential for ground motion/shaking. An earthquake on one fault could trigger a quake on an interconnected fault, producing a larger quake than one fault alone.

"Decrepit reactors on an array of active seismic faults is a recipe for disaster," said Damon Moglen, Senior strategic advisor at Friends of the Earth. "PG&E is trying to spin the facts and asking the public to blindly trust them. But the facts are clear: the plant's two aging reactors -- designed in the 1960s and built in the 1970s -- are surrounded by dangerous earthquake faults that were unknown at the time of construction, and these faults are capable of far stronger shaking than the plant was designed and built to withstand."

David Freeman, a nuclear power expert who is former head of the federal Tennessee Valley Authority, Los Angeles Department of Water and Power and the Sacramento Municipal Utility District, said PG&E has issued a "self-serving statement that puts safety last and its profits first."

---

**From:** Uselding, Lara  
**Sent:** Thursday, September 11, 2014 9:30 AM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Subject:** RE:

Is our blog going up today?

---

**From:** Brenner, Eliot  
**Sent:** Thursday, September 11, 2014 8:19 AM  
**To:** Uselding, Lara; Harrington, Holly; Burnell, Scott  
**Subject:** Re: PG&E's report on seismic safety at Diablo Canyon: the disturbing truth

Saw that.

---

**From:** Uselding, Lara  
**Sent:** Thursday, September 11, 2014 09:17 AM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Subject:** FW: PG&E's report on seismic safety at Diablo Canyon: the disturbing truth

FOE characterize the report with more info about the Shoreline fault as we proposed in the blog....

**For immediate release:** September 10, 2014

**Expert Contact:**

Damon Moglen, Friends of the Earth: [\(202\) 352-4223](tel:(202)352-4223), [dmglen@foe.org](mailto:dmglen@foe.org)

**Communications Contacts:**

Kate Colwell, [\(202\) 222-0744](tel:(202)222-0744), [kcolwell@foe.org](mailto:kcolwell@foe.org) (East Coast)  
Bill Walker, [\(510\) 759-9911](tel:(510)759-9911), [bw.deadline@gmail.com](mailto:bw.deadline@gmail.com) (West Coast)

**PG&E's report on seismic safety at Diablo Canyon: the disturbing truth**

*Friends of the Earth: Alarming findings should trigger immediate closure of nuclear plant*

**WASHINGTON, D.C.** – Pacific Gas and Electric Co. released today its long-awaited, state-mandated seismic safety study of the Diablo Canyon nuclear power plant, with disturbing findings that Friends of the Earth says should result in immediate closure of the plant.

The study finds that the nearby Shoreline Fault, only discovered a few years ago, is far longer than previously assumed (the longer the fault, the more energy it can release in an earthquake). And PG&E now concedes that it should be assumed that the Shoreline Fault may connect to other nearby faults that surround the Diablo Canyon reactors; such linked faults can mean a far greater potential for ground motion/shaking. An earthquake on one fault could trigger a quake on an interconnected fault, producing a larger quake than one fault alone.

"Decrepit reactors on an array of active seismic faults is a recipe for disaster," said Damon Moglen, Senior strategic advisor at Friends of the Earth. "PG&E is trying to spin the facts and asking the public to blindly trust them. But the facts are clear: the plant's two aging reactors – designed in the 1960s and built in the 1970s – are surrounded by dangerous earthquake faults that were unknown at the time of construction, and these faults are capable of far stronger shaking than the plant was designed and built to withstand."

David Freeman, a nuclear power expert who is former head of the federal Tennessee Valley Authority, Los Angeles Department of Water and Power and the Sacramento Municipal Utility District , said PG&E has issued a "self-serving statement that puts safety last and its profits first."

"It has taken six years for PG&E to acknowledge the risks of the Shoreline fault first identified in 2008. Why has the utility withheld this information for years when it involves such dramatic risk to the public?" asked Freeman, now a special advisor to Friends of the Earth.

Freeman added: "Unfortunately, this seems very much in character for the company responsible for the safety failures that led to the San Bruno natural gas line disaster. This is a 'safety' report by a company that has been indicted by the federal government for its corporate disregard for safety.

Friends of the Earth has filed a [petition](#) with the NRC calling for the closure of Diablo Canyon because new seismic data shows that the plant is no longer in compliance with its license and licensing basis and is not safe. The petition says federal regulators and the utility must either undertake an adjudicated public relicensing process to prove that the plant is safe or PG&E should get on with the work of immediately replacing power from Diablo Canyon with safe, clean renewable energy.

--



**Bill Walker**  
**dba Deadline Now**  
**Berkeley, CA**  
**(510) 759-9911**

**Twitter: [@deadlineow](#)**  
**Facebook: [DeadlineNow](#)**  
**Skype: [deadlineow](#)**  
**<http://www.deadlinenow.com>**

---

**From:** Harrington, Holly  
**Sent:** Friday, September 12, 2014 1:52 PM  
**To:** Uselding, Lara; Burnell, Scott  
**Cc:** Brenner, Eliot  
**Subject:** this is approved by the chairman's office and OK by me. Let me know quickly if there are any issues  
**Attachments:** DiabloRpt\_blogfinal.docx

Holly Harrington

Senior Level Advisor  
Office of Public Affairs  
U.S. Nuclear Regulatory Commission

301.415.8203

---

**From:** Uselding, Lara  
**Sent:** Thursday, September 18, 2014 11:55 AM  
**To:** Brenner, Eliot  
**Subject:** RE: FOE comments on Diablo Canyon seismic report

Our release of info was entirely independent on the release of a PGE report.

---

**From:** Dolley, Steven [<mailto:steven.dolley@platts.com>]  
**Sent:** Thursday, September 18, 2014 10:26 AM  
**To:** Dricks, Victor  
**Subject:** RE: FOE comments on Diablo Canyon seismic report

Hi Victor,

Elaine Hiruo is off this week. I'm going to add brief mention of this to her story on Diablo Canyon.

Does NRC have any response to or comment on FOE's allegations?

My deadline is **5 pm Eastern today for Inside NRC.**

Thanks,  
Steve

**Steven Dolley**  
**Managing Editor, Inside NRC**



**202-383-2166**  
**[steven.dolley@platts.com](mailto:steven.dolley@platts.com)**

---

**From:** Kate Colwell [<mailto:kcolwell@foe.org>]  
**Sent:** Thursday, September 18, 2014 10:02 AM  
**To:** Dolley, Steven  
**Subject:** Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

<http://www.foe.org/news/news-releases/2014-09-did-pge-and-the-nrc-work-together-to-spin-news-on-diablo-canyon-quake-safety>

**For Immediate Release:**  
September 18, 2014

**Expert Contacts:**  
Ben Schreiber, (202) 352-4223, [bschreiber@foe.org](mailto:bschreiber@foe.org)  
Dave Freeman, (310) 902-2147, [greencowboysdf@gmail.com](mailto:greencowboysdf@gmail.com)

**Communications Contacts:**

EA Dyson, (202) 222-0730, [edyson@foe.org](mailto:edyson@foe.org) (East Coast)

Bill Walker, (510) 759-9911, [bw.deadline@gmail.com](mailto:bw.deadline@gmail.com) (West Coast)

## **Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?**

### **Friends of the Earth files Freedom of Information Act request**

**WASHINGTON, D.C.** – Last week the Nuclear Regulatory Commission denied a dissent by the former chief inspector at the Diablo Canyon nuclear plant, who said new seismic data show the plant may be vulnerable to earthquakes of greater magnitude than allowed by its license. On the same day, Pacific Gas & Electric Co. released a long-awaited seismic study that, like the NRC's ruling, also claimed that Diablo Canyon is safe.

Was the timing a coincidence? Friends of the Earth doubts it.

Today, Friends of the Earth, joined by Public Employees for Environmental Responsibility, Mothers for Peace and the Santa Lucia Chapter of the Sierra Club filed a Freedom of Information Act request to determine whether the NRC and PG&E improperly worked together on a public relations strategy to counteract widespread news coverage of the inspector's dissent. According to the FOIA request, filed with the NRC in Washington:

The PG&E seismic report, released on the same day [as the decision on the inspector's dissent] indicates a possible relationship between the regulator and its licensee that has brought up widespread public concern regarding the independence of the regulator. There have been numerous concerns as to how the two documents could have been released simultaneously, given that [the handling of the inspector's dissent] has been kept secret.

The FOIA filing comes three days after three PG&E executives and a top staff member of the California Public Utilities Commission were removed for improperly working together to appoint the company's preferred judge to a case stemming from a September 2010 gas line explosion that killed eight people in San Bruno, California.

"You don't have to look any further than today's headlines to see that PG&E is capable of trying to improperly influence a government regulator when its profits are on the line," said Damon Moglen, Senior strategic advisor for Friends of the Earth. "Unfortunately, the NRC's track record on this issue shows an unfortunate tendency to put PG&E's interests before those of public safety. We want to find out to what extent PG&E and the NRC worked together to spin the story that Diablo Canyon is safe, despite the mounting evidence that it is vulnerable to quakes more powerful than it was built to withstand."

San Luis Obispo County supervisor Bruce Gibson, a seismologist and member of the Independent Peer Review Panel for Diablo Canyon appointed by the CPUC, also questioned the timing of the release of PG&E's report.

"PG&E chose to finalize its entire report and release it to the public before it sought any comment from—or even contacted—the peer review panel," Gibson wrote in the San Luis Obispo Tribune. "It appears to me that PG&E's public relations staff advised them to get their story to the public before any detailed questions might be asked."

Dr. Michael Peck, the former chief inspector at Diablo Canyon, in June 2013 filed a dissent known as a Differing Professional Opinion, or DPO, raising concerns that the plant might not withstand an earthquake on one of several fault lines that were not known when it was designed and built more than 40 years ago. Peck called for the shutdown of the plant until and unless PG&E could prove it is safe.

For more than a year, the NRC kept Peck's DPO secret and took no action on it. On August 25, 2014, the Associated Press revealed the existence of Peck's document, prompting Sen. Barbara Boxer of California to call a hearing to examine NRC's handling of the dissent. On September 10, the NRC announced it had ruled against Peck. Within hours, PG&E released a seismic safety study the NRC had ordered in the wake of the Fukushima nuclear disaster in March 2011.

"PG&E's seismic safety study is one more example of its half-century history of trying to rationalize away the extreme earthquake hazards to the Diablo Canyon reactors," said Jane Swanson, San Luis Obispo Mothers for Peace. "Despite three earthquake faults identified near Diablo, the NRC has continued to allow this devil of a plant to continue to operate."

Under federal law, the NRC has 20 days to respond to the Freedom of Information Act request.

###

*Friends of the Earth fights to create a more healthy and just world. Our current campaigns focus on promoting clean energy and solutions to climate change, keeping toxic and risky technologies out of the food we eat and products we use, and protecting marine ecosystems and the people who live and work near them.*

If you would rather not receive future communications from Friends of the Earth, let us know by clicking [here](#).  
Friends of the Earth, 1100 15th Street NW 11th Floor, Washington, DC 20005 United States

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**From:** Burnell, Scott  
**Sent:** Thursday, September 18, 2014 2:20 PM  
**To:** McIntyre, David; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

Not before 3, anyway...

---

**From:** McIntyre, David  
**Sent:** Thursday, September 18, 2014 2:20 PM  
**To:** Burnell, Scott; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

You're too busy this afternoon, remember?

---

**From:** Burnell, Scott  
**Sent:** Thursday, September 18, 2014 1:57 PM  
**To:** McIntyre, David; Uselding, Lara; Brenner, Eliot; Harrington, Holly  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

And me, me too!

---

**From:** McIntyre, David  
**Sent:** Thursday, September 18, 2014 1:56 PM  
**To:** Uselding, Lara; Brenner, Eliot; Harrington, Holly; Burnell, Scott  
**Subject:** RE: AP Michael Blood Qs: Response to press release from FOE, other groups

Hi Lara – Eliot's in a commission agenda planning meeting. He and I are going to discuss this in about 30 minutes when he gets back.

Dave

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**From:** Uselding, Lara  
**Sent:** Thursday, September 18, 2014 1:51 PM  
**To:** Brenner, Eliot; Harrington, Holly; Burnell, Scott; McIntyre, David  
**Subject:** AP Michael Blood Qs: Response to press release from FOE, other groups

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**From:** Blood, Michael [<mailto:mblood@ap.org>]  
**Sent:** Thursday, September 18, 2014 12:17 PM  
**To:** Uselding, Lara  
**Subject:** Response to press release from FOE, other groups

Lara,

I've attached a publicly released media announcement below. I'm assuming you'll handle the FOIA in the normal process. I have a few additional questions related to this,

I'd like to know, specifically, did the NRC and PGE coordinate to release these documents (Peck decision and seismic study) on the same day? If so, why?

The statement raises the question if the NRC and PGE "improperly worked together." Please address that directly in your response.

What rules/regulations govern your relationship with PGE on these types of matters?

Did PGE have any early notice of the Peck decision, which you told me was a confidential, internal process? Did PGE or their representatives have any access-input-advice to the decision-making process with the DPO?

Thanks.

**For Immediate Release:**  
September 18, 2014

## **Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety? Friends of the Earth files Freedom of Information Act request**

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The PG&E seismic report, released on the same day [as the decision on the inspector's dissent] indicates a possible relationship between the regulator and its licensee that has brought up widespread public concern regarding the independence of the regulator. There have been numerous concerns as to how the two documents could have been released simultaneously, given that [the handling of the inspector's dissent] has been kept secret.

The FOIA filing comes three days after three PG&E executives and a top staff member of the California Public Utilities Commission were removed for improperly working together to appoint the company's preferred judge to a case stemming from a September 2010 gas line explosion that killed eight people in San Bruno, California.

"You don't have to look any further than today's headlines to see that PG&E is capable of trying to improperly influence a government regulator when its profits are on the line," said Damon Moglen, Senior strategic advisor for Friends of the Earth. "Unfortunately, the NRC's track record on this issue shows an unfortunate tendency to put PG&E's interests before those of public safety. We want to find out to what extent PG&E and the NRC worked together to spin the story that Diablo Canyon is safe, despite the mounting evidence that it is vulnerable to quakes more powerful than it was built to withstand."

San Luis Obispo County supervisor Bruce Gibson, a seismologist and member of the Independent Peer Review Panel for Diablo Canyon appointed by the CPUC, also questioned the timing of the release of PG&E's report.

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Under federal law, the NRC has 20 days to respond to the Freedom of Information Act request.

###



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**Michael R. Blood**  
Los Angeles, Calif.

(b)(6)

<http://twitter.com/MichaelRBloodAP>

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**From:** Uselding, Lara  
**Sent:** Thursday, September 18, 2014 3:00 PM  
**To:** 'steven.dolley@platts.com'  
**Cc:** Dricks, Victor  
**Subject:** FW: FOE comments on Diablo Canyon seismic report

Hello Steve:<sup>1</sup>

We know of no collaboration between NRC and PG&E regarding the individual timing of releases. (i.e. DPO decision and state-require report)  
However, we take these matters seriously and the NRC staff itself has referred the matter to the agency's Inspector General.

Lara

Lara Uselding  
U.S. Nuclear Regulatory Commission (NRC)  
Platts AT&T - Region IV, Arlington, Texas  
817.200.1519  
lara.uselding@nrc.gov

---

**From:** Dolley, Steven [<mailto:steven.dolley@platts.com>]  
**Sent:** Thursday, September 18, 2014 10:26 AM  
**To:** Dricks, Victor  
**Subject:** RE: FOE comments on Diablo Canyon seismic report

Hi Victor,

Elaine Hiruo is off this week. I'm going to add brief mention of this to her story on Diablo Canyon.

Does NRC have any response to or comment on FOE's allegations?

My deadline is 5 pm Eastern today for Inside NRC.

Thanks,  
Steve

**Steven Dolley**  
**Managing Editor, Inside NRC**



**202-383-2166**  
**[steven.dolley@platts.com](mailto:steven.dolley@platts.com)**

**From:** Kate Colwell [<mailto:kcolwell@foe.org>]  
**Sent:** Thursday, September 18, 2014 10:02 AM  
**To:** Dolley, Steven  
**Subject:** Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

<http://www.foe.org/news/news-releases/2014-09-did-pge-and-the-nrc-work-together-to-spin-news-on-diablo-canyon-quake-safety>

**For Immediate Release:**  
September 18, 2014

**Expert Contacts:**  
Ben Schreiber, (202) 352-4223, [bschreiber@foe.org](mailto:bschreiber@foe.org)  
Dave Freeman, (310) 902-2147, [greencowboysdf@gmail.com](mailto:greencowboysdf@gmail.com)

**Communications Contacts:**  
EA Dyson, (202) 222-0730, [edyson@foe.org](mailto:edyson@foe.org) (East Coast)  
Bill Walker, (510) 759-9911, [bw.deadline@gmail.com](mailto:bw.deadline@gmail.com) (West Coast)

## **Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?**

### **Friends of the Earth files Freedom of Information Act request**

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The FOIA filing comes three days after three PG&E executives and a top staff member of the California Public Utilities Commission were removed for improperly working together to appoint the company's preferred judge to a case stemming from a September 2010 gas line explosion that killed eight people in San Bruno, California.

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###

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**From:** Uselding, Lara  
**Sent:** Thursday, September 18, 2014 4:03 PM  
**To:** Brenner, Eliot  
**Cc:** Dricks, Victor  
**Subject:** perhaps we could pitch Eileen some story ideas

She's now at Argus media

---

**From:** Eileen O'Grady [mailto:eileen.ogrady@argusmedia.com]  
**Sent:** Thursday, September 18, 2014 2:22 PM  
**To:** Uselding, Lara  
**Subject:** RE: Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

(b)(6)

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**From:** Uselding, Lara [mailto:Lara.Uselding@nrc.gov]  
**Sent:** Thursday, September 18, 2014 2:04 PM  
**To:** Eileen O'Grady  
**Subject:** RE: Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

Great, thanks. How's it going over there?  
Lara

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**From:** Eileen O'Grady [mailto:eileen.ogrady@argusmedia.com]  
**Sent:** Thursday, September 18, 2014 2:03 PM  
**To:** Uselding, Lara  
**Subject:** RE: Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

Thanks, Lara. I am not planning to write unless ordered by editors. I doubt this is something Argus would get into, but I'm still new here so I could be wrong. I will keep this response.

---

**From:** Uselding, Lara [mailto:Lara.Uselding@nrc.gov]  
**Sent:** Thursday, September 18, 2014 1:59 PM  
**To:** Eileen O'Grady  
**Subject:** RE: Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

Hello again: In case you were looking for a response,  
We know of no collaboration between NRC and PG&E regarding the individual timing of releases (i.e. DPO decision and state-require report).  
However, we take these matters seriously and the NRC staff itself has referred the matter to the agency's Inspector General.  
Lara

Lara Uselding

Office of Nuclear Regulatory Commission (NRC)

---

**From:** Eileen O'Grady [<mailto:eileen.ogrady@argusmedia.com>]

**Sent:** Thursday, September 18, 2014 9:27 AM

**To:** Dricks, Victor; Uselding, Lara

**Subject:** FW: Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

Victor/Lara: just a heads up in case you have not seen today.

---

**From:** Kate Colwell [<mailto:kcolwell@foe.org>]

**Sent:** Thursday, September 18, 2014 9:01 AM

**To:** Eileen O'Grady

**Subject:** Did PG&E and the NRC work together to spin news on Diablo Canyon quake safety?

<http://www.foe.org/news/news-releases/2014-09-did-pge-and-the-nrc-work-together-to-spin-news-on-diablo-canyon-quake-safety>

**For Immediate Release:**

September 18, 2014

**Expert Contacts:**

Ben Schreiber, (202) 352-4223, [bschreiber@foe.org](mailto:bschreiber@foe.org)

Dave Freeman, (310) 902-2147, [greencowboysdf@gmail.com](mailto:greencowboysdf@gmail.com)

**Communications Contacts:**

EA Dyson, (202) 222-0730, [edyson@foe.org](mailto:edyson@foe.org) (East Coast)

Bill Walker, (510) 759-9911, [bw.deadline@gmail.com](mailto:bw.deadline@gmail.com) (West Coast)

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