

EDO Principal Correspondence Control

FROM: DUE: 04/15/11

EDO CONTROL: G20110212

DOC DT: 03/24/11

FINAL REPLY:

Representative Lois Capps

TO:

Chairman Jaczko

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 11-0152

Chairman Jaczko

DESC:

ROUTING:

License Renewal Process for Diablo Canyon Nuclear  
Power Plant (EDATS: SECY-2011-0168)

Borchardt  
Weber  
Virgilio  
Ash  
Muessle  
OGC/GC  
Leeds, NRR  
Collins, RIV  
Burns, OGC  
Schmidt, OCA

DATE: 03/29/11

ASSIGNED TO:

CONTACT:

EDO

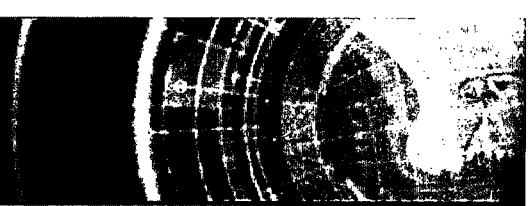
Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare response in accordance with OEDO  
Notice 2009-0441-02 (ML093290179). NRR and  
Region IV to provide input to Roger Rihm, OEDO, if  
required. Roger Rihm will coordinate with OGC and  
OCA.

Template: SECY-017

ERIDS: SECY-01



**EDATS Number:** SECY-2011-0168

**Source:** SECY

## General Information

**Assigned To:** OEDO

**OEDO Due Date:** 4/15/2011 11:00 PM

**Other Assignees:**

**SECY Due Date:** 4/19/2011 11:00 PM

**Subject:** License Renewal Process for Diablo Canyon Nuclear Power Plant

**Description:**

**CC Routing:** NRR; RegionIV; OGC; OCA

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20110212, LTR-11-0152

**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** EDATS

**Agency Lesson Learned:** NO

**OEDO Monthly Report Item:** NO

## Process Information

**Action Type:** Letter

**Priority:** Medium

**Signature Level:** Chairman Jaczko

**Sensitivity:** None

**Urgency:** NO

**Approval Level:** No Approval Required

**OEDO Concurrence:** YES

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:** Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR and Region IV to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate with OGC and OCA.

## Document Information

**Originator Name:** Representative Lois Capps

**Date of Incoming:** 3/24/2011

**Originating Organization:** Congress

**Document Received by SECY Date:** 3/29/2011

**Addressee:** Chairman Jaczko

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Mar 29, 2011 10:56

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**PAPER NUMBER:** LTR-11-0152 **LOGGING DATE:** 03/24/2011  
**ACTION OFFICE:** EDO

**AUTHOR:** REP Lois Capps  
**AFFILIATION:** CONG  
**ADDRESSEE:** Gregory Jaczko  
**SUBJECT:** Urges the NRC stay the license renewal process for the Diablo Canyon nuclear power plant

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF, OCA to Ack

**LETTER DATE:** 03/24/2011  
**ACKNOWLEDGED** No  
**SPECIAL HANDLING:** Commission Correspondence

**NOTES:**  
**FILE LOCATION:** ADAMS

**DATE DUE:** 04/19/2011 **DATE SIGNED:**

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March 24, 2011

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Jaczko:

I am writing to request the Nuclear Regulatory Commission immediately stay the license renewal process for the Diablo Canyon Nuclear Power Plant until further studies demonstrate the plant's design and operations can withstand an earthquake and other potential threats.

As you are well aware, a 2008 California Energy Commission report found very clear warnings of potential new seismic threats surrounding the Diablo Canyon plant. The report also determined that the newly discovered Shoreline earthquake fault should be taken into consideration as part of the license renewal process. In addition to the concerns raised by the California Energy Commission, the California Public Utilities Commission and the California Coastal Commission have filed comments in the license renewal proceedings indicating that many seismic uncertainties remain unstudied and unresolved.

I am very concerned the NRC has not taken action to address the warnings in the Energy Commission's report, nor has it seriously considered the concerns raised by these state agencies and the public. Moreover, the NRC continues to support its evaluation of the Shoreline earthquake fault on an early report based on preliminary findings. Therefore, I request that you also reconsider my earlier request to ensure the NRC is collaborating with other federal and state agencies by creating a joint panel to peer review, upon their completion, independent advanced seismic studies for all onshore and offshore faults in the area as requested by our state regulators and legislature. The urgency of resolving the state's seismic concerns necessitates the formation of such a panel of experts. Furthermore, given that the plant's current operating licenses do not expire for more than a decade, the completion and review of these studies prior to consideration of any relicensing would not impede any process affecting its ongoing operation.

The NRC has a responsibility to maintain both the reliability and economic viability of nation's nuclear energy plants, and to ensure the public's health and safety in surrounding communities is protected. For plants located in seismically active areas, like Diablo Canyon, it is imperative they are designed with sufficient levels of resiliency against the sort of earthquakes

experts predict they could experience. Additionally, from what we witnessed in Japan—an earthquake, tsunami and nuclear accident all occurring in sequence—it is more important than ever that the NRC demonstrate that it has taken all appropriate steps to safeguard against a similar occurrence at any U.S. facility.

These safety issues continue to be of great concern to me and my constituents based on a history of incomplete and faulty NRC oversight of the Diablo Canyon plant. While Pacific Gas & Electric has put into place safety measures to address some potential hazards at the plant, there are simply too many unanswered questions on seismic activity and emergency preparedness for this licensing renewal process to move forward. Failure to address this issue in a forthright and transparent manner prior to relicensing is unwise and irresponsible. It will feed public uncertainty about the oversight and safety of nuclear energy and could cost taxpayers billions of dollars to once again belatedly address issues that should have been dealt with beforehand.

Mr. Chairman, you and I agree that nothing is more important than the health and safety of our communities. For that reason, I request the NRC immediately stay the license renewal process until it can fully resolve the state's seismic concerns and adopt whatever lessons are to be learned from the disaster in Japan. My constituents deserve the Diablo Canyon Nuclear Power Plant be as safe as possible and they are looking to the NRC to do everything within its power to ensure such a nuclear tragedy does not occur in our community.

I look forward to working with you to ensure that is the case.

Sincerely,

A handwritten signature in black ink, reading "Lois Capps". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

LOIS CAPPS  
Member of Congress