

FOIA/PA NO: 2014-0372

RECORDS BEING RELEASED IN PART

The following types of information are being withheld:

- Ex. 1: Records properly classified pursuant to Executive Order 13526
- Ex. 2: Records regarding personnel rules and/or human capital administration
- Ex. 3: Information about the design, manufacture, or utilization of nuclear weapons
 Information about the protection or security of reactors and nuclear materials
 Contractor proposals not incorporated into a final contract with the NRC
 Other _____
- Ex. 4: Proprietary information provided by a submitter to the NRC
 Other _____
- Ex. 5: Draft documents or other pre-decisional deliberative documents (D.P. Privilege)
 Records prepared by counsel in anticipation of litigation (A.W.P. Privilege)
 Privileged communications between counsel and a client (A.C. Privilege)
 Other _____
- Ex. 6: Agency employee PII, including SSN, contact information, birthdates, etc.
 Third party PII, including names, phone numbers, or other personal information
- Ex. 7(A): Copies of ongoing investigation case files, exhibits, notes, ROI's, etc.
 Records that reference or are related to a separate ongoing investigation(s)
- Ex. 7(C): Special Agent or other law enforcement PII
 PII of third parties referenced in records compiled for law enforcement purposes
- Ex. 7(D): Witnesses' and Allegers' PII in law enforcement records
 Confidential Informant or law enforcement information provided by other entity
- Ex. 7(E): Law Enforcement Technique/Procedure used for criminal investigations
 Technique or procedure used for security or prevention of criminal activity
- Ex. 7(F): Information that could aid a terrorist or compromise security

Other/Comments: _____

Remsburg, Kristy

From: (b)(6)
Sent: Wednesday, May 14, 2014 12:50 PM
To: Woollen, Mary
Cc: Michal (EPW) Freedhoff; Aaron Shapiro
Subject: Unresolved tsunami threat at Diablo Canyon vs redacted NRC reports

Dear Mary:

Back in March, on the third anniversary of the nuclear disaster at Fukushima, NBC news reported a story that made extensive use of internal emails from the Nuclear Regulatory Commission (obtained via FOIA) that revealed their immediate responses and reactions to the events unfolding in Japan.

Of particular interest were the references to Diablo Canyon--including this March 11, 2011 communication from NRC's director of Public Affairs, Eliot Brenner:

4. NRR is getting tasked with making an overlay of the Japanese conditions (8.9 and whatever the height of the wave was) to see how west coast plants stack up against it. We think preliminarily Diablo would have had no trouble with a wave that size. 8.9 we're not so sure about, but again we are not talking about that.

That Mr. Brenner appears willing to be so certain about the tsunami threat is questionable in light of a subsequent trail of emails from Dr. Robert Sewell, whom the NRC had contracted in 2002 (via the Southwest Research Institute) to perform a tsunami analysis for Diablo Canyon. Dr. Sewell wrote to the NRC less than a week after Fukushima, at which time he reminded them:

Please review the attached documents, which I prepared in 2002 and 2003 for the CNWRA as part of my review of the licensing application for the Diablo Canyon ISFSI facility.... Unfortunately, the recommendations went unheeded at that time, and the NRC was not then willing to open up the prospect of re-evaluating the tsunami design basis for DCPD.... I made a brief visit of the DCPD last year as part of an IAEA Seismic-EBP mission...[m]y concerns with the plant remained and do even more so today (in general, for all coastal NPPs).... Accordingly, in the continued interests of nuclear safety in the US and elsewhere, *I am requesting you at this time to reconsider the attached documents, to personally review them, and to provide them to responsible parties within the NRC.*

In an attempt to better understand the hazards of which Dr. Sewell warned, we received a copy of both his original tsunami study and his email correspondence with the NRC. Unfortunately, the entire study was redacted, as was the content of his emails, with the exception from the cover letter quoted above. I have attached the NRC emails of March 11, 2011, as well as Dr. Sewell's emails of March 16 and his original tsunami study as we received it in the redacted format.

Given the NRC's seemingly cavalier assessment of the concerns at Diablo Canyon in the immediate aftermath of Fukushima (see pages 2 and 3 of the attached NRC internal emails of March 11, 2011) the fact that Dr. Sewell's report and its concerns were ignored troubles us greatly. Both PG&E and the NRC have claimed since that fateful day that tsunamis pose no threat to Diablo Canyon. Yet, an NRC consultant claims otherwise, and the details of his research remain redacted.

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Mary, have you any thoughts on the best method to obtain some clarity and closure on this matter?

Yours truly,

(b)(6)

Outreach Coordinator

Alliance for Nuclear Responsibility
PO Box 1328
San Luis Obispo, CA 93406

(b)(6) cell

(b)(6)

Kratchman, Jessica

From: Kratchman, Jessica
Sent: Wednesday, September 17, 2014 10:15 AM
To: Kratchman, Jessica
Subject: FW: HQ help: Redacted Tsunami Study of Diablo Canyon

From: Blaney, Stephanie
Sent: Thursday, June 12, 2014 8:16 AM
To: Burnell, Scott; Karas, Rebecca; Kratchman, Jessica
Cc: Reckley, William
Subject: RE: HQ help: Redacted Tsunami Study of Diablo Canyon

There are a few people in discussion, but let me get all their names and let you know.

From: Burnell, Scott
Sent: Thursday, June 12, 2014 8:15 AM
To: Blaney, Stephanie; Karas, Rebecca; Kratchman, Jessica
Cc: Reckley, William
Subject: RE: HQ help: Redacted Tsunami Study of Diablo Canyon

Thanks Stephanie.

Just to be clear, who's currently reviewing the report and who would sign off on releasing it? Thanks.

Scott

From: Blaney, Stephanie
Sent: Thursday, June 12, 2014 7:57 AM
To: Burnell, Scott; Karas, Rebecca; Kratchman, Jessica
Cc: Reckley, William
Subject: RE: HQ help: Redacted Tsunami Study of Diablo Canyon

Sorry for the delay. Here is the response as to who decided to withhold the record and why. Let me know if you need anything else.

Thanks,
Stephanie

--

The report(s), originally written in 2002-2003 contain restrictive legends and are noted as drafts -- prepared by consultants under contract to NRC as part of a licensing review. No indication that the reports were finalized or adopted by NRC. The author seems to be saying that NRC didn't act on them, but that doesn't make it clear whether what the consultant wrote was his final effort and then it was up to NRC to decide what, if anything, to do. But, either way, it was part of NRC's deliberations on the licensing review, for which ex 5/Deliberative Process (DP) could be claimed.

Similarly after a Japanese tsunami in 2004, he tried to get the Japanese to pay attention to the issues he framed in the report, to no avail.

In any event, after Fukushima, he reached in from the outside to suggest that NRC revisit the analysis contained in there, arguably creating a second deliberation to which it relates and is another reason to claim ex 5/DP.

The decision to withhold this document was made by the Japan FOIA Task Force and it is currently being reviewed by the subject matter experts for release. If Mr. Weisman is interested in receiving this document, please advise that he is able to submit a FOIA.

From: Burnell, Scott
Sent: Wednesday, June 11, 2014 10:08 AM
To: Blaney, Stephanie; Karas, Rebecca; Kratchman, Jessica
Cc: Reckley, William
Subject: RE: HQ help: Redacted Tsunami Study of Diablo Canyon

Good morning, Stephanie;

Just checking on whether any more information on the redaction justification is available to add to our proposed response. Thanks!

Scott

From: Blaney, Stephanie
Sent: Monday, June 09, 2014 11:07 AM
To: Burnell, Scott; Karas, Rebecca; Kratchman, Jessica
Cc: Reckley, William
Subject: RE: HQ help: Redacted Tsunami Study of Diablo Canyon

Will do. Thank you Scott.

From: Burnell, Scott
Sent: Monday, June 09, 2014 11:01 AM
To: Karas, Rebecca; Blaney, Stephanie; Kratchman, Jessica
Cc: Reckley, William
Subject: RE: HQ help: Redacted Tsunami Study of Diablo Canyon

Hi Stephanie;

Thanks for calling, I hope our discussion clarified what we need for our response. Please keep Jessica and Bill on CC, since Jessica also has a role in providing the response. Thanks!

Scott

From: Karas, Rebecca
Sent: Thursday, June 05, 2014 3:34 PM
To: Blaney, Stephanie
Cc: Burnell, Scott
Subject: FW: HQ help: Redacted Tsunami Study of Diablo Canyon

Sorry, I tried to call you back. What we are trying to figure out is who it was who made the decision to redact/make non-public the study by Dr. Sewell. It appears to be from the FOIA request attached. Do you have the information in a database? I'm out for the next two days, so if you track it down, please let Scott Burnell know.

Thanks!

Rebecca Karas, Chief
Hydrology and Meteorology Branch 2
Division of Site Safety and Environmental Analysis
Office of New Reactors
U.S. Nuclear Regulatory Commission
Phone: 301-415-7533
Fax: 301-415-5397

From: Karas, Rebecca
Sent: Tuesday, June 03, 2014 1:43 PM
To: Pearson, Laura
Cc: Burnell, Scott
Subject: FW: HQ help: Redacted Tsunami Study of Diablo Canyon

Laura,

Attached is the document I mentioned in my phone message to you. Any questions, please call either me or Scott Burnell.

Thanks!

Rebecca Karas, Chief
Hydrology and Meteorology Branch 2
Division of Site Safety and Environmental Analysis
Office of New Reactors
U.S. Nuclear Regulatory Commission
Phone: 301-415-7533
Fax: 301-415-5397

From: Burnell, Scott
Sent: Tuesday, June 03, 2014 9:46 AM
To: Karas, Rebecca
Subject: FW: HQ help: Redacted Tsunami Study of Diablo Canyon

From: Uselding, Lara
Sent: Monday, June 02, 2014 2:33 PM
To: Brenner, Elliot; McIntyre, David; Burnell, Scott; Harrington, Holly
Cc: Dricks, Victor
Subject: HQ help: Redacted Tsunami Study of Diablo Canyon

From: Kennedy, Kriss
Sent: Monday, June 02, 2014 12:27 PM
To: Uselding, Lara
Cc: Walker, Wayne; Alexander, Ryan; Pruett, Troy
Subject: FW: Redacted Tsunami Study of Diablo Canyon

Lara,

This is an email I received from David Weisman as a followup to our public meeting.

I would like to discuss how best to respond, who should respond, and the status of any ongoing activities related specifically to the A4NR letter to Congresswoman Capps. Please work with Wayne and Ryan to set up a meeting to discuss.

Thanks

Kriss

From: (b)(6)
Sent: Tuesday, May 27, 2014 2:03 PM
To: Kennedy, Kriss
Cc: Kevin Bommarito; Ryan Guillen
Subject: Redacted Tsunami Study of Diablo Canyon

Exemption 6- invasion of individual personal privacy

Dear Mr. Kennedy:

Pursuant to our conversation at the close of the Diablo Canyon End-of-Cycle meeting in San Luis Obispo last week, I am attaching a comprehensive PDF file that was previously sent to our congressional representative, the Honorable Lois Capps. You will note that I am also including in this email the district and Sacramento legislative aides for our state senator, the Honorable William Monning.

The file opens with our two-page summary description to the Congresswoman and then includes the email correspondence from the NRC as well as the entire "redacted" tsunami study of Dr. Robert Sewell.

Once again, we request to know what could possibly be redacted in a geologic tsunami study and why it is redacted, particularly since the unredacted email from Dr. Sewell to the NRC--only weeks after Fukushima--indicates his ongoing and growing concerns about the situation at Diablo Canyon.

Thank you for your offer to investigate this concern. I look forward to your timely response.

Yours truly,

(b)(6)

Outreach Coordinator

Alliance for Nuclear Responsibility
PO Box 1328
San Luis Obispo, CA 93406

(b)(6) cell

(b)(6)

RECEIVED
MAY 14 2014

From: Kratchman, Jessica
To: Burnell, Scott; Beckley, William
Cc: Gibson, Lauren; Jessup, William
Subject: FW: REPLY: Tsunami threat and Diablo Canyon vs NRC report
Date: Thursday, June 12, 2014 3:21:28 PM

FYI- I have sent the below response to Mr. Weismen. I send it from the JLD Public Resource for continuity.

Billy- this should close out TT1000.

-Jessie

From: JLD_Public Resource
Sent: Thursday, June 12, 2014 3:18 PM
To: (b)(6)
Subject: REPLY: Tsunami threat and Diablo Canyon vs NRC report

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Mr. Weisman,

This email is in response to your inquiry to Mary Woollen in the NRC's Office of the Chairman on May 14, 2014, subject: "unresolved tsunami threat at Diablo Canyon vs redacted NRC reports".

The NRC is working diligently to ensure the safe operation of nuclear power facilities from hazards such as the tsunami that struck the Fukushima Daiichi Power Station on March 11, 2011. Diablo Canyon has been deemed safe to operate based on our current understanding of potential external hazards for the site and the design and construction of the facility. This determination considered input from a large collection of research and licensing efforts in addition to the Sewell report. The Near Term Task Force Report (ADAMS accession number ML111861807) provided the NRC confidence to conclude that an accident with consequences similar to the Fukushima accident is unlikely to occur in the US. The NRC further concluded that plant operation and the continuation of licensing activities do not pose an imminent risk to public health and safety. Until Diablo Canyon completes its flooding hazard re-analysis, it will continue to fall under this general determination. If the re-analysis identifies a potentially higher flooding hazard, the licensee will also propose any appropriate interim actions for flood hazard mechanisms (e.g., precipitation, storm seiche, tsunami) that exceed the current design basis. The reevaluated flood hazard report is due March 12, 2015. Please be assured that the current safety assessment has considered not only the Sewell report but research and input from numerous sources and experts.

As for the FOIA determination for the Sewell report, the NRC previously determined that this document falls under relevant FOIA exemptions for draft documents. The decision to withhold this document was made by the Japan FOIA Task Force. However, this report, even in its draft form, was appropriately considered during NRC licensing reviews for Diablo Canyon.

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Thank you for your interest. If you have any further questions you can reply to this email address or contact me directly at Jessica.Kratchman@nrc.gov.

Jessica Kratchman
Project Manager
U.S. Nuclear Regulatory Commission
-Japan Lessons-Learned Project Directorate

All	Required	Publication	Hearing	Records	Reference	People
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Author Name: "Kratchman J A"						
* Author Affiliation: "NRC/NRR/JLD/PSB"						
Addressee Name: "Burnell S R"; "Reckley W D"						
Addressee Affiliation: "NRC/NRR/JLD/PSB"						
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6
From: JLD Public Resource
To: (b)(6)
Bcc: Kratchman, Jessica
Subject: REPLY: Tsunami threat and Diablo Canyon vs NRC report
Date: Thursday, June 12, 2014 3:17:00 PM

Mr. Weisman,

This email is in response to your inquiry to Mary Woollen in the NRC's Office of the Chairman on May 14, 2014, subject: "unresolved tsunami threat at Diablo Canyon vs redacted NRC reports".

The NRC is working diligently to ensure the safe operation of nuclear power facilities from hazards such as the tsunami that struck the Fukushima Daiichi Power Station on March 11, 2011. Diablo Canyon has been deemed safe to operate based on our current understanding of potential external hazards for the site and the design and construction of the facility. This determination considered input from a large collection of research and licensing efforts in addition to the Sewell report. The Near Term Task Force Report (ADAMS accession number ML111861807) provided the NRC confidence to conclude that an accident with consequences similar to the Fukushima accident is unlikely to occur in the US. The NRC further concluded that plant operation and the continuation of licensing activities do not pose an imminent risk to public health and safety. Until Diablo Canyon completes its flooding hazard re-analysis, it will continue to fall under this general determination. If the re-analysis identifies a potentially higher flooding hazard, the licensee will also propose any appropriate interim actions for flood hazard mechanisms (e.g., precipitation, storm seiche, tsunami) that exceed the current design basis. The reevaluated flood hazard report is due March 12, 2015. Please be assured that the current safety assessment has considered not only the Sewell report but research and input from numerous sources and experts.

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Thank you for your interest. If you have any further questions you can reply to this email address or contact me directly at Jessica.Kratchman@nrc.gov.

Jessica Kratchman
Project Manager
U.S. Nuclear Regulatory Commission
-Japan Lessons-Learned Project Directorate

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All Required Publication Hearing Records Reference People

Document: LTR-14-0283-1 Email Response Re: Unresolved Tsunami Threat at Diablo Canyon vs. Redacted NRC Reports.

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* Author Affiliation: "NRC/NRR/JLD/PSB"

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Addressee Affiliation: "NRC/NRR/JLD/PSB"

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