

Group B

FOIA/PA NO: 2014-0488

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: _____

Brenner, Eliot

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

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

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.

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AP

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