

July 27, 2015

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
PACIFIC GAS AND ELECTRIC	)	Docket No. 50-275-LR
COMPANY	)	Docket No. 50-323-LR
	)	
(Diablo Canyon Power Plant, Units 1 and 2)	)	

PACIFIC GAS AND ELECTRIC COMPANY’S ANSWER  
TO MOTION TO CORRECT FALSE INFERENCE

INTRODUCTION

On July 16, 2015, San Luis Obispo Mothers for Peace (“SLOMFP”) filed a motion<sup>1</sup> to correct what they believe to be a “false inference” created by an allegedly “material and misleading statement” by counsel for Pacific Gas and Electric Company (“PG&E”) during oral argument on July 9, 2015, addressing proposed Contention C. In accordance with 10 C.F.R. § 2.323(c), PG&E herein answers the Motion. PG&E does not oppose the Motion. However, PG&E provides further clarification on the matters addressed by SLOMFP. PG&E does not believe that these facts are material to the admissibility of proposed Contention C.

DISCUSSION

SLOMFP seeks to clarify the facts relevant to the discussion at the oral argument (Tr. 889-890) of the ocean bottom seismometer (“OBS”) system installed offshore from Diablo Canyon as part of PG&E’s Central Coastal California Seismic Imaging Project. While SLOMFP

---

<sup>1</sup> “San Luis Obispo Mothers for Peace’s Motion to Correct False Inference Raised by a Misleading Statement of Material Fact by Pacific Gas & Electric Co.,” dated July 16, 2015 (“Motion”).

acknowledges that counsel “appears to be correct that offshore earthquake monitors were installed and ‘have been there for several years,’ he failed to add the critical information that the monitors did not work and therefore had to be replaced with temporary monitors in late 2014.”<sup>2</sup> SLOMFP continues by stating that PG&E counsel “did not assert, nor is there any evidence in the record, that the [March 2015 Seismic Source Characterization Report<sup>3</sup>] includes even the limited amount of OBS earthquake monitoring data collected after November 4, 2014” (when the replacement monitors were installed). SLOMFP maintains that the issue must be corrected for two reasons: (1) because the “failure to collect earthquake monitoring data west of the Shoreline Fault” means that “the fault could be closer to the Diablo Canyon nuclear plant than assumed by PG&E;”<sup>4</sup> and “to remove the false inference raised by PG&E that Dr. Jackson lacked the competence or care to correctly identify or interpret key data in PG&E’s seismic documents.”<sup>5</sup>

PG&E counsel certainly did not intend that any “false inference” be drawn from the statements at oral argument. Nor did counsel intend to disparage Dr. Jackson’s competence or expertise. The intent was to provide the Licensing Board with additional background on the OBS to correct the inference created by SLOMFP that there have been, and going forward will be, no

---

<sup>2</sup> Motion at 3. SLOMFP references a PG&E document obtained in a state proceeding to show (correctly) that four temporary OBS units were deployed in November 2014.

<sup>3</sup> SLOMFP is here citing the Seismic Source Characterization report (available at <http://www.pge.com/en/safety/systemworks/dcpp/sshac/index.page>) on the results of the Senior Seismic Hazards Analysis Committee (“SSHAC”) process completed in accordance with the NRC’s request for information under 10 C.F.R. § 50.54(f). This information was an input to PG&E’s March 11, 2015 report on seismic hazards submitted to the NRC.

<sup>4</sup> Motion at 4.

<sup>5</sup> *Id.*

seismometers offshore from Diablo Canyon.<sup>6</sup> PG&E does not object to SLOMFP's Motion to further clarify the point. However, SLOMFP's Motion itself does not provide a complete and accurate record on the issue.

As part of the Seismic Imaging Project, PG&E installed OBS equipment (offshore, west of the plant) beginning in July 2013. There were problems with the equipment as suggested by SLOMFP. But, despite the problems, some seismic data was obtained from functioning OBS units. Specifically, one of four cabled OBS units and two autonomous (battery-powered, non-cabled) OBS units were in operation until November 2013. The cabled system was then fully operational from November 2013 to February 2014, whereupon problems with that system resulted in it being inoperable by April 2014. Between July 2013 and April 2014, operable units were used to take recordings of seismic activity. The OBS and the data obtained are specifically described in Chapter 5 (*see, e.g.*, Section 4.2) of PG&E's September 2014 Central Coastal California Seismic Imaging Project Report.<sup>7</sup> This data did not change conclusions from other work that was completed to characterize and constrain the location of the Shoreline Fault, as discussed in the CCCSIP Report and the prior Shoreline Fault Report.<sup>8</sup> After April 2014, the original OBS was retrieved. PG&E installed four new autonomous OBS in November 2014. These are being used to

---

<sup>6</sup> SLOMFP counsel stated at oral argument that "PG&E has put seismic monitoring stations only on the east side, or at least the report only represents results from locating earthquakes on the east side of the fault and not on the west side." Tr. 813. Further, counsel argued that "it's not appropriate to draw conclusions about earthquake risk coming from the Shoreline fault when you let all these years go by where you were only studying earthquakes on one side of the fault and neglected the other." Tr. 879.

<sup>7</sup> PG&E Letter DCL-14-081, "Central Coastal California Seismic Imaging Project, Shoreline Fault Commitment," dated September 10, 2014 (ADAMS Accession No. ML14260A106) ("CCCSIP Report").

<sup>8</sup> *See, e.g.*, Chapter 4.0 of PG&E's "Report on the Analysis of the Shoreline Fault Zone, Central Coastal California: Report to the U.S. Nuclear Regulatory Commission" (January 2011) (ADAMS Accession No. ML110140431) ("Shoreline Fault Report").

continue to record seismic activity going forward, subject to battery replacement every 6 months. Contrary to the inference created by SLOMFP, data from west of the plant has not been ignored, in fact has been considered by PG&E, and will continue to be considered as part of the ongoing seismic evaluations for Diablo Canyon.

The issues addressed by SLOMFP in its Motion specifically relate to matters being addressed in the current license term. PG&E does not consider the matters addressed at oral argument, in the Motion, and in this answer to be material to admissibility of the proposed contention. PG&E has stated its position on proposed Contention C — that it fails to raise a genuine dispute with PG&E’s Severe Accident Mitigation Alternatives (“SAMA”) evaluation. The history of the OBS and its deployment going forward are not material to the SAMA results.

CONCLUSION

For the reasons discussed above, PG&E does not oppose SLOMFP’s Motion to clarify the oral argument record, subject to additional clarification discussed herein.

Respectfully submitted,

/s/ signed electronically by \_\_\_\_\_  
David A. Repka  
Tyson R. Smith  
Winston & Strawn LLP  
1700 K Street, NW  
Washington, DC 20006

Executed in accord with 10 C.F.R. 2.304(d)  
Jennifer Post  
Pacific Gas and Electric Company  
77 Beale St., B30A  
San Francisco, CA 94105

COUNSEL FOR THE PACIFIC GAS  
AND ELECTRIC COMPANY

Dated at Washington, District of Columbia  
this 27th day of July 2015

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	
PACIFIC GAS AND ELECTRIC	)	Docket No. 50-275-LR
COMPANY	)	Docket No. 50-323-LR
	)	
(Diablo Canyon Power Plant, Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of “PACIFIC GAS AND ELECTRIC COMPANY’S ANSWER TO MOTION TO CORRECT FALSE INFERENCE” in the captioned proceeding have been served via the Electronic Information Exchange (“EIE”) this 27th day of July 2015, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the captioned proceeding.

Respectfully submitted,

/s/ signed electronically by  
Tyson R. Smith  
Winston & Strawn LLP  
1700 K Street, NW  
Washington, DC 20006

COUNSEL FOR THE PACIFIC GAS  
AND ELECTRIC COMPANY