

## CHAIRMAN Resource

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**From:** joeholtzman@gmail.com  
**Sent:** Wednesday, October 28, 2015 10:26 AM  
**Subject:** [External\_Sender] Fwd: To Pervert or Obstruction Justice is a Crime in California

More details that administrative law judge Marlene Darling conspired with Southern California Edison to deceive and defraud the public

Sent from my iPhone

Begin forwarded

**Subject: To Pervert or Obstruction Justice is a Crime in California**

Obstruction of justice is the interfering with proper or legitimate operations of either a court or officers of the court through either actions or words. The CPUC is considered a court.

Penal Code Sect 182(a) provides in pertinent part: If two or more persons conspire:(5) \*\* to pervert or obstruct justice, or the due administration of the laws. \*\* they shall be punishable by imprisonment in a county jail for not more than one year.

### **Before 4 December 2012**

“However the AVB Design Team recognized that the design for the SONGS RSGs resulted in **higher steam quality (void fraction) than previous designs** and had considered making changes to the design to reduce the void fraction \*\* Among the difficulties associated with the potential changes was the possibility that making them could impede the ability to justify the RSG design under the provisions of 10 C.F.R. §50.59.” (MHI Root Cause Report)

### **OVERT ACTS COMMITTED AT THE CPUC AND AT EDISON IN FURTHERANCE OF PLAN CONSTITUTING OBSTRUCTION OF JUSTICE TO GAIN OVER \$3.3 BILLION FOR EDISON AND TO COVER UP MALFESANCE AT THE CPUC**

### **5 December 2012 re: 4 December 2012 phone call**

“I also volunteered my understanding of what root cause analyses had been performed to date and whether or not MHI considers part of its root cause evaluation to be proprietary because of the **FIT III** software used to model steam generator design.” (ALJ Darling 5 December 2012 E-Mail from Edison VP for San Onofre Dwight Worden)

### **5 December 2012 re: 4 December 2012 phone call**

Darling wrote Edison Vice President for San Onofre about the topics of their secret conversation on 4 December 2012 which included: “timing of the OII phases, \*\*SCE & MHI are working together to discover what went wrong \*\* whether the MHI report provided to NRC was publicly available.”

### **20 September 2013**

“The Mitsubishi **FIT-III** thermal-hydraulic computer model (**FIT-III**) output gap velocities were not appropriately modified for triangular pitch designed steam generators.” (20 September 2013 NRC Notice of Violation to Edison)

### **7 January 2014**

“Henricks cites the Root Cause Analysis Report prepared by Mitsubishi Heavy Industries (MHI) to show that SCE and MHI established an AVB Design Team, and that this team recognized **certain differences (steam quality, void fraction)** between the replacement steam generator designs relative to the original steam generators and rejected making changes to reduce these **differences**. Henricks seeks to identify and depose ‘key members’ of this team about information relevant to the question of whether SCE and SDG&E acted reasonably in designing, manufacturing and installing the Unit 2 replacement steam generators in early 2010.” (ALJ Darling 7 January 2014 Order Denying Discovery of the MHI Root Cause Report)

### **14 May 2014**

MR AGUIRRE:

Q Question before you, sir, is are you familiar with the fact that the AVB Design Team reported to Southern California Edison that the design that was underway for the replacement steam generators was creating greater steam quality in the U-bend region of the generators?

MR. WEISSMANN: Objection, your Honor. This is beyond the scope of this hearing.

ALJ DARLING: Sustained. Move on. (ALJ Darling 14 May 2014 Hearing R.T. 2752)

### **14 May 2014**

“**There is no evidence in the record regarding the AVB Design Team report, that I recall.** \*\* Do you really want to spend the rest of your time talking about the AVB Design Team?” (ALJ Darling 14 May 2014 Hearing R.T. 2756)

July 2014

6. On SONGS Community.com, these are posted meeting notes on Joint Design and ABB. At the header is a disclaimer "set of minutes is not complete"

PUB-complete  
Exide Oversight  
- complete

- Does this apply to all docs?  
- Video minutes ~~not~~ of video conf.  
NOT posted  
- All redacted

(Notes from ALJ Darling's secret telephone call with Edison Vice President Dwight Worden July 2014)

11 September 2014

By September 2014 ALJ Darling was referring to the MHI Root Cause Report as a "March 6, 2013 letter from the NRC to Mitsubishi and an undated, redacted copy of Mitsubishi's Root Cause Analysis (RCA) of the replacement steam generator (RSG) tube wear. \*\* Mitsubishi expressly makes no determination in the RCA about the reasonableness or prudence of any actions taken." (11 September 2014 ALJ Darling Order Denying or Limiting Official Notice of the MHI Root Cause Report)

20 October 2014

In addition, the public actions by NRC and SCE's public web-posting of numerous design review-related documents, have given parties a reasonable opportunity to initiate discovery regarding SCE's SGRP conduct. Yet, Opposing Parties offered nothing----**only speculation and unsupported allegations**--- to brace claims that egregious acts by the Utilities, and specific executives, would be uncovered by a Phase 3 record. \*\* Therefore, the Commission concludes we have sufficient information based on the record developed, to reasonably consider settlement of these proceedings, including the OII, prior to completion of Phase 3. (20 October 2014 CPUC Decision in San Onofre Case p. 87)

Michael J. Aguirre, Esq.  
**AGUIRRE & SEVERSON LLP**  
501 West Broadway, Suite 1050  
San Diego, CA 92101  
Tel. 619.876.5364