

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

E. Roy Hawkens, Chair  
Nicholas G. Trikouros  
Dr. Gary S. Arnold

In the Matter of

PACIFIC GAS AND ELECTRIC COMPANY

(Diablo Canyon Independent Spent Fuel  
Storage Installation)

Docket No. 72-26-ISFSI-MLR

ASLBP No. 23-979-01-ISFSI-MLR-BD01

June 7, 2023

MEMORANDUM

(Notifying Participants of an Off-The-Record Communication)

In the Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI) license renewal proceeding, a law clerk for the Atomic Safety and Licensing Board Panel received an email from a member of the NRC Staff on June 6, 2023. Because this email could be considered an off-the-record communication by an NRC Staff employee to a Licensing Board Panel staff member about an ongoing proceeding, in accordance with 10 C.F.R. § 2.348(c) it is being served on all the participants to the Diablo Canyon ISFSI license renewal proceeding and is being made part of the public record by placing it into the agency's Electronic Hearing Docket.

Attachment 1 to this Memorandum contains a copy of the email and the response.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

---

E. Roy Hawkens, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
June 7, 2023

## Attachment 1

**From:** [Scott Morris](#)  
**To:** [Noel Johnson](#)  
**Cc:** [Tomas Herrera](#); [Paul Zurawski](#)  
**Subject:** Re: Question on the Rescheduled Diablo Canyon Oral Argument Call-in Information- & NRC Wonders Why it's lost the Public's Trust  
**Date:** Wednesday, June 7, 2023 1:04:52 PM

---

I understand. Thank you. I assumed (incorrectly) that you were in NMSS!

Get [Outlook for iOS](#)

---

**From:** Noel Johnson <Noel.Johnson@nrc.gov>  
**Sent:** Wednesday, June 7, 2023 12:22:19 PM  
**To:** Scott Morris <Scott.Morris@nrc.gov>  
**Cc:** Tomas Herrera <Tomas.Herrera@nrc.gov>; Paul Zurawski <Paul.Zurawski@nrc.gov>  
**Subject:** RE: RE: Question on the Rescheduled Diablo Canyon Oral Argument Call-in Information- & NRC Wonders Why it's lost the Public's Trust

Mr. Morris,

I am a law clerk with the Atomic Safety and Licensing Board Panel. As an adjudicatory employee it is not appropriate for the Staff to contact members of the ASLBP to discuss matters relating to active cases. Consistent with ASLBP policy, this communication, including my response, will be placed on the docket and served on all parties.

Sincerely,  
Noel

---

**From:** Scott Morris <Scott.Morris@nrc.gov>  
**Sent:** Tuesday, June 6, 2023 2:35 PM  
**To:** Noel Johnson <Noel.Johnson@nrc.gov>  
**Cc:** Tomas Herrera <Tomas.Herrera@nrc.gov>; Paul Zurawski <Paul.Zurawski@nrc.gov>  
**Subject:** Fwd: RE: Question on the Rescheduled Diablo Canyon Oral Argument Call-in Information- & NRC Wonders Why it's lost the Public's Trust

Noel ... I don't believe we've met (but if we have I apologize!). Please let me know when you have a minute to discuss this incoming email.

As the former RA in Region IV, I am accustomed to receiving these types of inquiries. Let's talk about how to acknowledge and reply to Nina's email.

I'm in Region II and III this week but should be able to find time to chat tomorrow (from Atlanta). Please reach out to Patti Sprogeris to find a mutually convenient time.

I'm cc'd two of the OEDO ETAs who can help as well.

Scott

Get [Outlook for Android](#)

---

**From:** Nina Babiarz <[ninababiarz@outlook.com](mailto:ninababiarz@outlook.com)>

**Sent:** Monday, June 5, 2023 2:37:38 PM

**To:** Noel Johnson <[Noel.Johnson@nrc.gov](mailto:Noel.Johnson@nrc.gov)>; Charles Langley <[langley@publicwatchdogs.org](mailto:langley@publicwatchdogs.org)>; CMRBARAN Resource <[CMRBARAN@nrc.gov](mailto:CMRBARAN@nrc.gov)>; Terri Spicher <[Terri.Spicher@nrc.gov](mailto:Terri.Spicher@nrc.gov)>; Scott Morris <[Scott.Morris@nrc.gov](mailto:Scott.Morris@nrc.gov)>

**Subject:** [External\_Sender] RE: Question on the Rescheduled Diablo Canyon Oral Argument Call-in Information- & NRC Wonders Why it's lost the Public's Trust

Noel – Are You or **ANYBODY @ the NRC aware** that, due to the legislation ([Senate Bill 846](#)) passed & that our Gov. Newsome signed into law @ 1:30 in the morning of the last day of the CA Leg. Session (Aug. 30<sup>th</sup> 2022) will force **ALL CA ratepayers to have an increase in their Electrical bills of somewhere between 3-5% just to pay off what our Gov. has deem a \$1.42 BILLION dollar loan?**

**Additionally, if you or anyone @ the NRC actually reads thru CA SB 846, you will also see that triple digit BILLIONS will be siphoned off the state's general fund ANNUALLY to the tune of \$600, to throw over to at Water Resources to dump into Diablo Canyon with NO PUBLIC HEARING by the CA PUBLIC UTILITY COMM!!!**

**Maybe someone should be educating the NRC to what will impact ALL Californians ratepayers for decades including CCAs (Community Choice Aggregates)-not just the PG&E ratepayers.**

**BTW** – the ONLY competitive advantage the CCAs were able to offer for providing renewable sources of energy was a approx.. 2-3 cent advantage over the 3 CA investor-owned utilities...i.e. ALL competition of the investor-owned utilities was also eliminated with SB 846. AGAIN, NO PUBLIC HEARINGS with CPUC.

Lest the NRC forgets, ratepayers here in San Diego are already paying **\$ 2.52 BILLION** in decommissioning costs for the San Onofre mess; plant shuttered 39 year + 1 month early abruptly due to a new design (NOT Like-for-Like as promised) that resulted in a radiation leak, massive emergency & on-site and off-site insurance exemptions granted by NRC, Holtec's broken bolts & shims, Downloading accident that revealed all 72 cans are scratched and gouged, ....and the icing on the cake that the 2014 Cost Estimator (EnergySolutions) gets the 8-10 year contract to decommission the job it estimated with a Jt. Venture with AECOM who was found guilty of fraud @ Hansen?! ...the 'Song' goes on and on @ San Onofre...

These additional costs are also on top of what taxpayers are dolling out via the Judgement Fund in the millions, upon millions of DOE breach of contract 'settlements' for the investor-owned utilities.

So if you are a San Diegan ratepayer and ALSO a U.S. Taxpayer, we are paying multiple ways for NO VOICE on Diablo.

All this + more too numerous to mention. Icing on this cake baked for the investor-owned utilities is now NRC acts as tho ALL Californians should not be allowed a Voice when it comes to Diablo! If Chair Hansen still wonders why the NRC has a problem with the Public's trust? **It's self-evident to Us.**

Regards, Nina  
Nina

---

**From:** Noel Johnson <[Noel.Johnson@nrc.gov](mailto:Noel.Johnson@nrc.gov)>  
**Sent:** Monday, June 05, 2023 9:39 AM  
**To:** Noel Johnson <[Noel.Johnson@nrc.gov](mailto:Noel.Johnson@nrc.gov)>  
**Subject:** Rescheduled Diablo Canyon Oral Argument Call-in Information

Good afternoon,

Below is the information for the listen-only line for the rescheduled Diablo Canyon Independent Spent Fuel Storage Installation oral argument on Tuesday, June 13, 2023, at 1:00 PM (Eastern Time). Please note that this conference ID is different than the conference ID for the postponed May 24 oral argument. The old conference ID will not work for the June 13 oral argument.

Phone number: **(301) 576-2978**  
Conference ID: **581 057 097#**

**After successful entry of the conference ID, you will hear the following message: "You are not allowed to unmute. To raise your hand press \*5." However, this is a listen-only conference line and pressing \*5 will not allow you to participate. The Licensing Board will only hear arguments from the designated counsel representing San Luis Obispo Mothers for Peace, Pacific Gas and Electric Company, and the NRC Staff.**

Thank you,  
Noel

**Noel M. Johnson**  
*Law Clerk, Atomic Safety and Licensing Board Panel*  
U.S. Nuclear Regulatory Commission  
(301) 415-7453  
[noel.johnson@nrc.gov](mailto:noel.johnson@nrc.gov)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
PACIFIC GAS AND ELECTRIC COMPANY ) Docket No. 72-26-ISFSI-MLR  
)  
(Diablo Canyon Independent Spent Fuel )  
Storage Installation) )  
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM (Notifying Participants of an Off-The-Record Communication)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate Adjudication  
Mail Stop: O-16B33  
Washington, DC 20555-0001  
E-mail: [ocaamail.resource@nrc.gov](mailto:ocaamail.resource@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop: O-16B33  
Washington, DC 20555-0001  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, DC 20555-0001  
E. Roy Hawkens, Chairman  
Nicholas G. Trikouros, Administrative Judge  
Dr. Gary S. Arnold, Administrative Judge  
Noel M. Johnson, Law Clerk  
Emily G. Newman, Law Clerk  
Allison R. Wood, Law Clerk  
E-mail: [roy.hawkens@nrc.gov](mailto:roy.hawkens@nrc.gov)  
[nicholas.trikouros@nrc.gov](mailto:nicholas.trikouros@nrc.gov)  
[gary.arnold@nrc.gov](mailto:gary.arnold@nrc.gov)  
[noel.johnson@nrc.gov](mailto:noel.johnson@nrc.gov)  
[emily.newman@nrc.gov](mailto:emily.newman@nrc.gov)  
[allison.wood@nrc.gov](mailto:allison.wood@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop - O-14A44  
Washington, DC 20555-0001  
Adam S. Gendelman  
Catherine E. Kanatas  
Mauri T. Lemoncelli  
E-mail: [adam.gendelman@nrc.gov](mailto:adam.gendelman@nrc.gov)  
[catherine.kanatas@nrc.gov](mailto:catherine.kanatas@nrc.gov)  
[mauri.lemoncelli@nrc.gov](mailto:mauri.lemoncelli@nrc.gov)

Counsel for Pacific Gas and Electric  
Company  
Morgan, Lewis & Bockius, LLC  
1111 Pennsylvania Ave NW  
Washington, DC 20004  
Ryan K. Lighty  
Paul Bessette  
Timothy Matthews  
E-mail: [ryan.lighty@morganlewis.com](mailto:ryan.lighty@morganlewis.com)  
[paul.bessette@morganlewis.com](mailto:paul.bessette@morganlewis.com)  
[timothy.matthews@morganlewis.com](mailto:timothy.matthews@morganlewis.com)

**Pacific Gas and Electric Company (Diablo Canyon Independent Spent Fuel Storage Installation)**

**MEMORANDUM (Notifying Participants of an Off-The-Record Communication)**

Counsel for San Luis Obispo Mothers for Peace  
Hamon, Curran, Spielberg, & Eisenberg, LLP  
1725 DeSales Street, N.W.  
Suite 500  
Washington, DC 20036  
Diane Curran  
E-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

Jill ZamEk  
San Luis Obispo Mothers for Peace  
1123 Flora Rd.  
Arroyo Grande, CA 93420  
E-mail: [jzamek@gmail.com](mailto:jzamek@gmail.com)

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 7<sup>th</sup> day of June 2023