



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 5, 2024

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SUBJECT: 10 CFR 2.206 PETITION REGARDING SEISMIC CORE DAMAGE
FREQUENCY FOR DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1
AND 2, SUPPLEMENTAL ACKNOWLEDGMENT LETTER
(EPID L-2024-CRS-0000)

Dear Diane Curran, Hallie Templeton, and Caroline Leary:

On March 4, 2024, the San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group filed a petition requesting that the U.S. Nuclear Regulatory Commission (NRC) exercise its supervisory authority to order the immediate closure of Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon), due to "the unacceptable risk of a seismically induced severe accident" (Agencywide Documents Access and Management System Accession No. ML24067A066). On March 12, 2024 (ML24072A529), the Commission referred the request to the enforcement petition process under Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206, "Requests for action under this subpart."

On August 27, 2024, the NRC staff issued an acknowledgment letter (ML24205A066) summarizing the evaluation activities related to your petition dated March 4, 2024, as supplemented on June 7, 2024 (ML24162A079), and stating that the Petition Review Board (PRB) had accepted four specific concerns for further review.

Consistent with Section IV.B "Schedule," of the handbook for Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," and its associated Directive Handbook 8.11 dated March 1, 2019 (ML18296A043), Section IV.B, "Schedule," the PRB intended to issue the proposed director's decision for comment within 120 days after issuing the August 27, 2024, acknowledgment letter.

On October 24, 2024, Pacific Gas and Electric Company (PG&E) provided a voluntary submittal (ML24298A234) to the NRC related to the PRB review of your petition. On October 31, 2024, you submitted a supplement to the petition (ML24305A187) in response, in part, to the

October 24, 2024, PG&E voluntary submittal. The PRB has considered information in your new supplement and determined that there is no imminent safety concern that warrants immediate shutdown of Diablo Canyon. The PRB intends to address the following supplemental concerns in the proposed director's decision:

- PG&E's 2015 and 2024 seismic source characterizations omitted modern deformation modeling and failed to use globally-calibrated strainrate-to-seismicity conversions, that would have prevented their serious underestimates.
- Additional justification supporting the use of the Noto Peninsula earthquake as a model characteristic thrust earthquake for the Irish Hills.

Consistent with MD 8.11, Directive Handbook section III.I.6, "Supplements to the Petition," the PRB now intends to issue the proposed director's decision for comment within 120 days of this supplemental acknowledgment letter.

For your information, I have enclosed a copy of the draft *Federal Register* notice that acknowledges the receipt of this supplement to the petition. In addition, and as noted in our letter to you dated August 27, 2024, MD 8.11, and its handbook (ML18296A043), and the associated NRC Office of Nuclear Reactor Regulation brochure titled, "Enforcement Petition Process," issued March 2019 (ML19070A037), are available for reference. I would like to express my appreciation for your effort in bringing these matters to the NRC's attention.

Sincerely,

/RA/

Michael X. Franovich, Acting Deputy Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

Enclosure:
Draft *Federal Register* Notice

ENCLOSURE

DRAFT *FEDERAL REGISTER* NOTICE

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323; NRC-2024-0148]

Pacific Gas & Electric Company;

Diablo Canyon Nuclear Power Plant, Units 1 and 2;

Petition

AGENCY: Nuclear Regulatory Commission.

ACTION: 10 CFR 2.206 request; supplement.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is giving notice that by petition dated March 4, 2024, as supplemented on June 7, 2024, and October 30, 2024, San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group (the petitioners) requested that the NRC exercise its supervisory authority to order the immediate closure of Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon) due to “the unacceptable risk of a seismically induced severe accident.” The Commission referred the request to the enforcement petition process under NRC regulations. Details regarding NRC review of the petitioners’ October 30, 2024, supplement is included in the Supplementary Information section of this document.

DATES: [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Please refer to Docket ID **NRC-2024-0148** when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID **NRC-2024-0148**. Address questions about Docket IDs in Regulations.gov to Stacy Schumann; telephone: 301-415-0624; email:

Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the “For Further Information Contact” section of this document.

- **NRC’s Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section of this document.

- **NRC’s PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Perry Buckberg, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-1383; email: Perry.Buckberg@nrc.gov.

I. Supplementary Information

On March 4, 2024, the petitioners filed a petition requesting that the NRC exercise its supervisory authority to order the immediate closure of Diablo Canyon due to “the unacceptable risk of a seismically induced severe accident.” An order was issued on March 12, 2024, referring the request to the enforcement petition process under section 2.206 of title 10 of the *Code of Federal Regulations* (10 CFR), “Requests for action under this subpart.”

On August 27, 2024, the NRC staff issued an Acknowledgement Letter that summarized the evaluation activities of the March 4, 2024, petition, as supplemented on June 7, 2024, and described that the Petition Review Board (PRB) had accepted four specific concerns for further review.

Consistent with Section IV.B “Schedule,” of the handbook for NRC Management Directive (MD) 8.11, “Review Process for 10 CFR 2.206 Petitions,” and its associated Directive Handbook 8.11, the PRB intended to issue the proposed director’s decision for comment within 120 days after issuing the August 27, 2024, acknowledgment letter. On October 24, 2024, Pacific Gas & Electric Company (PG&E) provided a voluntarily submittal to the NRC related to the PRB review of the petition. On October 31, 2024, the petitioners submitted a supplement to the petition. The PRB has considered information in the new supplement and intends to address the following supplemental concerns in the proposed director’s decision:

1. PG&E’s 2015 and 2024 seismic source characterizations omitted modern deformation modeling and failed to use globally-calibrated strainrate-to-seismicity conversions, that would have prevented their serious underestimates.
2. Additional justification supporting the use of the Noto Peninsula earthquake as a model characteristic thrust earthquake for the Irish Hills.

Consistent with Section III.I.6, “Supplements to the Petition,” of the handbook for MD 8.11, the PRB now intends to issue the proposed director’s decision for comment within 120 days of the issuance of the supplemental acknowledgement letter.

II. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

DOCUMENT DESCRIPTION	ADAMS ACCESSION NO.
Petition submitted by San Luis Obispo Mothers for Peace, Friends of the Earth, and Environmental Working Group, dated March 4, 2024.	ML24067A066
NRC SECY Order referring the petition to the 10 CFR 2.206 process, dated March 12, 2024.	ML24072A529
Petition Supplement, dated June 7, 2024.	ML24162A079
NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," dated March 1, 2019.	ML18296A043
NRC Acknowledgement Letter dated August 27, 2024.	ML24205A066
PG&E voluntarily submittal dated October 24, 2024.	ML24298A234
Petition Supplement, dated October 30, 2024.	ML24305A187

Dated: December 5, 2024.

For the Nuclear Regulatory Commission.

/RA/

Michael X. Franovich, Acting Deputy Director,
Office of Nuclear Reactor Regulation.

SUBJECT: 2.206 PETITION REGARDING SEISMIC CORE DAMAGE FREQUENCY FOR
 DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2,
 SUPPLEMENTAL ACKNOWLEDGMENT LETTER (EPID L-2024-CRS-0000)
 DATED DECEMBER 5, 2024

DISTRIBUTION: OEDO-24-00083**PUBLIC**

RidsEdoMailCenter Resource
 RidsNrrOd Resource
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 RidsNrrDorlLpl1 Resource
 RidsNrrDorlLpl2-1 Resource
 RidsNrrDorlLpl2-2 Resource
 RidsNrrDorlLpl3 Resource
 RidsNrrDorlLpl4 Resource
 RidsNrrDex Resource
 RidsResDeSgseb Resource
 RidsNrrDraAplc Resource
 RidsNrrLAABaxter Resource
 RidsNrrMailCenter Resource
 RidsOcaMailCenter Resource
 RidsOgcMailCenter Resource
 RidsOpaMail Resource

RidsRgn1MailCenter Resource
 RidsRgn2MailCenter Resource
 RidsRgn3MailCenter Resource
 RidsRgn4MailCenter Resource
 ARivera-Varona, NRR
 PBuckberg, NRR
 SLee, NRR
 CMunson, NRR
 SAlferink, NRR
 SPark, NRR
 TWeaver, RES
 DKing, NRR
 NJordan, NRR
 AShelton, NRR
 JPelton, NRR
 DWillis, OE

ADAMS Accession Nos.:**ML24264A091 (Package)****ML24317A038 (Letter)****ML24317A039 (FRN)****NRR-106**

OFFICE	NRR/DORL/LPL2-2/PM	NRR/DORL/LPL2-2/LA	NRR/DEX	RES/DE/SGSEB
NAME	PBuckberg	ABaxter	CMunson	TWeaver
DATE	11/8/2024	11/13/2024	11/21/2024	11/14/2024
OFFICE	NRR/DRA/APLC	NRR/DRA/APLC	NRR/DORL/LPL4/PM	OGC – NLO
NAME	SAlferink	SPark	SLee	RCarpenter
DATE	11/13/2024	11/13/2024	11/13/2024	11/22/2024
OFFICE	NRR/DORL/LPL2-2/BC	QTE	NRR/DORL/DD	NRR/DD (A)
NAME	DWrona	JDougherty	ARivera-Varona	MFranovich
DATE	11/18/2024	11/19/2024	11/21/2024	12/05/2024
OFFICE	NRR/DORL/LPL2-2/PM			
NAME	PBuckberg			
DATE	12/05/2024			

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