

August 26, 2010

The Honorable Lois Capps
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Capps:

Thank you for your letter of July 19, 2010, informing me of efforts underway in California to analyze the most recent data regarding seismic issues at the Diablo Canyon Nuclear Power Plant (DCNPP). In your letter, you request that the U.S. Nuclear Regulatory Commission (NRC) collaborate with California State agencies to review the results of seismic studies being carried out by the Pacific Gas and Electric Company (PG&E) as part of its long-term seismic program commitment.

The NRC certainly recognizes the importance of working collaboratively with others to ensure the scientific validity of analyses undertaken on a range of topics, including seismic hazards. We have a well-established record of coordination with California agencies on numerous issues associated with the DCNPP and plan to continue to pursue that approach. The State and the NRC will, of course, each have certain specific statutory and regulatory obligations and limitations. For example, the NRC must retain the ability to perform independent reviews necessary to fulfill its legal obligations. Recognizing these limitations, if the California Energy Commission (CEC) wishes to propose a specific collaborative process to review the seismic studies, NRC staff would be happy to evaluate the proposal. The NRC looks forward to better understanding the roles and responsibilities envisioned for such a panel and how the collaborative process would function in accordance with our legal obligations.

On September 8th and 9th, 2010, the NRC will be hosting a Seismic Information Workshop to provide a forum for members of the public to gain a basic knowledge of seismic hazard and its applications for the safety and operation of commercial nuclear plants, including specific discussions of the Diablo Canyon facility. Information is expected to be presented by technical experts from the NRC, the United States Geological Survey, the California Geological Survey, California Polytechnic State University, the University of California at Berkeley, the University of California at Santa Barbara, and Pacific Gas and Electric, as well as participation from State and local officials.

The NRC maintains highly skilled Resident Inspectors at DCNPP who monitor and inspect the operation of the facility on a daily basis. In addition, NRC staff routinely inspects seismic issues. As such, the NRC staff is able to quickly respond to new information, as the agency demonstrated when it monitored PG&E's response to the discovery of the Shoreline Fault. Should information at any time cause the NRC to question the continued safe operation of the DCNPP, the agency will take appropriate action.

Your letter also mentions that the CEC, the California Public Utilities Commission, and the California Coastal Commission have commented on the DCNPP license renewal proceedings, indicating that many seismic uncertainties remain unstudied and unresolved. This is a matter that the NRC may have to review in its adjudicatory capacity and, therefore, the Commission cannot comment on or discuss your specific concerns about the consideration of seismic issues in the NRC's license renewal process.

Lastly, you urged the NRC "to take immediate steps to ensure it has the tools and resources it needs." If you are referring to NRC being prepared to participate in a possible joint expert review panel to address seismic concerns at DCNPP, the NRC has the necessary resources available to participate in such a panel should it be formed.

I appreciate your interest in this matter and assure you that the NRC is working to meet its statutory and regulatory obligations. If you have any questions, please contact me or have your staff contact Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko

Identical letter sent to:

The Honorable Lois Capps
United States House of Representatives
Washington, D.C. 20515

The Honorable Bob Filner
United States House of Representatives
Washington, D.C. 20515