

February 6, 2023

Diablo Canyon Independent Safety Committee  
Robert J. Budnitz, Peter Lam, and Per F. Peterson  
c/o Office of the Legal Counsel  
857 Cass Street, Suite D  
Monterey, California 93940

**TRANSMITTED BY EMAIL**

Re: NRC “Diablo Canyon Power Plant – Biennial Problem Identification and Resolution Inspection Report 05000275/2022010 and 05000323/2022010 dated January 27, 2023”

Gentlemen:

On behalf my client, the Alliance for Nuclear Responsibility (“A4NR”), I want to bring to your attention some disturbing comments in the above report, which documents the results of NRC inspections between November 14 and December 14, 2022. These matters appear to have escaped discovery by the DCISC despite repeated fact-finding visits to the plant, and they conflict with the upbeat content of the Specific Conclusions in the DCISC’s recently-adopted 32<sup>nd</sup> Annual Report.

1. **“... there is a need for continued station focus and attention in some areas to ensure the station’s safety conscious work environment does not degrade.”  
NRC Report, p. 7**

The NRC inspection team conducted focus group interviews with approximately 60 individuals from seven departments, including: non-licensed operators, mechanical maintenance, instrumentation and control maintenance, engineering, security, chemistry, and radiation protection. The NRC inspectors also observed interactions between employees during routine notification review and management oversight meetings, interviewed the employee concerns coordinators, reviewed the results of the latest safety culture surveys and any case files that may relate to safety conscious work environment, and evaluated anonymous condition reports. As noted in the NRC inspection report:

*Specifically, both security and engineering personnel feel that some types of concerns are not being addressed and expressed concern in management’s*

*decision making associated with correcting some types of issues, including some safety related conditions. Additionally, some security officers and engineers perceive that they cannot take some issues to certain parts of their management chain. Security officers sometimes indicated that they feel underappreciated, ignored, or that their quality-of-life issues and resource concerns frequently go unresolved or unaddressed.*

*Similarly, every work group the inspectors interviewed noted that resources are a challenge at the station and are causing things to be rushed, employees to feel excessive stress, and some individuals to believe that resource issues will not be fixed. Finally, the inspectors noted that the number of anonymous notifications is worth monitoring. Specifically, since 2014, the average number of anonymous notifications has been about 156 per year, which equates to about one anonymous notification every 2 days and about 1 percent of all notifications. This could be indicative of some individuals lacking trust in others within the organization.*

**2. “... the licensee is inappropriately excluding some issues from the corrective action program because station personnel are inadequately evaluating them.”  
NRC Report, p. 4**

The NRC inspectors noted current performance challenges related to inappropriately excluding some issues from the corrective action program, inadequate 10 CFR Part 21 procedure guidance, and missed opportunities to elevate some issue evaluations that may have been better served by more rigorous evaluations. As stated in the NRC inspection report:

- *The inspectors determined that the licensee is inappropriately excluding some issues from the corrective action program because station personnel are inadequately evaluating them ...*
- *The inspectors noted that the definition of a condition adverse to quality in station procedures does not match the language describing a condition adverse to quality in 10 CFR 50, Appendix B, Criterion XVI ...*
- *The inspectors determined that the station’s definition of a condition adverse to quality only includes conditions that are determined to be unacceptable or indeterminate. This leaves the station vulnerable to excluding some items from*

*the corrective action program because they only represent degradations ...*

- *The team observed that procedure guidance could mislead personnel to identify conditions adverse to quality as conditions not adverse to quality ...*
- *The inspectors determined that the licensee may not always be performing adequate 10 CFR Part 21 evaluations, at least in part, due to inadequate procedure guidance ... An inadequate procedure can have more than minor safety significance because reportable defects can be inappropriately and programmatically screened out from Part 21 evaluation and reporting, resulting in substantial safety hazards not being communicated to other affected entities ...*
- *The inspectors determined that the licensee has missed opportunities to elevate some issue evaluations to perform more rigorous evaluations based on specific facts and when recommended by procedure ...*
- *... from June, 29, 2010, to present, the licensee ... did not adopt appropriate procedures to evaluate deviations and failures to comply to identify defects and failures to comply associated with substantial safety hazards as soon as practicable in order to identify a reportable defect or failure to comply that could create a substantial safety hazard, were it to remain uncorrected ...*

A4NR is particularly concerned that these shortcomings in PG&E's performance have gone undetected by the DCISC, especially as you pivot to evaluate under SB 846 the safety-related aspects of Diablo Canyon's potential extended operation. The public imperative of properly fulfilling your newly codified duties under Public Utilities Code 712.1 (a) (i.e., to "make recommendations appropriate to **enhance** the safety of the operation of the Diablo Canyon powerplant") should be self-evident.

Sincerely,

/s/ John L. Geesman

DICKSON GEESMAN LLP  
Attorney for ALLIANCE FOR NUCLEAR RESPONSIBILITY