



Alan C. Lloyd, Ph.D.  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor



cc: B. Cunningham  
log

orig: Env. Op. Central File  
HW-DTSC Inspection  
2006

April 05, 2006

### CERTIFIED MAIL

Mr. Bryan Cunningham  
Pacific Gas & Electric Company  
Diablo Canyon Power Plant  
3890 Avila Beach Drive  
Avila Beach, California 93424

Dear Cunningham:

On March 10, 2006, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), conducted a financial responsibility review of Pacific Gas & Electric Company Diablo Canyon Power Plant (DCPP) at 3890 Avila Beach Drive in Avila Beach, California 93424. The enclosed review describes the findings of the review, including all violations and any actions that should be taken by the facility to correct the violations.

Based on the enclosed copy of the evaluation, Pacific Gas & Electric Company Diablo Canyon Power Plant (DCPP) is in violation of the financial responsibility regulations. The violation found during the evaluation and the required compliance measures which must be completed to remedy the violation is noted as follows:

#### Minor Violation:

DCPP violated California Code of Regulation, title 22, section 66264.143(a)(2), in that on or about July 7, 2002, DCPP failed to submit the "Certificate of Acknowledgement" with their Trust Agreement Number 10-51-0777-00-0 for closure and post closure as is required in regulation.

#### Compliance:

Within 10 days of receipt of this notice, DCPP will submit the required "Certificate of Acknowledgement" to the Department.

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You are required by Health and Safety Code section 25185(c)(3) to submit a written response to DTSC within thirty days describing the corrective actions that you have taken or propose to take to bring your facility into compliance. If you dispute any of the violations, you should explain your disagreement in this written response.

The issuance of this letter and review does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the report.

All pertinent information derived from the financial review are included as attachments.

This report will become a public document, you may request that any trade secrets or facility security information be withheld from public disclosure. (See Health and Safety Code section 25173)

If you wish to assert the trade secret privilege after you have reviewed the report, please provide specific answers to each of the following questions for each item:

- To what extent is there knowledge of the information conveyed by the photograph/document outside of your business?
- To what extent is there knowledge of the information conveyed by the photograph/document, by employees and others in your business?
- To what extent have measures been taken to guard the secrecy of the information?
- Is the information valuable to competitors? If so, why?
- Has there been substantial monetary expenditure in the development of the information?
- Could the information be easily and properly acquired or duplicated by others?

DTSC will review your response to these questions to determine if the information should be treated as trade secret and will notify you of its decision.

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If you have any questions regarding this letter, or if you wish to meet with the Department to discuss any questions or concerns you have with the financial review, the violation, or the proposed corrective action, please call Marvél Bradshaw at (510) 540-3893.

Sincerely,



Patricia Barni  
Section Chief  
Statewide Compliance Division  
Northern California Branch

Certified Mail No.: 7004 1350 0000 7330 2562

Enclosure

cc: Mr. Essam Eissa  
Department of Toxic Substances Control  
Statewide Compliance Division  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710