

DOCKET NUMBER
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USNRC

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Secretary to Commission
Nuclear Regulatory Commission FAX (301) 415-1101
Washington DC 20555-0001

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**RE: Comments during Public Comment Period – Proposed Rulemaking to Add
NUHOMS 24PT1 Casks to NRC List of Approved Casks**

Dear Secretary,

It is still my belief that the proposed NRC Rulemaking under current consideration should not become a Final Rule, until any and all technical studies required by NRC Rules and Regulations (including/not limited to 10 CFR 72.212) are made fully available to the public, for review by citizens, and to enable these vital documents to be analyzed by technical experts in the scientific community, as an independent peer review.

As a citizen in an impacted local community, I have made numerous phone requests for these documents to Southern California Edison (Licensee), and sent two (2) subsequent letters to Ray Golden at SCE (dated 04-19-02 and 04-23-02). Both letters were sent by Certified Mail, Return Receipt Requested. Although I have received no reply whatsoever from Ray Golden or anyone else at SCE, I did receive the returned certified mail cards, showing both letters were received by SCE.

To withhold these important technical analyses from the public, which are required under 72.212 to demonstrate how proposed casks will be capable to safely store HLRW spent fuel for the entire lifetime that spent fuel will be stored on site, and how it will be monitored, and casks can later be safely transported at some time in the distant future, and how "the public health safety and welfare will be fully maintained" is a serious breach of faith, and the rules.

As a citizen in an impacted local community, I again formally request that the NRC Public Comment period on the proposed NRC Rulemaking be extended, and not even commence until **all technical analyses and reports required for NRC Certificate of Compliance have been made fully and publicly available**. In the meantime, the Licensee Southern California Edison should not be allowed to continue pouring concrete pads for these casks at San Onofre, or any other premature work. As the only regulatory agency with any oversight authority over nuclear generating stations, it is your duty to protect the public health, safety and welfare. In the public interest, I strongly feel it is your duty, and within your authority to force SCE to cease further pre-construction work at SONGS or further premature site preparation work for installation of these NUHOMS 24PT1 casks at San Onofre Nuclear Generating Station (SONGS).

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Comments to NRC by Mothers for Peace – San Luis Obispo have already been submitted, which are very comprehensive, and I strongly support all their demands. Please accept my letter, and the comments by Mothers for Peace – SLO which are incorporated by reference.

I strongly think that the during the entire history of the nuclear industry in the United States, the NRC has been “in denial”, about the real risks of operating nuclear generating stations, (especially in highly populated, seismically active areas, 20’ above sea level and totally vulnerable to tsunami’s, and spent fuel pools which will remain totally vulnerable to terrorist attack). Although many analyses on NRC website recognize that “although consequences may be extreme, (or catastrophic), the probability is low; and therefore the risk is acceptable”. Your risk assessment and it’s methodology needs another look, and and is desperately outdated. The probability of a extreme hazard is not as low as the outcome of computer modeling and simulations. Therefore, the risk is not acceptable. The very safety and survival of citizens in California are at stake.

Given the extreme risks, and expert opinions by other technical experts in the scientific community, I urge NRC to take all possible precautions, and take a second look at the entire process, and how the public interest has been ‘left out’. It is about time NRC look beyond the limits of your existing ‘rules’, and look more realistically at how mere adherence to those rules jeopardize public safety. Unfortunately, I don’t have time to file a 2.208 Petition to reform NRC regulations, so as to better protect the public interest, and better ensure public health safety and welfare will be fully maintained. There isn’t time to do that, and you know it. Today is the deadline. WE ARE OUT OF TIME.

The ball is in your court. There’s been a lot of recent ‘rhetoric’ in recent publicity, about how hard NRC is trying to build public confidence in communities where nuclear plants are located at SONGS and at Diablo Canyon. Your spokesmen try to construe citizens as ‘blowing things out of proportion’, or using ‘scare tactics’. I’d say concerned citizens have every right to be frightened, with HLRW that will remain lethal for over 10,000 years, and which may remain onsite forever. You bet we are worried, and should be. And we’re worried not for our own sake, but for our future generations, and the face of humanity itself on this planet.

I’d say, NRC should get real, and confront the facts, instead of promoting the PR by SCE or PG&E, and promoting or relying only the technical studies prepared by consultants paid and hired by the utilities.

I look forward to your reply.



Patricia Borchmann

enclosure: CALIFORNIA ENERGY MARKETS - April 26, 2002 - No. 666 - page 22

The company expects to report operational earnings of \$0.10/share for the first quarter, but any profit will be wiped out by a \$168 million charge related to cancelled turbine purchase contracts, leaving a net loss of \$0.25/share for the quarter.

While Calpine stock prices jumped above \$13/share on Tuesday on details of the California contract settlements, the euphoria did not last, and after the Wednesday conference call triggered a big sell-off, the price fell back below \$10.65/share on Friday [A. O'D.J].

[27.3] Southwest Gas Reports Record First-Quarter Profit

Southwest Gas reported net income of \$42.9 million, up from \$33.8 million a year ago. The company noted that profit included a one-time gain of \$8.9 million before taxes from the sale of undeveloped land near Kingman, Arizona, where it once planned to store gas in underground salt domes. Michael Maffie, chief executive, said the results showed "the elements are in place for improved profits in 2002." The company said it added 59,000 customers over the last 12 months, bringing the total in Arizona, Nevada and California to 1.4 million [J. E.].

Nuke News

[28] NRC Assures Reactor Communities of Plant Safety (from [9])

The Nuclear Regulatory Commission held meetings in communities near San Onofre Nuclear Generating Station and Diablo Canyon April 16 and 17 in an effort to make the plants' safety records public. Regulators revealed five code violations at Diablo Canyon and two at SONGS, but all were termed minor.

In both meetings, according to participants, the NRC was not prepared to address growing community concerns about the safety of high-level waste stored in spent-fuel pools at the plant. Community concerns over the vulnerability of spent-fuel pools and dry-cask storage have risen in the wake of the New York terrorist attacks.

At both plants, the spent fuel pools have been reracked for higher density. That compactness raises the potential for a fuel fire and radiation release in a terrorist attack, according to Robert Alvarez, former Department of Energy official, now executive director of the antinuclear organization Standing for Truth About Radiation. "The key risk is loss of water, resulting in a fire fed by zirconium stripping off the hydrogen from the moisture."

Airplanes are now allowed to fly directly over SONGS and Diablo Canyon, communities found out last week. The no-fly zone in effect after the terrorist attacks no longer applies. "The [NRC] said it's politely asked them not to fly over, but there is no law," noted June von Ruden of Mothers for Peace.

At SONGS, activist Patricia Borchmann noted that while the NRC review included two minor reported incidents—two visitors left alone for 30 seconds and an incomplete inspection of a fire truck's baggage during a drill—regulators did not mention a plane crash nearby in December 2001. The code violations at Diablo Canyon revealed by the NRC included a radiation leak, a rusted bolt and lax training, according to von Ruden.

The NRC said it is making an effort to be more community friendly. "One of our key goals is increasing public confidence," said Ellis Merschoff, NRC administrator for Western states (Region IV). Merschoff recently told a group of nuclear power supporters, however, that what regulators consider minor incidents get blown out of proportion by the media. Referring to radiation releases at Diablo Canyon, he added, "No matter how minor, they get a great deal of public attention" [J.A. Savage].

[28.1] Major US Utility Abandons New Reactor Design

While Illinois giant utility Exelon is experiencing top-management shifts, it has decided to drop out of the international consortium pushing a new nuclear reactor design called "pebble bed." The decision, made public April 15, leaves a South African utility and British Nuclear Fuels to back the prototype. A model, at an estimated cost of \$300 million, is supposed to be built in South Africa beginning next year.

The Nuclear Regulatory Commission has been including it as a non-traditional nuclear technology in future planning. "The saddest part of this spectacle is all the attention the NRC gave pebble bed in eager anticipation of some way, any way to help the industry," noted Ray Shadis, adviser to the New England Coalition on Nuclear Pollution. He speculated that deploying the new reactor design would likely have bankrupted Exelon.

Still, the company is interested in building new nuclear plants, although it will not specify locations (see CEM No. 661 [23]). In addition to Exelon and Dominion Resources, Entergy announced this month it will also apply to the NRC for a future site license. Florida Power & Light, which has an interest in building fossil fuel plants in California, bought an 88 percent share of the Seabrook nuclear plant last week [J.A. S].