

RAS 4918

Green Party of California

SLO GREEN PARTY, P.O. BOX 13244, San Luis Obispo, Ca. 93406

To: Diablo Canyon Independent Safety Committee
857 Cass St.
Monterey, Ca. 93940
Attn: Robert W. Rathie

Re: your letter from Sept. 12, 2002

Conc.: Request for copies of documents

Re:
Docket No.
72-26-JSFI

DOCKETED
USNRC

September 26, 2002

October 10, 2002 (11:46AM)

Dear Mr. Rathie,

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

included you'll find the requested copies of the following documents:

SERVED OCT 10 2002

- #1: article by Rivero, Shaw and Mueller, GEOLOGY, Oct. 2000, v. 28, no 10, p. 891-894, addressing seismic issues at SONGS.
- #2: excerpts of NRC Finding from Oct. 2000, NuReg 1738 (?), concerning Spent Fuel Pool fires.
- #3: article by Robert Alvarez: "What about Spent Fuel?", BULLETIN OF THE ATOMIC SCIENTISTS, Jan./Febr. 2002, p. 45 - 47.
- #4: Memo by Radioactive Waste Management Associates (Dr. Marvin Resnikoff), dated 9/26/2001, calculating aircraft crashes into Holtec Hi-Storm cask.
- #5: Issue brief on Spent Fuel Security, UNION OF CONCERNED SCIENTISTS, Oct 16 2001.

As I stated already in our phone conversation, we are not able to send you a copy of the entire 88 page NRC finding from October 2000. We believe it was published as NuReg 1738 (?). The enclosed excerpts, however, cover the most relevant passages. They were pulled down from the NRC website before it was taken off in light of 9/11. You'll find that specific website address on the bottom of page ix and the top of 3-23. We do have the entire finding in our PC but cannot forward it to you in electronic form. We believe that you should have no problem to get this finding in its entirety from the NRC.

Furthermore: the SLO GREEN Party asserts that the only safe way to handle high level radioactive waste (HLRW) is not to produce it in the first place. However, we recognize that a large amount of these wastes is already present at Diablo Canyon and has to be dealt with.

The GREEN Party has formed a committee which has looked into the waste storage problem for more than a year now. Several of the committee members were also serving on the SLO County Nuclear Waste Management Committee, chaired by County Supervisor Bianchi.

It is our contention that there are safer ways to store the already accumulated HLRW on-site than it is

Template = SECY-043

SECY-02

presently proposed by PG&E. Under the PG&E proposal, both storage pools would continue to be used at high density levels and at capacity for at least until 2017, the projected date for Yucca Mtn. availability for HLRW from Diablo. Yet, according to the NRC finding, it is the racking configuration in the pools which increases the risk for pool fires.

Moreover, the by PG&E proposed rate of waste removal from the pools (2 to 4 storage casks/year) matches the rate of production for as long as the plant operates. That would suggest that the pools would stay at high density capacity possibly through 2052, if re-licensing should occur!

Given the pool vulnerability to fires, especially in light of 9/11 type of terrorists attacks, this would be an intolerable level of risk for the public at large. The NRC finding compares the consequences of a pool fire to a severe reactor accident. It further states that there is no known way to extinguish such a fire and estimates that up to 100% of its cesium 137 content would be released into the environment!!

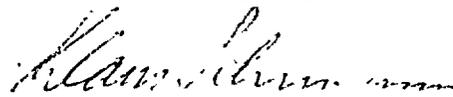
The SLO GREEN Party suggests to consider a far safer alternative:

the pools should be returned to low density levels a.s.a.p., by taken the appropriate amounts of spent fuel assemblies out of the pools and store them in dry casks on-site. The proposed ISI-SI must be well protected to withstand any kind of terrorist/sabotage/earthquake event. A simple chain link fence, as proposed by PG&E, will not do. The wastes should stay on-site until a sufficient lower level of radioactivity in fission products such as cesium 137 and 134, cobalt 60 and strontium 90 has been reached, perhaps for 100 to 200 years. By then, both the radioactivity and the surface temperatures of the assemblies would have dropped to far safer levels which would make transport to an permanent depository easier and less risky. In addition, time for finding the best solution would be gained.

We refer to the enclosed materials which support our contention.

Unfortunately, the Nuclear Waste Policy Act gives PG&E every incentive to get rid of its wastes a.s.a.p. But as an independent state agency you must strive for the best protection of the public and resist industry preferences. We ask that you fulfill your mandate in the interest of public health and safety.

For the SLO GREEN Party



Klaus Schumann
(805) 238-4454
jayklaus@msn.com

cc: Jim Caruso, SLO County Planning Department
Judges Bollwerk, Lam and Kline, Atomic Safety and Licensing Board Panel, US Nuclear Regulatory Commission
Peg Pinard, SLO County Supervisor

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
PACIFIC GAS AND ELECTRIC CO.) Docket No. 72-26-ISFSI
DIABLO CANYON POWER PLANT)
)
(Independent Spent Fuel Storage)
Installation))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM KLAUS SCHUMANN TO ROBERT RATHIE DATED SEPTEMBER 26, 2002 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Stephen H. Lewis, Esq.
Angela B. Coggins, Esq
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Lorraine Kitman
P.O. Box 1026
Grover Beach, CA 93483

Docket No. 72-26-ISFSI
LETTER FROM KLAUS SCHUMANN TO ROBERT
RATHIE DATED SEPTEMBER 26, 2002

Peg Pinard
San Luis Obispo County Supervisor
County Government Center
1050 Monterey Avenue
San Luis Obispo, CA 93408

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

David A. Repka, Esq.
Brooke D. Poole, Esq.
Winston & Strawn
1400 L Street, NW
Washington, DC 20005-3502

Klaus Schumann
Mary Jane Adams
26 Hillcrest Drive
Paso Robles, CA 93446

Robert R. Wellington, Esq.
Robert W. Rathie, Esq.
Wellington Law Offices
857 Cass Street, Suite D
Monterey, CA 93940

Seamus M. Slattery, Chairman
Avila Valley Advisory Council
P.O. Box 58
Avila Beach, CA 93424

Lawrence F. Womack, Vice President
Nuclear Services
Diablo Canyon Power Plant
P.O. Box 56
Avila Beach, CA 93424

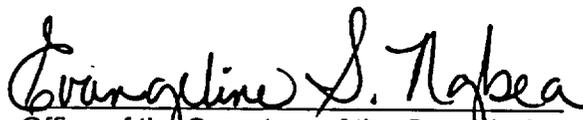
Richard F. Locke, Esq.
Pacific Gas & Electric Company
77 Beale Street, B30A
San Francisco, CA 94105

Thomas D. Green, Esq.
Thomas D. Waylett, Esq.
Adamski, Moroski & Green, LLP
444 Higuera Street, Suite 300
San Luis Obispo, CA 93401-3875

Barbara Byron
Nuclear Policy Advisor
California Energy Commission
1516 Ninth Street, MS 36
Sacramento, CA 95814

Docket No. 72-26-ISFSI
LETTER FROM KLAUS SCHUMANN TO ROBERT
RATHIE DATED SEPTEMBER 26, 2002

Darcie L. Houck, Esq.
California Energy Commission
Chief Counsel's Office
1516 Ninth Street, MS 14
Sacramento, CA 95814


Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 10th day of October 2002