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March 24, 2003

Mr. G. Paul Bollwerk, III, Chairman
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US Nuclear Regulatory Commission
Washington, DC

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RE: PG&E's 12/21/01 application to construct & operate an independent spent fuel storage installation
(Facility Docket Diablo Canyon ISFSI/ 072-00026; Meeting Number 2003-0078)

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Dear Chairman Bollwerk:

On behalf of Environment California Research & Policy Center, I am submitting the following comments regarding PG&E's 12/21/01 application to expand on-site storage of high-level radioactive waste through the proposed independent spent fuel storage installation (ISFSI).

As a statewide environmental organization, we are very concerned about the safety and security of the Diablo Canyon nuclear power plant. We urge the Nuclear Regulatory Commission (NRC) to deny PG&E's application on the grounds that it fails to adequately protect the health and safety of California and its residents and to allow a full public hearing to be held under NEPA.

Organizational Background

Environment California Research & Policy Center (Environment California) is a statewide, non-profit, environmental advocacy organization dedicated to protecting the environmental and public health and safety of California. Environment California is the new home of CALPIRG's environmental program. We have been a leading voice for sound environmental policy for the past thirty years.

We have over 70,000 members statewide. Thousands of our members reside within close proximity to the Diablo Canyon Nuclear Power Plant and would be directly impacted should an accident occur to the facility's storage of high-level radioactive waste. It is our concern for the safety of California residents as well as for our unique and ecologically important coastal zone, that we offer to you our comments and concern over what we believe to be an inadequate proposal for the safe storage of high-level radioactive waste at Diablo Canyon.

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PROBLEMS WITH PG&E'S APPLICATION

PG&E's proposed ISFSI presents a serious threat to the environment and to public safety. High-level radioactive waste may very well be the most dangerous substance known to humankind. According to a Dr. Resnikoff at Radioactive Waste Management Associates of New York, the amount of high level radioactive waste currently stored at Diablo equals the amount of long-lived radioactivity of 17,000 Hiroshima Bombs. PG&E's new proposal would allow the equivalent of 44,160 Hiroshima bombs putting the requirement to build the safest dry cask storage facility into perspective.

1) Terrorist Threats Unaccounted For

In addition to unresolved seismic risk at Diablo Canyon, PG&E's current and planned storage facility is also at high risk of cataclysmic terrorist attacks.

The tragic events of September 11 have raised serious concerns about security at nuclear plants. Prior to 9/11, nearly half of the nation's nuclear power plants failed to repel small groups of intruders on foot in "force-on-force" exercises conducted by the Nuclear Regulatory Commission (NRC). This dismal performance would have been even worse if the mock attacking forces had been assigned capabilities comparable to those of the September 11 terrorists.

In addition, a new study by the non-partisan group Project On Government Oversight shows that security personnel at nuclear plants are under-staffed, under-trained and under-equipped to deal with existing threats. Recent media reports that senior Al Qaeda operatives still consider U.S. nuclear plants targets underscore the extent of the safety risk.

In January 2002, President George W Bush warned in his State of the Union Address that, "*We have seen the depth of our enemies' hatred...We have found diagrams of American nuclear power plants.*" In late January 2002, the FBI and NRC warned utilities and law enforcement that terrorists might be planning to attack U.S. nuclear plants. On October 21, 2001, the London Times reported that the FBI believes the fourth plane on Sept. 11th might have been targeting the Three Mile Island nuclear plant. For years, terrorists have overtly threatened to attack U.S. nuclear plants.

We strongly urge the NRC to consider this known and urgent threat to the Diablo Canyon Nuclear Power Plant and to the state of California in relation to PG&E's ISFSI application.

2) Temporary Storage is An Unreasonable Assumption

High-level waste from Diablo Canyon is likely to remain on-site for decades, if not longer, due to long-term storage and transportation limitations. To begin with, high-level radioactive waste from Diablo Canyon is unlikely to make it to Yucca Mountain, if and when the dump ever opens.

Yucca Mountain remains riddled with site suitability problems including the fact that the geological characteristics of Yucca Mountain do not lend themselves to permanent nuclear waste storage. Problems include the fact that the area is intersected by 33 earthquake faults; water flows through the mountain much faster than anticipated; and the proposed storage site is situated above an aquifer that provides drinking water to a nearby community.

Furthermore, given that Yucca will not open until 2010 at the earliest, there are dozens of older nuclear power plants elsewhere in the county that will deposit their waste at Yucca before Diablo Canyon will be allowed to do the same.

In terms of getting Diablo Canyon's high-level waste to Yucca, should it ever open and have room for California's waste, there is no known safe way to move the waste to Nevada. Such a move will involve extensive truck, rail and barge shipments. An estimated 14,000 shipments of fuel could be trucked through California over a period of almost 40 years presenting a serious health risk to more than seven million California residents and to California's environment. Terrorism experts refer to this scenario as a "target rich" environment.

3) Public Right To Know

The public has a right to know about and comment on every plan and action to be taken to protect itself from these and other potential threats as a result of this facility. To deny the public this right is to violate the intent of the National Environmental Policy Act (NEPA).

SUGGESTED NRC ACTION

The NRC should suspend the pending PG&E ISFSI license proceeding until the following is complete.

A) A comprehensive review of the adequacy of NRC safety requirements to protect against the threat of a terrorist attack including requiring robust, hardened, low-density dry cask storage facility

Dry cask storage in thick-walled, steel casks that are resistant to attack and safely dispersed throughout the facility should be required at Diablo Canyon as opposed to concrete jacketed casks proposed by PG&E. While not a permanent solution, this option provides maximum protection against terrorist attack and accident.

In addition to requiring steel casks, the facility should also be hardened through such measures as constructing a containment structure over vulnerable spent fuel pools, dispersing the casks over a wider area, reducing the magnitude of the radioactive release that would arise from an attack or accident.

B) Reassess and Strengthen Regional Emergency Planning

As PG&E sets out to triple the amount of high-level radioactive waste stored along the California coast, it is imperative that the NRC require this company to similarly expand their emergency planning zones and require emergency planning until all waste is removed from the site.

To assure the NRC and the surrounding community that PG&E's emergency preparedness plan is truly adequate to protect the public health and safety, an independent panel of experts should evaluate, among other issues, the following factors: time; traffic patterns; hospital preparedness; availability and deployment of vehicles and drivers; location, staffing and equipment at Reception Centers; shelter analysis for dose reduction and capability; and human behavior in an actual crisis (e.g., panic, "shadow evacuation" phenomenon, role conflict). Above all, the plan should be revised so as to meet the current, post 9-11 threat of a fast breaking accident and one resulting in considerable radioactive release.

C) Require increased security of stored waste

It is highly reasonable to expect at least one attempted terrorist attack against a nuclear power plant in America. Given this fact, it is imperative that the NRC require PG&E to upgrade their ISFSI proposal to include the maximum feasible protections against such an attack. In addition to constructing a low-density thick-walled steel dry cask storage facility, PG&E should also consider other measure such as placing impenetrable barriers in the water and 24-hour patrols; installing on-site air defense; and requiring regular federally administered NRC Operations Safeguards Response Evaluations (OSRE mock attacks) designed to test today's threats, and providing that failure to pass the security test will result in shutdown until remedial actions have been taken.

D) Rule-out option of re-licensing Diablo Canyon

Diablo Canyon should not be re-licensed until all the issues surrounding the storage of high-level radioactive waste are resolved permanently. Current estimates show that Diablo Canyon would require 138 casks to handle all the high-level waste the plant will generate under its current licensing plans. Allowing for the additional generation of high-level waste without a permanent solution as to where and how that waste will be disposed would be highly irresponsible.

E) Hold Public Hearings as Requested by numerous public agencies and citizen organizations

Given the serious public health and environmental safety concerns inherent to decisions regarding high-level radioactive waste, the NRC should hold full public hearings on PG&E's application to expand their on-site storage facility.

Environment California appreciates your thoughtful consideration of these comments. We look forward to your response.

Sincerely,



Bernadette Del Chiaro
Energy Advocate
Environment California

cc:

Administrative Judge Dr. Jerry R. Kline

Administrative Judge Dr. Peter S. Lam

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