From: catlee@calpoly.edu <catlee@calpoly.edu>
To: <NRCREP@nrc.gov>
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Note: Docket No. 72-26

To James R. Hall, NRCREP@nrc.gov :

I am writing regarding Docket No. 72-26 with comments on the NRC Staff's Supplement to the Environmental Assessment and Draft Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation. This document was written in response to the decision by the Ninth Circuit Court of Appeals in San Luis Obispo Mothers for Peace v. NRC to address the environmental impacts of intentional attacks on the Diablo Canyon dry cask storage facility. I am outraged by the simplistic and inadequate assessment. In am including remarks by our local group, members of which
have analyzed the NRC Staff Supplement...

The NRC has done a very poor job of evaluating the environmental impacts of intentional attacks on the Diablo Canyon facility. The EA distorts and minimizes the environmental impacts of attacks on the facility by using hidden and unjustified assumptions.

The EA rules out credible threat scenarios that could cause significant environmental damage by contaminating the environment. The EA creates the appearance of compliance with NEPA's requirements to consider reasonably foreseeable catastrophic impacts even if their probability is low by claiming to consider all "plausible" attack scenarios. But the EA clearly fails to consider credible scenarios that could cause significant environmental damage. For instance, the EA fails to consider attack scenarios in which penetration of a spent-fuel canister is accompanied by the use of an incendiary device to ignite the zirconium cladding of the spent fuel. It should include a detailed description of a wide range of potential attack scenarios and in which several canisters could be affected. These details could be available to persons cleared to receive such information.

The EA also fails to identify the key documents on which it relies, thus making it impossible for any party to verify the appropriateness of its reliance on those documents. In violation of Council on Environmental Quality (CEQ), the EA fails to identify the scientific and other sources it relies on for its conclusion that the impacts of attacks on the Diablo Canyon facility pose no significant impact.

Additionally, CEQ regulation requires an agency to "identify any methodologies used" in its environmental analysis. In violation of this requirement, the EA fails to provide a clear description of the NRC's process for identifying plausible or credible attack scenarios and assessing their consequences to determine whether they are significant. The EA does not describe any analysis that it did for the

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specific purpose of complying with NEPA. Instead, it describes an analysis that apparently took place in 2002, long before the Ninth Circuit's decision, and that apparently was based on compliance with NRC's AEA-based security requirements. The EA fails to clearly establish that the 2002 analysis was based on reasonable foreseeability of impacts under NEPA.

In considering the consequences of potential releases of radioactive material, the NRC has employed only one indicator, namely "the potential for early fatalities." To exclude consequences other than early fatalities is absurd. Land contamination is a very serious impact that can cause delayed fatalities, illness, and billions of dollars in expenses of relocation and lost income.

The EA for the Diablo Canyon spent fuel storage facility completely fails to demonstrate the NRC made a "fully informed and well-considered" determination of no significant impacts.

Sincerely,

Susan N. Atlee
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