

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

PACIFIC GAS AND ELECTRIC COMPANY

(Diablo Canyon Nuclear Power
Plant, Units 1 and 2-----)

) Docket Nos. 50-275-OLA
) 50-323-OLA

) ASLBP No. 86-523-03-LA

) April 26, 1986

CONSUMERS ORGANIZED FOR DEFENSE OF ENVIRONMENTAL SAFETY, C.O.D.E.S.

CONTENTIONS ON

PACIFIC GAS & ELECTRIC COMPANY'S REQUEST

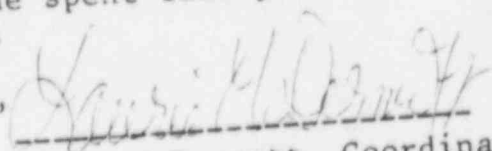
TO INCREASE WASTE STORAGE BY RERACKING THE SPENT FUEL POOLS

1. Adequate consideration has not been given to alternatives to reracking the spent fuel ponds at Diablo Canyon. Under the Nuclear Waste Policy Act of 1982, Public Law 97-425, January 7, 1983, the Federal Government has the responsibility to provide interim storage of spent nuclear fuel for civilian nuclear power reactors that cannot reasonably provide adequate storage capacity at the sites of such reactors when needed to assure the continued, orderly operation of such reactors (emph. added). PG&E and its wholly owned subsidiary, Pacific Energy Trust (P.E.T.) have a contract with the Department of Energy for storage of high level radioactive waste at this time.
2. It is unreasonable and premature to consider the spent fuel pool's seismic design, as modified by the proposal; adequate when the long term seismic program (a licensing condition) is to be completed in 1988, 2 years from now.
3. By ordering the long term seismic program study, the Commission has indicated that there are unanswered questions and possible seismic hazards that must be investigated.
4. No site in California is being considered for a permanent waste repository for high-level radioactive waste partly because of the seismic conditions. It is unreasonable to extend the storage capacity of spent fuel pools for the same reasons.

5. The additional spent fuel rods in the reracked spent fuel pools would increase radioactive contamination in an accident involving the fuel pools.
6. Human error and its possible consequences in the operation of the reracked spent fuel pools have not been adequately considered.
7. Inadequate and/or faulty procedures combined with operator and technician errors has not been adequately considered.
8. The adequacy of procedures, technical specifications, administrative controls and their implementation and training has not been considered adequately.
9. The possibility of faulty reasoning and inappropriate deviation from procedures during an emergency or accident has not been adequately considered.
10. The consequences of poor communications between site personnel and NRC personnel contributing to the severity of an emergency or accident involving the reracked spent fuel pools has not been given adequate consideration.
11. Adequate consideration of the loss of spent fuel cooling has not been considered for the reracked fuel pools.
12. The lack of resolution and action on critical issues being investigated by the Office of Investigation (OI) and Office of Inspection and Auditor (OIA), issues which are directly related to the Significant Hazard Issue of the fuel pools reracking application have not been given any consideration.
13. The views of the population surrounding Diablo Canyon Nuclear Power Plant concerning the storage of high level radioactive waste have not been considered. This is inconsistent with and repugnant to the Nuclear Waste Policy Act of 1982.
14. The uncertainties as to how long high level radioactive waste would be stored at the proposed Diablo Canyon facility, neutron embrittlement and other metallurgical deterioration and environmental stresses to the structural integrity of the spent fuel ponds have not been adequately analyzed and determined.
15. The Applicant has not demonstrated the existence nor implementation of a detailed quality assurance program which would effectively detect and prevent defective work by contractors and vendors involved with the proposed spent fuel pool reracking.
16. The contentions submitted above do meet the three standards (Fed Reg, Vol 51, No 44, Thurs March 6, 1986, Rules & Regulations, p7754) for a Significant Hazards Determination on the spent fuel pool reracking at Diablo Canyon Nuclear Power Plant.

Respectfully submitted,

cc: NRC Docketing & Service
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