

RAS 6267

CITY OF SANTA BARBARA

Marty Blum
Mayor



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March 24, 2003

CALIFORNIA

Chairman of the Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Via Facsimile to 301.415.5599

SUBJECT: Diablo Canyon Spent Fuel Storage and Transport of Radioactive Wastes

On behalf of the residents of City of Santa Barbara, the City Council forwards the attached Council Resolution outlining its serious safety concerns regarding transport of radioactive wastes through the City of Santa Barbara. This Resolution was originally adopted by the Council in 1995 and was reaffirmed by Council on October 10, 2002. The Council requests that the Nuclear Regulatory Commission consider these safety concerns in association with the Pacific Gas and Electric Company request for an NRC license for expansion of the spent fuel storage facility at the Diablo Canyon Power Plant near San Luis Obispo, California.

As presently proposed, the U.S. Department of Energy's plan to establish Yucca Mountain in Nevada as repository for hazardous wastes from around the country could involve transport of spent radioactive fuel by barge through the waters of the Santa Barbara Channel, by truck on Highway 101, and by rail within the Southern Pacific Railroad corridor. Due to public safety considerations, the City Council opposes transport of radioactive materials through the City of Santa Barbara. The proposed waste transport routes through Santa Barbara are inappropriate given the concentration of population, numerous federally protected environmental resources, hazardous seismic conditions, location difficulties with respect to emergency response, and new public safety concerns associated with potential terrorism. The proposed DOE plan and the establishment of an expanded spent fuel storage facility at Diablo Canyon would further the planned transport of nuclear wastes through Santa Barbara and would thereby increase the risk of release of deadly radioactive materials and their exposure to residents of the City and County of Santa Barbara and the environment. Public safety needs to be the first priority, and alternative transportation routes involving less populated areas need to be identified.

Sincerely,

Mayor Marty Blum
City of Santa Barbara

DOCKET NUMBER
PROD. & UTIL. FAC. 72-26-13FSI

DOCKETED
USNRC

April 2, 2003 (11:11AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Enclosure: City Council Resolution 95-144, Reaffirmed October 15, 2002

Template = SECY-038

SECY-02

Chairman of the Licensing Board, NRC
Diablo Canyon Spent Fuel Facility and Transport
March 24, 2003
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cc: Honorable Secretary Spencer Abraham, U.S. Department of Energy
1000 Independence Avenue, SW, Washington, D.C. 20585

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

Richard A Meserve, Chairman, Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Annette, L. Vietti-Cook, Secretary of the Commission, Nuclear Regulatory Commission
Office of the Secretary, Washington, D.C. 20555-0001

Emile L. Julian, Asst for Rulemakings, Nuclear Regulatory Commission
Office of the Secretary, Washington, D.C. 20555-0001 Facsimile: 301.415.1101

Honorable Congresswoman Lois Capps, U.S. House of Representatives
1118 Longworth HOB, Washington, D.C. 20515

Honorable Congressman Elton Gallegly, U.S. House of Representatives
2427 Rayburn HOB, Washington, D.C. 20515-0523

Honorable Senator Barbara Boxer, U.S. Senate
112 Hart Senate Office Building, Washington, D.C. 20515

Honorable Senator Dianne Feinstein, U.S. Senate
331 Hart Senate Office Building, Washington, D.C. 20515

Honorable Supervisor Gail Marshall, Santa Barbara County Board of Supervisors
105 East Anapamu Street, Santa Barbara, CA 93101 Facsimile: 805.568.2883

Honorable Councilmembers, Santa Barbara City Council

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RESOLUTION NO. 95-144

A RESOLUTION OF THE COUNCIL OF THE
CITY OF SANTA BARBARA OPPOSING THE
TRANSPORTATION OF SPENT NUCLEAR FUEL
AND HIGH-LEVEL RADIOACTIVE WASTE
THROUGH SANTA BARBARA AND OTHER
HEAVILY POPULATED AREAS.

WHEREAS, it is the primary responsibility of local government to protect the safety of its citizens and, in order to do so, a local government must be able to assure the safest possible transportation of hazardous materials through densely populated areas; and

WHEREAS, the federal and state government must not sacrifice public safety merely in the interests of nationwide uniformity of regulation and the continuity of commerce; and

WHEREAS, due to its location along the central coast of California at the base of the Santa Ynez coastal mountain range, Santa Barbara has unique geographical, geological, seismic, and other physical characteristics which, experience has shown, substantially contribute to the difficulty of responding to the emergency needs of the public in the event of a large-scale natural disaster or other public emergency; and

WHEREAS, for reasons related to the unique physical characteristics of Santa Barbara, the only major public transportation systems in and out of Santa Barbara towards the north or the south are U.S Highway 101 and the Southern Pacific railroad corridor adjacent to Highway 101; and

WHEREAS, as experience with the July 1991 Southern Pacific train derailment in the Seacliff area of Ventura County and the June 1990 Painted Cave fire in Santa Barbara County has shown, the Santa Barbara area is particularly susceptible to isolation and the attendant public safety concerns in the event of a public emergency or disaster; and

WHEREAS, historical evidence indicates that the risk of seismic upset of vehicular and rail transportation as a result of an earthquake occurring along the U.S. Highway 101 corridor is a distinct and significant possibility; and

WHEREAS, for reasons related to the concerns expressed above as well as concerns associated with the older physical condition of U.S. Highway 101, the California Highway Patrol, pursuant to its regulatory authority under Title 13 of the California Code of Regulations and Section 33000 of the state Vehicle Code, has not

designated U.S. Highway 101 as a transportation corridor for the safe and permissible transportation of radioactive materials or certain explosive hazardous materials; and

WHEREAS, the proximity to Santa Barbara of the Diablo Canyon Power Plant in San Luis Obispo County (hereinafter "Diablo Canyon") and the eventual need to transport spent nuclear fuel and high-level radioactive waste from Diablo Canyon to either an interim or a permanent national repository for such material makes the possibility of the transportation of Diablo Canyon radioactive waste material through Santa Barbara a real and critical public safety concern to the residents of Santa Barbara; and

WHEREAS, in 1995, the National League of Cities established a policy which, among other things, provides that local governments should be consulted in the designation of routes for the transportation of high-level radioactive waste and spent nuclear fuel through their jurisdictions; and

WHEREAS, in light of the above-stated concerns, the City Council of the City of Santa Barbara is of the opinion that no amount of federal, state or local funding for the staffing, training or equipping of public safety disaster personnel could ever begin to address the magnitude of the potential public disaster which could occur if the Santa Barbara community were exposed to an accident involving spent nuclear fuel or high-level radioactive waste;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. In view of considerations for the safety of our community, the City Council of the City of Santa Barbara is opposed to the transportation of spent nuclear fuel or high-level radioactive waste through Santa Barbara under any circumstances.

2. The City Council of the City of Santa Barbara calls upon those state, local and federal authorities charged with the responsibility of developing a national routing policy for the transportation of spent nuclear fuel and high-level radioactive waste for storage in a proposed national repository to develop a national policy which achieves the following objectives: 1. mandates public safety as the first priority, 2. mandates transportation of high-level radioactive waste and spent nuclear fuel along the least populated transportation corridors available and, 3. provides adequate disaster funding and training to the local public safety authorities of the communities affected by such routing.

3. The City Council of the City of Santa Barbara hereby requests the League of California Cities to examine the question of the proper routing of the transportation of spent nuclear fuel and high-level radioactive waste from facilities within California which generate such waste materials and to take an express policy

position on the question of such routing within California consistent with this resolution.

4. The Mayor is hereby requested to communicate the City's position on this matter (as stated herein) to the City's representatives in the state and federal legislatures, to the involved state and federal regulatory agencies, and to take those steps which she deems necessary and advisable to apprise the concerned authorities and appropriate legislative representatives of the City's position with respect to this question of public safety.

Adopted October 10, 1995