

BOARD OF SUPERVISORS



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CAREN RAY, Supervisor District Four
DEBBIE ARNOLD, Supervisor District Five

December 17, 2013

The Honorable Allison Macfarlane, Chair
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001
chairman@nrc.gov - email

RE: Waste Confidence Rule and Diablo Canyon Power Plant

Dear Chairperson Macfarlane:

Attached please find comments from the San Luis Obispo County Board of Supervisors submitted directly to your staff regarding the update of the NRC's Waste Confidence Rule. We are, of course, particularly interested in issues regarding spent nuclear fuel now stored in our county at the Diablo Canyon Power Plant (DCPP). In summary, our comments are these:

- The Waste Confidence Rule should require that safety margins for spent fuel storage pools and dry cask storage mitigate risks associated with the widest reasonable range of accidents, natural disasters, and security threats.
- The safety margins for natural disasters should explicitly consider earthquake seismic threats to storage facilities.
- The GEIS does not appear to explicitly consider seismic risks in the analysis assumptions of potential impacts (Sec 1.8.3)
- The NRC should require that spent fuel be transferred from wet (pool) storage to dry cask storage on the most accelerated time schedule possible.
- The NRC should redouble efforts with other federal agencies and Congress to develop a permanent spent fuel repository.

In the aftermath of the Fukushima disaster, our Board has considered a number of issues regarding DCPP, a facility that has long had major impacts on San Luis Obispo County. DCPP is a major component of our local economy and generates considerable tax revenue supporting both our schools and local government. At the same time, this nuclear power plant is sited in a tectonically active area and subject

to considerable risk from earthquake ground motion. As you know, the earthquake risk to the plant in general is under active study through a process convened by the California Public Utilities Commission.

The storage of spent fuel at DCPD is an ongoing concern for us. In particular, spent fuel pools are potentially vulnerable to natural disasters, human-caused accidents, and sabotage. The spent fuel pools at DCPD have also been reconfigured, and now contain more than twice the number of fuel assemblies that they were originally designed to hold. While we are assured by PG&E that risks of this configuration are completely mitigated, but we believe this issue is worthy of extensive review.

We further understand that the pools at DCPD are now storing spent "high burn-up" fuel assemblies – material possibly not considered in the original design. We would request a thorough examination of the thermal and mechanical consequences of high burn-up fuel being present in spent fuel pools.

DCPD also has a facility for dry cask storage of spent fuel, which is generally agreed to be the preferred means of spent fuel storage. Testimony before our Board has suggested that the loading of dry casks at DCPD is not occurring as fast as it could. Given the extra density of spent fuel in the pools and the risks specific to DCPD, we would request that the NRC require the transfer of fuel from the pools to dry casks to be conducted in the most timely manner possible.

Finally, as you are certainly aware, a nationwide solution for permanent spent fuel storage has been delayed for far too long. The permits for DCPD did not imagine that the indefinite storage of spent fuel onsite – and such storage is an obvious added risk to residents of this county. We would again urge the NRC to accelerate work with other federal agencies and Congress to advance a permanent solution.

Our Board appreciates the opportunity to comment on your Waste Confidence Rule update and trust that your Commission will require all nuclear plant operators to handle spent fuel in a manner most protective of the residents of the communities where these plants are located. Thank you.

A handwritten signature in black ink, appearing to read "Bruce Gibson", with a stylized flourish at the end.

BRUCE GIBSON
Chair, Board of Supervisors
San Luis Obispo County

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December 17, 2013

Secretary, US Nuclear Regulatory Commission
Washington, DC 20555-0001
(301) 415-1101 - fax

ATTN: Rulemakings and Adjudications Staff

RE: Docket ID NRC-2012-0246/Comments on Waste Confidence Rule Update and Generic Environmental Impact Statement (GEIS)

For your record:

The San Luis Obispo County Board of Supervisors appreciates the opportunity to comment on the upcoming update of the NRC's Waste Confidence Rule and the associated GEIS. Our comments are informed by the location of the Diablo Canyon Power Plant in our county. This facility is sited in a tectonically-active region of the Pacific Coast and thus potentially subject to significant ground shaking from large-magnitude earthquakes.

In summary, our comments are these:

- The Waste Confidence Rule should require that safety margins for spent fuel storage pools and dry cask storage mitigate risks associated with the widest reasonable range of accidents, natural disasters, and security threats.
- The safety margins for natural disasters should explicitly consider earthquake seismic threats to storage facilities.
- The GEIS does not appear to explicitly consider seismic risks in the analysis assumptions of potential impacts (Sec 1.8.3)
- The NRC should require that spent fuel be transferred from wet (pool) storage to dry cask storage on the most accelerated time schedule possible.
- The NRC should redouble efforts with other federal agencies and Congress to develop a permanent spent fuel repository.

In the aftermath of the Fukushima disaster, our Board has considered a number of issues regarding DCP, a facility that has long had major impacts on San Luis Obispo County. DCP is a major component of our local economy and generates considerable tax revenue supporting both our schools and local government. At the same time, this nuclear power plant is sited in a tectonically active area and subject to considerable risk from earthquake ground motion. As you may know, the earthquake risk to the plant in general is under active study through a process convened by the California Public Utilities Commission.

The storage of spent fuel at DCP is an ongoing concern for us. In particular, spent fuel pools are potentially vulnerable to natural disasters, human-caused accidents, and sabotage. The spent fuel pools at DCP have also been reconfigured, and now contain more than twice the number of fuel assemblies that they were originally designed to hold. While we are assured by PG&E that risks of this configuration are completely mitigated, but we believe this issue is worthy of extensive review.

We further understand that the pools at DCP are now storing spent "high burn-up" fuel assemblies – material possibly not considered in the original design. We would request a thorough examination of the thermal and mechanical consequences of high burn-up fuel being present in spent fuel pools.

DCP also has a facility for dry cask storage of spent fuel, which is generally agreed to be the preferred means of spent fuel storage. Testimony before our Board has suggested that the loading of dry casks at DCP is not occurring as fast as it could. Given the extra density of spent fuel in the pools and the risks specific to DCP, we would request that the NRC require the transfer of fuel from the pools to dry casks to be conducted in the most timely manner possible.

Finally, as you are certainly aware, a nationwide solution for permanent spent fuel storage has been delayed for far too long. The permits for DCP did not imagine that the indefinite storage of spent fuel onsite – and such storage is an obvious added risk to residents of this county. We would again urge the NRC to accelerate work with other federal agencies and Congress to advance a permanent solution.

Our Board appreciates the opportunity to comment on your Waste Confidence Rule update and trust that your Commission will require all nuclear plant operators to handle spent fuel in a manner most protective of the residents of the communities where these plants are located.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Gibson", with a stylized, flowing script.

BRUCE GIBSON

Chair, Board of Supervisors

San Luis Obispo County

Board of Supervisors
San Luis Obispo County
County Government Center, Room D430
San Luis Obispo, CA 93408

RETURN SERVICE REQUESTED

The Honorable Allison Macfarlane, Chair
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001

KXXMSMP 20555

