



ALLIANCE FOR NUCLEAR RESPONSIBILITY

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February 2, 2010

Gregory B. Jaczko, Chairman
c/o Annette L. Vietti-Cook, Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001

Dear President Jaczko,

Over the past five years, the state of California has undertaken an in depth review of the costs, benefits and risks of this state's continued reliance on aging reactors on our seismically active coast. After carefully studying all issues that might result in a negative impact on state economics or the reliability of energy supplies, the California Energy Commission (CEC), California Public Utilities Commission (CPUC) and legislature (Assembly Bill 1632) required that certain specific studies be completed and reviewed *before* PG&E filed for a license renewal with the NRC. PG&E ignored the state's requirements and filed its application to operate Diablo Canyon for an additional 20 years in November 2009.

In the spirit of openness and transparency, the Alliance for Nuclear Responsibility asks that the NRC hold the full PG&E application in abeyance until the seismic studies mandated by California's legislature and oversight agencies are complete. We ask that the state and the NRC work together solely on seismic studies and the independent review of those studies, and include NGO participation in the review process. We believe this would signal to the state and to the public that the NRC considers seriously new seismic information at a very controversial aging reactor site. These studies are even more relevant than during the original licensing procedure, as the site is now storing hundreds of tons of highly radioactive waste in a seismic area, the suitability of which was neither addressed nor even anticipated in the previous century. Finally, with the pressing budget crisis at both the federal, state and local level, it is not in the interest of either ratepayers or taxpayers to see duplicative efforts or potentially wasted resources spent on subsequent aspects of license renewal without satisfying the underlying seismic requirements first. The state of California, through its oversight and legislative actions, has made this clear.

The Nuclear Regulatory Commission's process had already made a few missteps that have damaged the perceptions of the local community and the state that a full and fair license renewal process is the NRC's highest agenda. In October, 2009, the NRC staff scheduled the only public

meeting to provide comment on the GEIS for license renewal over 100 miles from either reactor site. It required the intervention of local, state, and federal representatives to call upon the NRC to reschedule and relocate the meetings in the reactor communities. The result was that the GEIS meetings with the most “public” attendees were at both California sites. The NRC rescheduled the date for final GEIS comments to January 12, 2010, and disclosed that the comments would be considered and the draft revision finalized in 2013. Adopting final policies for license renewal years after 57 license renewals have already been granted—and before the NRC process for considering license renewal for Diablo Canyon was accepted— strains the NRC’s statements of openness and transparency. California’s open and transparent process (evidenced throughout the CEC workshops and legislative actions) should serve as an example to the NRC.

Furthermore, the NRC staff (well aware of the state’s seismic requirements) accepted PG&E’s application and then came to California to explain the NRC process to local and state representatives. We find this “acceptance,” before speaking to local and state officials to be inapposite to the NRC’s new policy of openness and transparency. These elected officials have spent five years of time and resources to decide what information would be needed to determine if an additional twenty years of operation, production and storage of highly radioactive waste is prudent on a coastline where there are now two known earthquake faults within three miles. Finally, the "advance" staff the NRC sent was unable to answer simple questions put to them by several local representatives. Clearly the public’s perception that the NRC will fairly decide whether or not Diablo can safely operate for twenty years beyond 2025 is in jeopardy.

This perception problem can be easily and productively remedied. The NRC should halt any steps in the license renewal process at Diablo that do not pertain to new and required seismic studies. Working with local and state representatives and agencies to resolve seismic concerns will go a long way to improving the public’s perception of the NRC’s ability to be open and transparent, and to make decisions based on current and factual seismic information.

California has the duty to protect its ratepayers and its generation sources. The recent example of seismic miscalculations at the Kashiwazaki-Kariwa reactors in Japan (8000MW lost in 90 seconds—costs reported to date \$12 billion—with no units yet returned to commercial service) reminds us that coastal reactors need special attention on the Pacific Rim. We ask that you carefully consider and adopt our solution of a joint NRC/State seismic panel to this unique license renewal process.

We look forward to your reply.

Yours truly,

Rochelle Becker
Executive Director

cc: Senator Barbara Boxer
Congresswoman Lois Capps
CEC – Vice-Chairman James Boyd
CPUC – President Michael Peevey

Assemblyman Sam Blakeslee
San Luis Obispo Supervisors