

April 8, 2008

Mr. James D. Boyd  
Commisisoner and Vice Chair  
California Energy Commission  
1516 Ninth Street, MS-34  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
07-AB-1632	
<b>DATE</b>	APR 0 8 2008
<b>RECD.</b>	APR 1 8 2008

Dear Mr. Boyd:

I am responding to your March 7, 2008, letter on behalf of Mr. Luis Reyes, in which you request U.S. Nuclear Regulatory Commission (NRC) assistance to help the California Energy Commission (CEC) meet the requirements of the AB 1632 statute (Blakeslee, Chapter 722, Statutes of 2006, Public Resources Code 25303). Specifically, you requested contact information for NRC staff who could help identify credible existing scientific studies and reports for the AB 1632 assessment, including studies on seismic design, plant aging, and nuclear waste accumulation at Diablo Canyon and San Onofre Nuclear Generating Station. Additionally, you indicate that the CEC would appreciate NRC's advice and guidance on aspects of the draft report, once it becomes available for public comment.

The NRC points of contact are listed below. Given my staff's conversation with your contact, Ms. Barbara Byron, we understand that this effort will not require an exhaustive undertaking on our part, as the CEC has hired a consultant team to assist in meeting the requirments of AB 1632.

<u>Name</u>	<u>Office</u>	<u>Phone</u>	<u>E-Mail</u>
Samson Lee	Nuclear Reactor Regulation (License Renewal)	301-415-3168	<a href="mailto:Samson.Lee@nrc.gov">Samson.Lee@nrc.gov</a>
Annie Kammerer	Nuclear Regulatory Research (Seismic)	301-415-7964	<a href="mailto:Annie.Kammerer@nrc.gov">Annie.Kammerer@nrc.gov</a>
Bernard White	Nuclear Material Safety and Safeguards (Nuclear Waste)	301-492-3303	<a href="mailto:Bernard.White@nrc.gov">Bernard.White@nrc.gov</a>

Given its work on the Yucca Mountain project, the U.S. Department of Energy may have the data you seek relative to the quantity of spent fuel stored at each nuclear power plant and associated storage costs. While the NRC requires spent fuel storage general licensees to register each storage cask under 10 CFR 72.212, and while the NRC tracks that information in sufficient detail to know the quantity of storage casks at each site, the NRC does not estimate the site's quantity of spent fuel in dry storage. The Energy Information Administration, which provides official energy statistics for the U.S. Government, maintains data on spent fuel in storage and contact information for additional inquiries can be obtained at the following web page: [http://www.eia.doe.gov/cneaf/nuclear/spent\\_fuel/ussnfdata.html](http://www.eia.doe.gov/cneaf/nuclear/spent_fuel/ussnfdata.html).

At this point, it is not clear that we will be able to provide much advice or guidance on the draft report once it is made public. As time and resources permit, we may review the draft to help you ensure technical accuracy on matters within our expertise; but it is unlikely that we will file public comments on the draft, and we will not be expressing any opinion on the draft conclusions about reliability of energy supply, or on other matters outside the NRC's jurisdiction.

On the matter of our respective jurisdictions, we continue to be concerned that the CEC may be construing AB 1632 in a way that blurs the line between our jurisdictions. Section 25303 of the amended Public Resources Code says that the CEC is "to determine the potential vulnerability, to a major disruption due to aging or a major seismic event, of large baseload generation facilities, of 1,700 megawatts or greater." The legislative history of this direction, and the CEC's own public databases, show that the State's operating nuclear power plants are not the only facilities in the State that meet these criteria. Yet the CEC's study plan does not include other facilities. Furthermore, the CEC's website describes AB 1632 and the study only in terms of nuclear power plants. This suggests that the CEC's study will focus on radiological health and safety – matters which are the province of the NRC – rather than on the economics and reliability of electric power supply, which are within the domain of the CEC. We hope that, as the CEC's work proceeds, the CEC will focus its efforts on the economics of power generation.

Should you have any questions regarding this correspondence, please contact me or Rosetta Virgilio of my staff, who can be reached by telephone at 301-415-2367 or by e-mail at [Rosetta.Virgilio@nrc.gov](mailto:Rosetta.Virgilio@nrc.gov).

Sincerely,

/RA/

Dennis K. Rathbun, Director  
Division of Intergovernmental Liaison  
and Rulemaking  
Office of Federal and State Materials  
and Environmental Management Programs