

# DOCKET

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RE: California Energy Commission, *2009 Integrated Energy Policy Report*, Draft Committee Report, September 2009,  
CEC□100□2009□003□CTD.

## NOTES:

Direct quotes from the Draft IEPR are identified by page number and section and indented; MFP **Comments** begin at the left margin and follow the quoted sections of IEPR. MFP suggestions for rewording of IEPR are labeled **MFP Rewording**, and refer to preceding quotes that are in red font.

There are several references in Comment #1 to a current evaluation by the Nuclear Regulatory Commission of new proposed generic environmental requirements for the relicensing of nuclear plants, Quotes related to the *Generic Environmental Impact Statement for License Renewal of Nuclear Plants*, Main Report,Draft Report for Comment, *Manuscript Completed: June 2009 Date Published: July 2009*, will be in a distinctive font (Courier) and identified as coming from GEIS or related NRC announcements.

### ***Draft IEPR***

### ***Page 10-11***

### ***Nuclear Power Plants***

As part of the *2008 Integrated Energy Policy Report Update*, the Energy Commission developed *An Assessment of California's Nuclear Power Plants: AB 1632 Report*, as directed by Assembly Bill 1632 (Blakeslee, Chapter 722, Statutes of 2006). The report addressed seismic and plant

aging vulnerabilities of California's in-state nuclear plants —Pacific Gas and Electric Company's Diablo Canyon Power Plant and Southern California Edison's San Onofre Nuclear Generating Station — including reliability concerns. In addition, the report identified a number of other issues important for the state's nuclear policy and electricity planning, including concerns about the "safety culture" at the San Onofre Nuclear Generating Station, evolving federal policy on long-term nuclear waste disposal, costs and benefits of nuclear power compared to other resources, and potential conversion from once-through cooling to closed-cycle wet cooling.

While the Nuclear Regulatory Commission is responsible for relicensing nuclear power plants, its license renewal application process determines only whether a plant meets its own criteria for license renewal. **It is left up to state regulatory agencies to determine whether it is in the best interest of ratepayers for the nuclear plants to continue operating for an additional 20 years. The California Public Utilities Commission proceeding will consider those matters that are within the state's jurisdiction, including the economic, reliability, and environmental implications of relicensing.**

#### **MFP Rewording:**

It is left up to state regulatory agencies to determine whether it is in the best interest of ratepayers for the nuclear plants to continue operating for an additional 20 years. Therefore, before a license renewal application can be submitted to the NRC, the agencies responsible for safeguarding the energy sources for all Californians, including the CEC and CPUC (and possibly the state legislature), will extensively review detailed reports on the economic, reliability, and environmental implications of relicensing written independently of PG&E and SCE and based on current information.

#### **MFP Comment #1:**

The U.S. Nuclear Regulatory Commission is currently evaluating its environmental requirements for the relicensing of nuclear plants. Under discussion is

"the proposed rule amending 10 CFR Part 51 and the draft revision to the *Generic Environmental Impact Statement for License Renewal of Nuclear Plants* (NUREG-1437, Revision 1) issued on July 31, 2009. The draft GEIS revision is available on the NRC's Website at

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/r1/index.html>

Comments on the proposed regulations will be accepted until January 12, 2010.

Below is a paragraph from p. S-1 of the GEIS draft, beginning line 28. The underlining is that of MFP.

“The GEIS is intended to improve the efficiency of the license renewal process by (1) providing an evaluation of the types of environmental impacts that may occur from renewing commercial nuclear power plant operating licenses, (2) identifying and assessing impacts that are expected to be generic (the same or similar) at all nuclear plants (or plants with specified plant or site characteristics), and (3) defining the number and scope of environmental impact issues that need to be addressed in plant-specific EISs.”

MFP strongly suggests the CEC and the CPUC give input to the NRC, addressing the issues referred to under (3). This is especially important in the light of Pacific Gas and Electric Company’s unwillingness, documented several places in this IEPR report, to comply with CEC and CPUC timelines and requirements related to relicensing application.

Another reason for the CEC to communicate with the NRC regarding the draft GEIS became apparent at the CEC workshop on the IEPR on October 14, 2009. During those meetings there was a discussion of the reason for PG&E rushing to submit its relicensing application in 2011, even though the application process takes 3-5 years and PG&E has 11 years before the Unit 1 license expires. There was an indication that PG&E is eager to apply before the GEIS is adopted, so that Diablo Canyon will not have to comply with the new requirements.

If input from the CEC and the CPUC is not taken into account by the NRC in refining its relicensing requirements, it positions the State to further challenge, in federal court if necessary, the NRC’s lack of compliance with the National Environmental Policy Act. The Summary of the proposed GEIS regulations spells out that

“Under the NRC’s environmental protection regulations in Title 10, Part 51, of the *Code of Federal Regulations* (10 CFR Part 51), which implement Section 102(2) of the National Environmental Policy Act (NEPA), renewal of a nuclear power plant operating license requires the preparation of an environmental impact statement (EIS).”

### ***Draft IEPR***

### ***Page 10-11***

### ***Nuclear Power Plants***

The *AB 1632 Report* made a number of recommendations for additional studies that Pacific Gas and Electric Company and Southern California Edison should undertake as part of their license renewal feasibility studies for the California Public Utilities Commission, and also directed the utilities to provide a status report on their efforts in the *2009 Integrated Energy Policy Report*. In June 2009, the California Public Utilities Commission sent letters to both utilities emphasizing the need to address issues raised

in the *AB 1632 Report* as part of the their license renewable feasibility assessments, such as seismic and tsunami hazards, local economic impacts of shutting down the plants, and waste storage and disposal. However, based on information submitted by the utilities in response to the Energy Commission's data request as part of the Integrated Energy Policy Report proceeding, it appears that the utilities are not on schedule to complete these activities in time for consideration by the California Public Utilities Commission and that they may not intend to make all their studies available.

The comprehensiveness, completeness, and timeliness with which the utilities provide the information identified in the *AB 1632 Report* will be critical to assess whether or not the utilities should apply to the Nuclear Regulatory Commission for license renewals for their nuclear plants.

### **MFP Comment #2:**

There is no "disposal", only storage. Radioactive elements with half-lives in the hundreds or thousands of years may be moved or buried or put in casks, but those elements will still exist in the biosphere and still require monitoring and isolation.

### **MFP Rewording:**

No utility can file for license renewal with the NRC until it provides the information identified in the *AB 1632 Report* and the information is analyzed by the CEC, CPUC, and legislators. The utilities must be in compliance with California law and energy policy in the following areas:

- comprehensive economic impacts
- environmental impacts, including decommissioning and indefinite storage and re-storage of radioactive wastes
- comparisons with alternatives forms of energy generation and efficiency
- costs associated with California's proposed once-through cooling policy
- comparison of the two aging nuclear power plants to the features and projected reliability of new plant designs

The license renewal process will not move forward unless all California state agencies determine that nuclear power is an economic source of energy for the ratepayers and meets California environmental and safety standards. The seismic studies are of particular importance at Diablo Canyon and San Onofre and the 3D mapping as well as the overall analysis of all the faults in the area should be undertaken by a qualified agency not associated with PG&E or SCE. A determination of the effects of a worst case earthquake scenario on the plant,

the spent fuel pool, and the ISFSI should also be made independently from the utilities.

***Draft IEPR***

***Page 11***

***Nuclear Power Plants***

**Recommendations**

The California Public Utilities Commission should assess the need to establish a San Onofre Nuclear Generating Station Independent Safety Committee patterned after the Diablo Canyon Independent Safety Committee.

**MFP Rewording:**

The California Public Utilities Commission **should establish** a San Onofre Nuclear Generating Station Independent Safety Committee patterned after the Diablo Canyon Independent Safety Committee.

**MFP Comment #3:**

MFP remains skeptical that the Diablo Canyon Independent Safety Committee (DCISC) is either independent of PG&E and the nuclear industry, or effective in enhancing safety, since it has no enforcement powers. MFP does, however, find that DCISC serves the public interest in two regards. When the DCISC tours the Diablo Canyon plant, it invites a few members of the public to join those tours. And when it holds public meetings, those meetings are video-recorded and made available to the public on the DCISC website and also on public access television. MFP regularly attends these meetings and asks questions to which it has otherwise been unable to get answers. During these televised meetings, PG&E technical experts and DCISC Committee members and consultants are very forthcoming with information.

MFP offers the above views for consideration as the option of creating a similar agency related to San Onofre is contemplated.

***Draft IEPR***

***Page 11***

***Nuclear Power Plants***

**Recommendations**

The Energy Commission, California Public Utilities Commission, and the California Independent System Operator should assess the reliability implications and impacts from implementing California's proposed once-through cooling policy and regulations for California's operating nuclear plants.

To support the state's long-term energy planning, Southern California Edison and Pacific Gas and Electric Company should report, as part of the *2010 IEPR Update*, what new generation and/or transmission facilities would be needed to maintain voltage support and system and local reliability in the event of a long-term outage. The utilities should develop contingency plans to maintain reliability and grid stability in the event of an extended shutdown at San Onofre Nuclear Generating Station, Diablo Canyon Power Plant, or the Palo Verde Nuclear Generating Station in Arizona.

The Energy Commission should continue to update information on the comprehensive economic and environmental impacts of nuclear energy generation compared with alternatives. **These economic and environmental assessments should consider thorough or lifecycle impacts.**

#### **MFP Rewording:**

These economic and environmental assessments should consider once-through-cooling or lifecycle impacts including extended outages due to unforeseen circumstances, maintaining, finding or getting parts made for aging plants, decommissioning the plants, waste storage, and waste restorage.

#### **Draft IEPR**

#### **Page 27-29**

#### **Natural Gas and Nuclear Power Plants**

The following are key policies affecting natural gas and nuclear power plants:

**State Water Resources Control Board's (SWRCB) Once-Through Cooling (OTC) Resolution (2006):** The SWRCB passed a resolution to reduce marine impacts from OTC systems used by 21 coastal power plants in California, including natural gas and nuclear plants. This began a coordinated process between several government agencies to phase out the use of OTC.

- **Assembly Bill 1632 (Blakeslee, Chapter 722, Statutes of 2006):** This legislation directed the Energy Commission to assess the vulnerability of PG&E's Diablo Canyon Nuclear Power Plant (Diablo Canyon) and SCE's San Onofre Nuclear Generating Station (SONGS) to an extended shutdown due to a major seismic event or aging. AB 1632 also called for an examination of potential impacts from the accumulation of nuclear waste at both locations and an exploration of other key issues such as plant relicensing and worker safety
- **Senate Bill 1368 (Perata, Chapter 598, Statutes of 2006):** This bill limited long-term investments in baseload generation by the state's utilities to power plants that meet an emissions performance standard (EPS) jointly established by the Energy Commission and the CPUC.
- **2005 and 2007 IEPR Policy on Aging Power Plants:** In both reports, the Energy Commission recommended that the CPUC require IOUs to procure enough capacity from long-term contracts to allow for the orderly retirement or repowering of aging plants by 2012. In the *2007 IEPR*, the Energy Commission recommended that California's utilities adopt all cost-effective energy efficiency measures for natural gas, including replacement of aging power plants with new efficient power plants. In addition, the *2007 IEPR* recommended the Energy Commission, the CPUC, the California ISO, and other interested agencies work together to complete studies on the impacts of retiring, repowering, and replacing aging power plants, particularly in Southern California.

The federal government's Clean Water Act (CWA), enacted in 1972, is the primary law governing water pollution in the United States. The CWA implemented a permit system for regulating point sources (for example, industrial facilities) of pollution to be overseen by the U.S. Environmental Protection Agency (U.S. EPA) or states with approved permitting programs, such as California. Section 316(b) of the CWA addresses the adverse environmental impacts caused by cooling water intake structures from power plants and other industrial sources. This section requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts.

In April 2006, the SWRCB issued a resolution to reduce OTC impacts from existing power plants to comply with the CWA. The SWRCB issued a preliminary proposal to phase out OTC cooling and provided it for review to the Energy Commission, California ISO, and the CPUC. The SWRCB received pertinent feedback from the energy agencies about the ability to maintain reliability while complying with OTC policy. The SWRCB issued a second proposal, but the energy agencies still had concerns under the proposed schedule. In June 2008, the SWRCB formed the Interagency Working Group to foster communication among seven government agencies. The three energy agencies --the Energy Commission, CPUC,

and the California ISO-- were encouraged to propose alternatives to the fixed compliance schedule.

The energy agencies submitted a final strategy in May 2009 that calls for replacing existing OTC facilities with some combination of repowered technologies onsite, new generation located in other areas, and/or upgrades to the transmission system. The SWRCB accepted the proposal and included references to it in its draft OTC policy on June 30, 2009. 14 The OTC concerns relating to grid reliability, with emphasis on Southern California, are discussed in more detail in Chapter 3.

In addition to marine impacts from OTC, **the primary concerns regarding the state's nuclear plants relate to the potential for extended outages at the plants from seismic events or plant aging and the absence of a repository for storing the high-level radioactive waste produced at the plants. In addition, the plants pose a small risk of potentially severe impacts from acts of terrorism or accidents.**

#### **MFP Rewording:**

In addition to marine impacts from OTC, the primary concerns regarding the state's nuclear plants relate to the potential for extended outages at the plants from seismic events or plant aging, the absence of a repository for storing the high-level radioactive waste produced at the plants, and the water shortage impacting every facet of California's economy. The effects of OTC to the marine life and the water supply in California should be analyzed before the plant can be relicensed.

Acts of terrorism or an accident releasing airborne radioactive materials must also be taken into account. Even if it is assumed that the probability of such an event is low, the consequences of any such event would be catastrophic. For California's responsible agencies to fail to consider the impacts of such a catastrophe on the environment, public health and the economy would amount to a dereliction of duty.

#### **Draft IEPR**

**p. 29**

#### **Natural Gas and Nuclear Power Plants**

The Energy Commission's report, *An Assessment of California's Nuclear Plants: AB 1632 Report*,<sup>15</sup> adopted as part of the *2008 IEPR Update*, **recommended that PG&E and SCE update studies on the seismic hazard at their nuclear plants, investigate plant seismic safety compliance with**



current codes and standards, describe plant repair plans and timeframes in the event of an earthquake, provide evidence of strong safety cultures (especially at SONGS), and report findings from these studies as part of their license renewable feasibility studies for the CPUC and in future IEPRs.

#### **MFP Rewording:**

The Energy Commission's report, *An Assessment of California's Nuclear Plants: AB 1632 Report*,<sup>15</sup> adopted as part of the *2008 IEPR Update*, recommended that **an agency independent of PG&E and SCE** update studies on the seismic hazard at their nuclear plants, investigate plant seismic safety compliance with current codes and standards, describe plant repair plans and timeframes in the event of an earthquake, provide evidence of strong safety cultures (especially at SONGS), and report findings from these studies **before the utilities are allowed to file for license renewal**.

#### **Draft IEPR Page 44-45**

##### **Nuclear**

Generation from nuclear power plants represented 44,268 GWhs of California's total system power in 2008. California relies on three nuclear power plants for about 14 percent of the state's overall electricity supply:

Diablo Canyon Power Plant....

San Onofre Nuclear Generating Station:...

Palo Verde Nuclear Generating Station:...

These plants have been operating for roughly 20 years and are licensed to continue operating for through 2022 (SONGS) and 2024 and 2025 (Diablo Canyon Units 1 and 2, respectively). They provide benefits to California in the form of resource diversity, low operating costs, relatively low GHG emissions, and enhanced grid reliability. However, they also pose risks associated with nuclear waste storage, transport, and disposal, as well as potentially severe effects from accidents, acts of nature like earthquakes or tsunamis, or terrorism.

#### **MFP Rewording:**

These plants have been operating for roughly 20 years and are licensed to continue operating for through 2022 (SONGS) and 2024 and 2025 (Diablo Canyon Units 1 and 2, respectively). As the State of California implements its policy of increasing its portfolio of renewable energy resources, the advantages

of and benefits to the public of these nuclear plants should be reassessed and their operating costs compared to those of solar, wind, biomass and other renewable sources of energy.

The assessments of relatively low GHG emissions should be reviewed, as the future environmental costs of the storage of radioactive wastes – both while the plants are producing electricity and after decommissioning - is unknown.

The future contribution of nuclear power to grid reliability cannot be extrapolated from the past. Factors that could interfere with reliability include the following:

- an accelerated need to replace aging components;
- vulnerability to problems of radioactive waste;
- potentially severe effects from accidents or acts of nature like earthquakes or tsunamis;
- acts of terrorism or the threat of same.

#### **MFP Comment #4:**

The term “disposal” as applied to radioactive waste should be discontinued, as the radioactive elements of which it is comprised will remain somewhere in the biosphere for at least a quarter of a million years. Hopefully the CEC does not consider the possibility of transporting nuclear wastes out of state a solution to any problem whatsoever. The elements would remain a danger, and any means of transporting them would make them more vulnerable to accident or acts of sabotage or terrorism.

#### **Draft IEPR**

#### **P 44**

#### **Nuclear**

California has a moratorium on building new nuclear power plants until a means for the permanent disposal or reprocessing of spent nuclear fuel has been demonstrated and approved in the United States. In 1978, the Energy Commission found that neither of these conditions had been met. In 2005, the Energy Commission reaffirmed these findings and also found that reprocessing remains substantially more expensive than waste storage and disposal and has substantially adverse implications for nuclear non-proliferation efforts.

## **MFP Rewording:**

California has a moratorium on building new nuclear power plants until a means for the permanent disposal or reprocessing of spent nuclear fuel has been demonstrated and approved in the United States. In 1978, the Energy Commission found that neither of these conditions had been met. In 2005, the Energy Commission reaffirmed these findings and also found that reprocessing remains substantially more expensive than waste storage and disposal and has substantially adverse implications for nuclear non-proliferation efforts. **Similarly, a license renewal for either plant would create in effect a new source of spent nuclear fuel. California should therefore pursue the legal option of ruling out relicensing.**

### **Draft IEPR**

**Page 108 – 121**

### ***Nuclear Power Plants***

Major policy decisions that will be made in the coming years will shape the next three decades of nuclear energy policy in California. Nuclear plant owners and state officials will face decisions about plant license renewal and OTC at the same time that the federal government is reassessing its approach to nuclear waste disposal. In addition, California is addressing critical environmental issues associated with the electricity sector. The costs and benefits of nuclear power are being reexamined in California and nationwide because of major shifts in policies to limit GHG emissions and encourage new non-fossil fueled electric generation sources.

Nuclear power plants play a significant role in California's energy mix, providing about 14 percent of the state's total electricity in 2008 from two operating in-state facilities, PG&E's Diablo Canyon Power Plant (Diablo Canyon) and SCE's San Onofre Nuclear Generating Station (SONGS), and from the Palo Verde Nuclear Generating Station in Arizona. As part of the *2008 IEPR Update*, the Energy Commission developed *An Assessment of California's Nuclear Power Plants: AB 1632 Report*,<sup>107</sup> which addressed seismic and plant aging vulnerabilities of California's in-state nuclear plants, including reliability concerns. In addition, the report identified a number of other issues important for the state's nuclear policy and electricity planning. These include:

...

An overarching issue with the state's nuclear facilities is plant license renewal. The NRC operating licenses for California's nuclear plants are

set to expire in 2022 (SONGS Units 2 and 3) and 2024 and 2025 (Diablo Canyon Units 1 and 2, respectively).<sup>108</sup> It is unknown whether the NRC will approve applications by PG&E and SCE for 20-year license renewals, but it has yet to deny a single application and has issued license renewals for 54 of the nation's 104 nuclear power reactors. SCE plans to file a SONGS license renewal application in late 2012. PG&E expects to be prepared to file the Diablo Canyon application in early 2010 but has not stated if it will make the filing in 2010 or at some future date.

The NRC license renewal application process determines whether a plant meets the NRC renewal criteria, not whether it should continue to operate. The NRC states, "Once an [operating license] is renewed, state regulatory agencies and the owners of the plant will ultimately decide whether the plant will continue to operate based on factors such as the need for power or other matters within the state's jurisdiction or the purview of the owners."<sup>109</sup>

The NRC license renewal proceeding focuses on plant aging issues, such as metal fatigue or the degradation of plant components, as well as environmental impacts related to an additional 20 years of plant operation. The NRC has consistently excluded from its proceedings issues raised by states and public interest groups that are not directly related to plant aging or to deficiencies in the environmental impact assessment. For example, during the license renewal proceeding for the Indian Point Power Plant in New York, the NRC dismissed from the proceeding most of the State of New York's contentions, including those regarding seismic vulnerability, plant vulnerability to terrorist attack, and

The NRC is in the final stages of considering changes in the way it assesses the probability of a crack forming through the wall of a reactor pressure vessel. If such a crack occurred, it could damage the reactor core or, in rare cases, release radioactive materials into the environment. The probability of crack formation relates directly to the extent of reactor pressure vessel embrittlement, which is the ability of metals that make up the reactor pressure vessel to withstand stress without cracking.

Current regulations require licensees to demonstrate that reactor pressure vessel embrittlement does not exceed a screening limit corresponding to a one-in-200,000-year probability of through-wall crack formation. NRC's proposed regulations would expand this requirement to a one-in-a-million-year probability, but it would allow for the use of a less conservative methodology for assessing the probability. The NRC reports that, under the current methodology, ten reactors, including Diablo Canyon Unit 1, are likely to exceed the screening limit during the course of a 20-year license renewal, and, therefore, would not be eligible for license renewal unless they could reduce the embrittlement rate or demonstrate that operating the reactor would not pose an undue public risk.

## **MFP Comment #5 :**

MFP directs the CEC to official notices from the Nuclear Regulatory Commission on the recently discovered severe crack in a containment vessel at the Crystal River Plant in Florida. That plant is of the approximate vintage of the two California plants. The assessment of the safety implications of the Florida failure is under assessment, as are the implications for other plants.

### **Draft IEPR P 110 Nuclear Power Plants**

Both utilities must obtain CPUC approval to pursue license renewal before receiving California ratepayer funding to cover the costs of the NRC license renewal process.<sup>110</sup> The CPUC proceeding will determine whether it is in the best interest of ratepayers for the nuclear plants to continue operating for an additional 20 years. The proceeding will address issues that are important for electricity planning but are not included in the NRC's application review.

The purpose of the CPUC license renewal review is to consider matters within the state's jurisdiction, including the economic, reliability, and environmental implications of relicensing. For example, the CPUC will consider the cost-effectiveness of license renewal, the role of nuclear power within the state's loading order, and replacement power options.

To initiate the CPUC license renewal review, PG&E and SCE are required to submit license renewal feasibility assessments to the CPUC.<sup>111</sup> In letters to SCE and PG&E in June 2009, the CPUC emphasized that the utilities must address in their feasibility assessments all the issues raised in the *AB 1632 Report*.<sup>112</sup> The CPUC specifically directed the utilities to undertake the following activities:

- Report on the findings from updated seismic and tsunami hazard studies and assess the long-term seismic vulnerability and reliability of the plants.

- Summarize the implications for Diablo Canyon and SONGS of lessons learned from the response of the Kashiwazaki-Kariwa nuclear plant to the 2007 earthquake.

- Reassess whether access roads surrounding the plants are adequate for emergency response and evacuation following a major seismic event.

- Study the local economic impact of shutting down the plants as compared to alternative uses for the plant sites.

Report on plans and costs for storing and disposing of low-level waste and spent fuel through 20-year license extensions and plant decommissioning.

Quantify the reliability, economic, and environmental impacts of replacement power options.

Report on efforts to improve the safety culture at SONGS and on the NRC's evaluation of these efforts and the plant's overall performance (SCE only).

The comprehensiveness, completeness, and timeliness of these activities will be critical to the CPUC's ability to assess whether or not the utilities should apply to the NRC for license renewals. However, the utilities' reports to date indicate they are not on schedule to complete these activities in time for CPUC consideration and that they may not be planning to make all their studies available to the CPUC. [ Underlining that of MFP.]

**MFP COMMENT: Please see MFP Comment #1 in this document.**

### ***Nuclear Waste Issues***

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The uncertainty surrounding U.S. nuclear waste disposal policy means that nuclear reactor operators, including PG&E and SCE, can no longer count on transferring spent fuel to a federal nuclear waste repository in the near or medium-term future. As a result, the utilities must continue to store spent nuclear fuel on-site. For California, this means that the 6,700 assemblies of spent fuel (2,600 metric tons of uranium) currently being stored at operating and decommissioned nuclear plants in-state will remain at these sites for the foreseeable future.<sup>129</sup>

PG&E and SCE have built intermediate-term waste storage facilities at their plants, known as independent spent fuel storage installations (ISFSIs). The ISFSIs at Diablo Canyon and SONGS are currently licensed for 20 years, but they may be eligible for multiple license extensions. The NRC allows spent fuel to be stored at reactor sites in above-ground storage for 100 years and is considering extending that limit by 20 years. PG&E and SCE report enough storage space at their respective nuclear plants for all spent fuel generated through the plants' current licenses.

### **MFP Comment #6:**

Although the statement that the Diablo Canyon ISFSI is licensed is technically true, the CEC should remain aware that the license is currently being challenged in the Ninth Circuit of the U.S. Court of Appeals by San Luis Obispo Mothers for Peace.

The utilities have not reported plans to modify their spent fuel pools' racking to a less dense orientation, as the Energy Commission recommended.<sup>130</sup> However, the density of the spent fuels should decrease as the utilities move assemblies into dry cask storage. Thus far, PG&E has transferred 96 spent fuel assemblies to the Diablo Canyon ISFSI, and SCE has transferred 827 spent fuel assemblies to the SONGS ISFSI.

**MFP Rewording:**

The utilities have not reported plans to modify their spent fuel pools' racking to a less dense orientation, as the Energy Commission recommended.<sup>130</sup> The CEC will ask the utilities if they have made any commitments to reduce the density of the racking of the spent fuel pools as they move assemblies into dry cask storage. Thus far, PG&E has transferred 96 spent fuel assemblies to the Diablo Canyon ISFSI, and SCE has transferred 827 spent fuel assemblies to the SONGS ISFSI.