

UNITED STATES OF AMERICA  
BEFORE THE NUCLEAR REGULATORY COMMISSION

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| In the Matter of                  | ) |                      |
|                                   | ) |                      |
| Proposed Rule: Renewing Nuclear   | ) | Docket No. 2018-0296 |
| Power Plant Operating Licenses -- | ) |                      |
| Environmental Review              | ) |                      |
|                                   | ) |                      |

**COMMENTS BY SAN LUIS OBISPO MOTHERS FOR PEACE  
ON PROPOSED RULE AND DRAFT GENERIC ENVIRONMENTAL IMPACT  
STATEMENT FOR RENEWING NUCLEAR POWER PLANT LICENSES**

**INTRODUCTION**

San Luis Obispo Mothers for Peace (“SLOMFP”) hereby comments on the U.S. Nuclear Regulatory Commission’s (“NRC’s” or “Commission’s”) Proposed Rule, Renewing Nuclear Power Plant Operating Licenses, 88 Fed. Reg. 13,329 (Mar. 3, 2023). These comments also address the draft environmental impact statement (“EIS”) that underlies the Proposed Rule, Draft Generic Environmental Impact Statement for License Renewal of Nuclear Plants (NUREG-1437, Rev. 2, Feb. 2023) (“Draft GEIS”). These comments are supported by the attached Declaration of Dr. Peter Bird, Professor of Geophysics and Geology, Emeritus, at the University of California at Los Angeles (UCLA).

SLOMFP is a non-profit membership organization concerned with the dangers posed by Diablo Canyon and other nuclear reactors, nuclear weapons, and radioactive waste. SLOMFP also works to promote peace, environmental and social justice, and renewable energy. Since 1973, SLOMFP has participated in NRC licensing cases for Diablo Canyon, including a license renewal proceeding initiated in 2010 that was later terminated at the request of the licensee, Pacific Gas and Electric Co. (“PG&E”).

PG&E has stated that it intends to submit a new license renewal application in late 2023. SLOMFP intends to participate in the NRC proceeding for consideration of the application. Therefore, we seek to preserve a meaningful opportunity to participate under the National Environmental Policy Act (“NEPA”) and the Atomic Energy Act. No meaningful opportunity to participate in that proceeding can be provided if the NRC relies on an inadequate GEIS to exclude significant environmental issues from the license renewal proceeding.

**COMMENTS**

The Draft GEIS is inadequate to satisfy NEPA because the NRC has failed to justify treating the environmental impacts of re-licensing nuclear reactors as a generic issue. Nor has the NRC justified its generic finding of no significant impact. In support of its position, SLOMFP hereby adopts and incorporates the comments of Beyond Nuclear, Inc. and the Sierra Club, Inc. that

have also been filed today in this rulemaking docket. SLOMFP also adopts and incorporates by reference the comments of Natural Resources Defense Council.

In addition, SLOMFP proffers additional evidence demonstrating that generic treatment is unjustified for any conclusions regarding accident risks at the Diablo Canyon nuclear plant. As demonstrated in Dr. Bird's attached declaration, the Draft GEIS fails to satisfy NEPA because its conclusion that the environmental impacts of externally initiated accidents are small is unsupported. In particular, the NRC fails to support the assertion that "new information" from external event probabilistic risk assessments (PRAs) is "not significant" for purposes of revising an earlier conclusion that the environmental impacts of reactor accidents initiated by external events are small. The NRC relies on PG&E models of seismic sources, ground motion equations, and site amplification that are not "up-to-date" as claimed by NRC, but outdated and inadequate.

PG&E's failure to utilize these modern methods has led to incomplete and biased results, both in terms of underestimated tectonic strain rates and overestimated minimum distances of active faults from DCPD. As a result, PG&E underestimates the seismicity of the region surrounding DCPD by a factor of approximately two. And it also fails to recognize the significant potential for thrust faults dipping under the reactors. These factors could significantly increase both earthquake rates and strength of shaking above the NRC's estimates.

As Dr. Bird concludes, the Draft EIS is inadequate to evaluate seismic risks at Diablo because its conclusions perpetuate rather than correct the significant errors and gaps in PG&E's analysis. Therefore, the relatively low accident rates assumed in the Draft GEIS do not provide an adequate basis for evaluating the significance of earthquake-related environmental impacts at Diablo Canyon.

## CONCLUSION

For the foregoing reasons, the NRC should withdraw the Proposed Rule and the Draft GEIS and proceed with site-specific environmental impact statements for reactor license renewal.

Respectfully submitted,

          /signed electronically by/          

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