

Atomic Board: Diablo must fix a few flaws

Panel commends anti-nuclear Mothers for Peace for raising several key issues

By Jerry Bonin
 Telegram-Tribune
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AVILA BEACH — Diablo Canyon isn't perfect but should be allowed to run longer because it is much better than the rest of the nuclear power industry, a judicial panel ruled.

The Atomic Safety and Licensing Board decided last week to extend the plant's operating licenses for about 10 years, although plant owner Pacific Gas and Electric Co. must correct several outstanding problems.

PG&E was notified of the extension early this week but didn't have copies of the decision indicating that the Diablo reactors can run until the year 2021 and 2025.

In the decision, the three-judge panel rejected an appeal by the local anti-nuclear group Mothers for Peace, but commended the group for raising several key issues during a two-week hearing 15 months ago.

As a result of testimony and evidence the Mothers submitted, the judges required PG&E to revise Diablo's system for monitoring radio-

tion and to devise a plan for improving communication at the plant.

Evidence the Mothers submitted, including inspection reports from the Nuclear Regulatory Commission, suggested that a potentially serious problem with the plant's cooling system partially stemmed from poor communication between people working in engineering and maintenance sections.

The Mothers had argued that the plant had a poor maintenance record and would jeopardize public safety if the equipment was allowed to continue generating nuclear power until the year 2028.

The group gave the judges NRC inspection reports citing incidents where Diablo didn't comply with federal standards.

Specific incidents cited by the Mothers "are quite serious," the judges wrote, but they agreed with PG&E and NRC and who testified that the errors were exceptional in normal plant operations.

PG&E claims, and we have no reason to doubt, that the nonconformances are not the normal," the judges said.

"We saw an indication in these events that the maintenance and surveillance programs are seriously flawed," they said in the 201-page decision.

The judges rejected being concerned about problems regarding radioactive gases but said those problems wouldn't affect their decision on whether the maintenance program was sufficient to allow the plant to run 15 more years.

They noted that mistakes will happen among the 14,000 preventive maintenance jobs and 700 corrective maintenance tasks PG&E completes annually at Diablo.

Errors at Diablo "demonstrate that PG&E has not reached perfection, but no one, including the Mothers, expects that it would or could do so," the panel reported.

Nancy Culver, a member of the Mothers, expected the judges to grant the license extensions, but was partly astounded at the judges' conclusions about what the Mothers expected.

"We expect damn near perfection," she said. "The reason is that this is a real unforgiving technology. There's not a lot of room for error" with the handling of highly toxic radioactive material.

She compared the judges' logic to the current tendency to lower grades. When students aren't living up to teachers' standards, students should improve the quality of their work before teachers lower their standards, she said.

"The NRC says that compared other plants, this plant isn't so bad. They might be right," she said.

But that doesn't mean her feelings are living near Diablo, Culver said. "I'd really like to be living next to one of the others."

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TRIBUNE EXCLUSIVE REPORT

Nation watching Diablo lawsuit

LOCAL ACTIVISTS WANT MORE SAY IN NUCLEAR PLANT SAFETY, TAKE CASE TO FEDERAL COURT

By DAVID SNEED
 THE TRIBUNE

San Luis Obispo County has quickly become a national test case for public involvement in nuclear power plant safety.

Since the 2001 terrorist attacks, the federal Nuclear Regulatory Commission has required significant improvements in nuclear plant security. But many communities — including those in San Luis Obispo County — are demanding a greater role in making nearby nuclear facilities safer from attack and are complaining about agency policies that discourage such participation.

On March 15, local nuclear activists sued the federal government to force public hearings on the environmental impacts of a terrorist attack on a

proposed storage facility for highly radioactive waste at Diablo Canyon nuclear power plant.

"We need to identify security concerns before it's too late and vet those issues directly with members of the public who face the greatest danger," said Pat Veasart of the Sierra Club, one of the plaintiffs in the lawsuit.

For the activists group Mothers for Peace, the suit is a high-water mark of 33 years of advocacy and opposition to Diablo Canyon. With it, the group accomplished something rare — it forced a question of nuclear safety out of the hands of the NRC and into the federal courts.

And the group gained some high-profile allies. California Attorney General Bill Lockyer and state attorneys general from Washington, Utah and Massachusetts, as well as San Luis Obispo County, have all filed briefs supporting the activists' request for public hearings.

"Mothers for Peace (has) had the dogged determination to take this fight further than anyone," said Jim Warren, executive director of the North Carolina Waste Awareness Network, a nonprofit group that monitors nuclear waste issues.

The federal government and nuclear industry oppose the hearings. They say the hearings are not required and would reduce security at nuclear plants by revealing too many details about security precautions.

"It's like putting a combination lock on your house and writing the combination on the front door," said Jeff Lewis, Diablo Canyon spokesman. "The more you expose security, the less you have of it."

NRC critics counter that specific aspects of plant security should remain confidential. But these can be reviewed by local governments in special closed-door hearings while still allowing the general public to participate in a broader debate on security.

The case — San Luis Obispo Mothers for Peace v. U.S. Nuclear Regulatory Commission — will be heard this summer by a federal court of appeals in San Francisco.

The outcome of the case has serious national implications, legal experts say. It will determine whether state and local governments have a meaningful oversight role in protecting not only nuclear power plants but also shipments of nuclear waste to a centralized storage repository, said David Mears, senior assistant attorney general for Washington state.

"Many states have nuclear power plants, and many will have shipments of nuclear waste through their states," Mears said. "We have an obligation to ensure that our citizens are protected and federal government follows the law."

In March, the NRC issued Pacific Gas and Electric Co. a license to build the dry-cask storage facility, which will begin operation in 2006, at Diablo Canyon. The facility can hold as many as 138 dry casks, each containing as many as 32 depleted but still highly radioactive spent fuel assemblies.

Outside interest

Washington officials are interested in the case because the state has both the nuclear-powered Columbia generating station near Richland and the federal Department of Energy's Hanford Station where nuclear waste is stored.

Critics of the NRC say its refusal to hold hearings before issuing a license for the Diablo Canyon storage facility is eroding public confidence in nuclear

2004: Ninth Circuit Court of Appeals lawsuit regarding nuclear terrorism

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SANLUISOBISPO.COM SATURDAY, JUNE 3, 2006 SAN LUIS OBISPO COUNTY, CALIF

'Our role as the citizen watchdog has paid off today.' — Jane Susanson, Mothers for Peace spokeswoman

Court orders Diablo terror analysis

Appeals court sides with Mothers for Peace in a lawsuit over storage of nuclear waste on the grounds of the plant

By DAVID SNEED
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A federal court of appeals Friday ruled that the Nuclear Regulatory Commission failed to adequately examine the possibility of a terrorist at-

tack on Diablo Canyon nuclear power plant and its proposed dry cask storage facility.

The court has ordered the agency to go back and correct the error. The NRC must do an additional

analysis of the environmental consequences of an attack on the dry cask facility and may have to hold more public hearings. The ruling does not specify what steps the agency must take.

"It is too early to say at this point what we may or may not do," said NRC spokesman David McIntyre. "I'm sure that's one of the things the

guys in the Office of General Counsel are poring over at this time."

The dry cask facility is being built to store used but still highly radioactive fuel assemblies pulled out of the power plant. The spent fuel pools inside the plant are nearing capacity, and the proposed federal repository intended for used fuel, Yucca Mountain in Nevada, is facing strong politi-

cal opposition. Whether it will ever open is in question.

Diablo Canyon officials said the ruling does not affect the operation of the plant and will not delay construction of the dry cask storage facility which has already begun. Plant owner Pacific Gas and Electric Co.

Please see DIABLO, B2

2006 — a big win in the Ninth Circuit! The NRC had to look at the environmental consequences of an attack on the dry cask storage facility.

U.S. SUPREME COURT

Order for Diablo review stands up

By DAVID SNEED
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The U.S. Supreme Court will not review a lower court decision requiring an examination of how a terrorist attack on Diablo Canyon nuclear power plant's aboveground waste storage could harm the environment.

The court announced Tuesday it will not hear the case. Doing so exhausted all review of the lawsuit, forcing the federal Nuclear Regulatory Commis-

Federal appeals end, so PG&E and regulators must examine effects of attacks on waste storage and hold public hearings

sion and plant owner Pacific Gas and Electric Co. to comply with a ruling of the 9th Circuit Court of Appeals.

That ruling will likely force the agency and PG&E to redo the environmental analysis of the dry-cask storage facility, complete with more public hearings to specifically address how

the environment could be harmed if terrorists attack the facility. NRC officials do not yet have a timeline for fulfilling the court ruling, said Dave McIntyre, NRC spokesman.

"It's early in the process, but the word we are getting from upstairs is that they will act soon," he said.

MORE ONLINE

What do you think? Go to sanluisobispo.com to post a comment and to see court documents on the issue.

PG&E officials are encouraging the agency to act quickly to avoid any

Please see DIABLO, B2

In 2007, the U.S. Supreme Court refused to review the Mothers for Peace win in the Ninth Circuit Court and thus upheld the precedent-setting decision.

On July 1, 2008, Attorney Diane Curran argued before the NRC.



Diane Curran (right), representing the San Luis Obispo Mothers for Peace, argues before the Nuclear Regulatory Commission July 1 that the agency should more fully analyze the potential environmental impacts of a terrorist attack on the proposed spent nuclear storage facility at the Diablo Canyon nuclear power plant, located near San Luis Obispo, Calif. It was the first time since 1989 that the Commission heard oral arguments in an adjudicatory hearing.

For more documentation of Mothers for Peace projects, go to mothersforpeace.org