



PO 164

Pismo Beach, Ca 93448

www.mothersforpeace.org

(805) 773-3881

Appeal of the San Luis Obispo Mothers for Peace and Sierra Club to the
California Coastal Commission

Filed 6/3/04

In 1972 by voter initiative the Coastal Commission's mandate is "to preserve, protect, and where possible, to restore the resources of the coastal zone for the enjoyment of the current and succeeding generations."

PG&E has not requested financial approval from the California Public Utilities Commission (CPUC) for the full realization of their nuclear storage facility project; therefore, why should the California Coastal Commission grant approval for environmental approval of this entire project at this time?

According to Webster's Collegiate 9th Dictionary the definition of "temporary" is "lasting for a limited time." Therefore by definition a project that will impact "succeeding generations" cannot be defined as temporary. PG&E has stated in its application that high-level radioactive waste may be stored in California's earthquake active California's coastal zone for 100 PLUS years.

If this is truly a temporary site, then it should be limited to removal of nuclear waste currently sitting in the two over-crowded spent fuel pools. Examples of states which have limited the high-level radioactive waste casks to a defined number include: Wisconsin, Connecticut, Vermont, and Minnesota.

One such specific example: The Planning and Zoning Commission order pursuant to 16-50x (d) (Connecticut State), the interim storage of spent nuclear fuel rods in dry cask containers in Millstone Station, Waterford, Connecticut states among its findings that:

(7) "The duration of nuclear material storage proposed is dependent on completion of a national repository of sufficient capacity to handle the waste currently awaiting disposal as well as that which will be created during the continued operation of the plant under current licensing and potential extensions. (11) The Millstone site has not been approved

for the long-term storage of spent fuel, nor is this type of storage considered a permissible use of this industrial zoned property.

(12) The storage of spent fuel is customary, incidental and subordinate to the principal use which is the generation of electricity. The establishment of a long-term storage facility which could remain after plant decommissioning exceeds what is necessary for the continued operation of the plant and is not permitted under the zoning regulations of the town of Waterford.

(13) [d] the proposed increase in the protected area is larger than needed for this temporary use because of the inclusion of the area under the intervening power transmission lines which for safety reasons is not an area suitable for assembling and working on the storage modules.

[e] Duration of Storage and Source of Material: The Planning and Zoning Commission previously approved the siting of the high-level, low-level radioactive waste storage building and restricted the use of this facility to waste generated onsite and limited the duration of storage to 5 years or less for any one unit stored.

The Order of the Planning and Zoning Commission recommends to the First Selectman that he notify Dominion Resources of Connecticut that the storage of spent nuclear fuel in dry cask be restricted. Restriction (8) "As has been customary when regulating waste storage on this site the Commission requires a written report of intervals of not less than 5 years on the status of construction, module installation, continued need, changes in plan for offsite disposal and other information that would keep the Commission informed on changes impacting the duration of storage."

In 1994, the Minnesota State Legislature passed the "Prairie Island Legislation," Minn. Laws 1994, ch. 641 (codified at Minn. Stat. §§ 116C.77 to 116C.80, 216B.2423 to 216B.244, and 216C.051), authorizing Northern States Power Co. to store nuclear wastes at Prairie Island in a certain number of casks and under certain conditions.

Do the people of California deserve less protection than those in Connecticut and Minnesota? Under the Coastal Act the answer should be "no".

Local Coastal Plan Issues, April 2004 Revised, First Certified Feb. 25, 1988

Many of the Local Coastal Plan issues implement those in the Coastal Act, such as comprehensive watershed program, erosion and sedimentation control, water supply and resource management, land use, coastal dependent and coastal related uses, which have been address in the above sections. All issues that are relevant are listed on page 7-1 and 7-2 (LCP) and are addressed in our comments under the Coastal Act.

To reiterate: This project violates the Local Coastal Plan (LCP) and the California Act. Due to chronic deficiencies in our LCP-as attested to by our county's glacial response to periodic review-we will will proceed to refer to the underlying Coastal Act policies themselves.

We will now address specific implementing articles cited from the Coastal Act relevant to the Local Coastal Plan.

Chapter 3, Article 2, Public Access

Section 30211, Development not to interfere with access: Diablo Canyon Nuclear Power Plant covers approximately 12 miles of coastline and 12,000 acres of coastal land, including several watershed areas. Under this permit, the Citizens of California will be denied access to this section of the coast for an indefinite period of time. Subsequent to 9/11/01 the site has been virtually inaccessible to the public. Expanded storage under PG&E's application will effectively deny "succeeding generations" the enjoyment of the coastal zone. This is a substantial issue for the California Coastal Commission (CCC) to consider when deciding our appeal.

Chapter 3, Article 4, Marine Environment

Section 30231, Biological productivity; waste water: The proposed pad (an estimated size of three football fields) constructed to store casks containing high-level radioactive nuclear waste will negatively affect Diablo Canyon Creek Watershed. This pad is approximately 10 times the size of the nuclear storage facility proposed for the San Onofre Nuclear Generating Station (SONGS). The pad is impermeable, made of concrete and during a downpour may increase the potential for erosive storm water runoff, causing siltation and turbidity to a sensitive marine environment already compromised by thermal degradation and entrainment.

The proposed transport route on the Shorecliff Road is adjacent to the Patton Cove landslide area. This portion of the road is susceptible to tsunami and seismic activity which could negatively impact the marine environment. Further, CEQA section 3.2.1.2 of the San Luis Obispo County EIR states, "It is unclear whether this distance from the landslide to the proposed fill area provides a sufficient buffer zone against longterm encroachment from seacliff erosion and instability."

Both of these "Marine Environment" concerns create a substantial issue that must be considered by the CCC in its review of our appeal.

Section 30232, Oil and Hazardous substance spills: The proposed pad and proposed transport route cannot be protected from accidental, seismic or malicious hazardous spills. During transportation the cask liners, predominately manufactured from lead, are extremely vulnerable to upset which could lead to potential spills. The Holtec casks, which will contain the high-level nuclear waste material, are only licensed for 20 years. According to PG&E's application, these same casks may remain onsite for 100 plus years. The Coastal Commission's mandate is to protect "succeeding generations",

but what protection is available on mere utility and manufacture's promises? One of the standards the Commission uses in its permit and land use decisions is "to protect loss of life and property." This cask design, transfer, and storage plan is a hazardous situation and has the potential to damage marine life. Yet another substantial issue to be considered by the CCC in its review of our appeal.

Section 30236, Water supply and flood control: The project does not comply with the three criteria identified in this section regarding water supply and flood control. The site has already been adversely impacted by the Diablo Canyon switchyard. PG&E's permit does not meet the criteria of this section for 1) necessary water supply projects 2) flood control projects 3) improvements of fish.

Potential violation of this section again creates a substantial issue to be considered in its review of our appeal.

Chapter 3, Article 6 View Shed

Section 30251, Scenic and visual qualities: While the Diablo Canyon Nuclear Power Plant complex and proposed high-level radioactive waste storage facility is tucked away from public access roads, the entire facility including a great deal of scarring of the mountainside due to construction of the facility is highly visible from the Pacific Ocean. The Pacific Ocean "highway" is traveled by many citizens and visitors to California, and to have this facility sited in such a way that does NOT minimize alteration of natural land forms, is NOT visually compatible with the character of surrounding areas, and does NOT restore and enhance visual quality in visually degraded areas is a clear violation of the Coastal Act.

Section 30252, Maintenance and enhancement of public access: Rather than enhance public access to the coast, PG&E's proposed high-level radioactive waste storage site will reduce and increase the intensity of access at other sites overloading nearby coastal recreation areas in direct violation of this section of the Coastal Act.

Section 30253, Minimization of adverse impacts: Risks to life and property in areas of high geologic activity, and fire hazards will be increased, again in direct violation of the Coastal Act which requires that this risks be minimized. Diablo Canyon is located 2 1/2 miles from a major active earthquake fault. Recent seismic activity in San Luis Obispo County is generating volumes of yet-to-be analyzed data. To allow this project in its entirety to go forward without waiting for the results of these new seismic studies (including the Alquist-Priolo fault) would be unconscionable. There is nothing in PG&E's application that discusses the seismic qualifications properties of the new concrete.

In the October 16, 2002 letter from Peter Douglas to the Nuclear Regulatory Commission (NRC) Mr. Douglas states "we feel that the conservative, precautionary

approach of requiring ISFSI and MRS installations to meet the same design standard as a nuclear power plant is most appropriate...Permits granted by local governments may be appealable to the Coastal Commission in order to issue a coastal development permit, a finding must be made that the proposed ISFSI will minimize risks to life and property in areas of areas of high geological hazard and assure stability and structural integrity of the proposed development."

Exhibit A, CEQA Findings of the SLO County EIR incorporated in April 20, 2004 Board of Supervisors Appeal states: According to the CEQA review the logic tree analysis did not account for earthquakes that have occurred along the Hosgri Fault zone since 1986. For example, the focal mechanisms plots indicate that the 1991 magnitude 5.1 Ragged Point earthquake occurred as a result of primarily reverse-thrust movement on the northern extension of the fault. Incorporation of this earthquake and other smaller earthquakes with a major reverse/thrust component of fault movement may slightly increase the percent weighted in the logic tree analysis for reverse/oblique fault movement. This in turn may affect the outcome of the design earthquake determination. In the absence of incorporation of earthquake data since publication of the 1988 LTSP, seismic impacts would be potentially significant as a result of the proposed project." It is important to remember that this statement in the EIR was arrived at before the December 22, 2003, 6.5 magnitude earthquake in San Luis Obispo County.

PG&E does not now, nor will its nuclear storage site, meet the highest possible seismic standard. Diablo Canyon Nuclear Power Plant was allowed to finish construction without meeting current seismic standards of the NRC. It is a retrofitted nuclear facility. New information points to the fact that retrofits may not be designed correctly. New construction at the site should trigger a process of requiring the facility meet current seismic standards.

It is important to note that in its denial of the seismic contention of the San Luis Obispo Mothers for Peace, et al, the NRC stated that its denial was not based on lack of merit, but that new seismic information should be filed in a Petition to reopen the original license case for Diablo Canyon.