

# Diablo's Cheerleaders Break Out the Pom-Poms

by Andrew Christie



**Hold back the dawn** Supervisor Dawn Ortiz-Legg skipped over inconvenient facts to ram through a love letter to the Diablo Canyon Nuclear Power Plant at the March 26 County Supervisors meeting.

On March 26, the San Luis Obispo County Board of Supervisors leapfrogged over ongoing processes at the state legislature and the Nuclear Regulatory Commission to declare that the Diablo Canyon Nuclear Power Plant should keep operating for another twenty years.

The resolution, a pet project of County Supervisor and former PG&E employee Dawn-Ortiz Legg, passed with the support of the two Republican supervisors on the board, and the opposition of her two Democratic colleagues.

Ignoring the state's ongoing review of the plant's potential five-year extension, the board majority also ignored the advice of our state senator, John Laird, who tried and failed to keep the supervisors from looking like idiots.

In his March 13 letter to the Board, Senator Laird warned the board against getting crosswise with, and way ahead of, Senate Bill 846, the state planning document to extend Diablo's life no longer than 2030. Laird noted that SB 846:

- Required seismic and other safety review processes so that the continued safety of workers and surrounding residents would be considered in the extension of an aging facility;
- Required that the financing process around the state loan for the extension process have very limited exposure to utility ratepayers and state taxpayers;

- The safety analysis will not be completed until the embrittlement of Unit 1 can be tested, which will not be done until 2025, with the results available no earlier than 2026;
- While funding has been approved at the federal level, it does not reach the level expected to cover all costs of plant extension, and the risk to the taxpayers and ratepayers must still be protected, especially at a time when PG&E rates are going through the roof across California;

And much, much more, all of it leading to the conclusion that “In short, many of the issues that might be involved in an additional *fifteen*-year extension have not even been resolved yet for the *five*-year extension set forth in SB 846. Therefore, it is clear that any discussion of an extension beyond what was enacted with SB 846 is very premature.”

As the meeting began, a visibly agitated Supervisor Ortiz-Legg unleashed a torrent of industry p.r. rhetoric and pretzel logic in defense of “my resolution” and the “nuclear renaissance,” and struggled to bridge the oxymoronic chasm between her resolution’s declarations that Diablo is safe, reliable and an economic boon, and the fact that California is in the midst of determining whether any of those claims can be shown to be true in the context of a five-year extension for the aging nuclear plant, never mind twenty.

Dolores Howard, speaking for the Santa Lucia Chapter of the Sierra Club as a member of our Conservation Committee, noted that on March 20, Mothers for Peace and Friends of the Earth submitted a brief to the Ninth Circuit Court regarding the ongoing failure to analyze the potential for unsafe embrittlement in Diablo’s Reactor 1. The brief states the fact that “the NRC has allowed PG&E to operate Diablo Canyon Unit 1 in violation of the 2006 license condition on which the extended operating license term for Unit 1 is founded. And despite the importance of the Unit 1 pressure vessel to the safety of the reactor’s operation, the required 2009 inspection of the pressure vessel has been delayed by more than fourteen years.”

Bruce Severance, a member of the Diablo Canyon Decommissioning Engagement Panel, addressed the supervisors on the embrittlement issue. He had addressed it at greater length the day before [in the Santa Barbara Independent](#), where he asked “Is this a good deal economically for the state, the taxpayers, and for us as ratepayers to invest in a severely embrittled reactor that would require hundreds of millions to operate safely?”

Supervisor Jimmy Paulding said that a cost/benefit analysis has not been completed and pointed to the unknown but rising costs that would hit ratepayers for every additional year of the plant’s operation.

In a three-page letter to the state Department of Finance one week earlier, California State Senator Scott Wiener, chairman of the Joint Legislative Budget Committee, said he cannot support a proposal to appropriate another \$400 million from the General Fund for Diablo’s benefit, spelling out his concern in granular detail:

“We are very concerned with the lack of protection of state funds in the loan agreement with PG&E. According to DOF’s responses, if a gap in funding renders PG&E unable to continue pursuing license renewal, then PG&E may be ineligible for the [Department of Energy] award entirely, jeopardizing the recovery of the approximately \$600 million already approved for the loan. This ties the hands of the Administration and limits its ability to prioritize General Fund expenditures for other critical services at a time when the state is

facing a significant budget deficit. . . . Unfortunately, the terms of the loan agreement reduce flexibility in setting spending priorities at a time when it is most needed.”

In the board discussion that followed the public comment portion of the meeting, Supervisor Bruce Gibson noted the “reality check” the board had received from Senator Laird, which in contrast to the vaporous boosterism of the resolution, sought to remind the board of serious questions of seismic safety, embrittlement, safety, maintenance, and finance. A statement by the board advocating for an extension of the plant’s life four times longer than the one the state is contemplating should not be considered “until those questions are answered,” he said. “We’re issuing a resolution that is at odds with the reality that’s underway right now as various agencies take this on” in the SB 846 process.

Gibson also observed that changing a five-year extension to a twenty-year extension could jeopardize promised transition pay for Diablo employees. In response, an increasingly flustered Ortiz-Legg said “Is that a threat? That sounds like a threat” -- a response that indicated she did not read the letter from Senator Laird, which made the same point (“If Diablo Canyon Power Plant were to continue twenty years from the current time, it would not likely justify transition pay for the workers, as SB 1090 and SB 846 intended.”) Specifically, SB 846 “required that San Luis Obispo County communities that received \$85 million in mitigation funding and PG&E employees who benefitted by a \$350 million retention and retraining program based on the former closing date of 2025 . . . do not have to return those funds, in light of the limited, five-year extension.”

Gibson noted in passing that a PG&E official has stated the utility is also interested in a twenty-year extension, triggering the most heated moment of the meeting when Ortiz-Legg adamantly denied that PG&E has expressed any interest in extending the life of the plant for another twenty years.

For the Supervisor’s edification, here is the relevant text from the March 14 SLO *Tribune*:

“There’s no guarantee that we could . . . be allowed to operate beyond 2030, but we certainly are hopeful,” Erik Werner, director of Diablo Canyon outage management, said at a [recent meeting of the Diablo Canyon Independent Safety Commission](#). “And in our decision-making model and our long-term, long-range planning, we are taking into consideration with strong intent to be able to proceed past 2030 and have maintenance plans in place.”

That editorial concluded:

“The five-year extension agreed to by the California Legislature was intended to be a stop-gap measure to see the state through a period of transition. Rushing to give the plant a blessing to stay open for 20 more years — without knowing what that might entail — may be great for PG&E, but not so great for the beleaguered ratepayers of California. The Board of Supervisors should keep that in mind before choosing sides.”

They didn’t. Their resolution has no force of law, for which we can all be grateful, but as a billboard advertising our supervisors’ awareness of their duty to the public trust, no gratitude is required.

UPDATE 1: On April 3, a week after the SLO County Board of Supervisors embarrassed themselves, Friends of the Earth [filed a lawsuit](#) against the U.S. Department of Energy for its faulty environmental review associated with a \$1.1 billion award to continue operating the Diablo Canyon plant. The Environmental Impact Statement on extending Diablo's operations largely relies on [outdated analysis](#) completed by the Nuclear Regulatory Commission between 1976 and 2007 for unrelated activities.

The range of current impacts and safety risks omitted from an analysis that is 17 years out of date includes the nuclear facility's use of an outdated cooling mechanism, possible embrittlement of vital components, and the discovery of a new seismic fault line. Also missing is an analysis of the ways that [climate change](#) will risk the facility's safe operation due to increased flooding and other hazardous conditions. DOE also failed to give an opportunity for public comment during the already deficient environmental review process.

"Perhaps the worst piece of this puzzle is that DOE has adopted analysis that was completed almost a decade before Diablo Canyon was even up and running," said Hallie Templeton, Legal Director for Friends of the Earth.

UPDATE 2: The California Senate Budget Subcommittee met on April 18 and provided another window into the real-world issues that argue against keeping Diablo Canyon alive for five more years, let alone twenty.

The hearing featured a discussion of authorization to release the above-mentioned final \$400 million in taxpayer dollars as a forgivable loan to PG&E to keep the plant going until 2030. The committee generally agreed with Senator Wiener's letter to the Department of Finance pointing out that the legislature does not have the necessary information on repayment of the loan, timing of the repayment, and accountability by PG&E.

Senator Ben Allen summed up the feelings of many of his colleagues on the budget committee about keeping this item in the current state budget proposal:

"I feel like a lot of the terms we were sold with regards to SB 846 in regard to energy needs and alternative energy that were all part of the pitch have really not been fulfilled by the administration. We were all asked to support it, and many of us didn't want to, and now we're being asked



for this loan, with conditions that I'm not clear on, and... it feels like we're being taken advantage of here, quite frankly. And I understand there's a lot of broad needs, but as the Chair pointed out, there's [some new battery technology](#) that's exceeding the energy contribution of Diablo Canyon on its own. So I just want to voice deep skepticism for this item.... And I say this with respect, you're all doing your jobs, but having gone through the experience of being

aggressively pushed into a vote on 846, I'm really dissatisfied about the extent to which the terms have been met, and I think that this committee should be pushing back.”