

Comment Set 13 Alexis Olds

1553 6th Street
Los Osos, 93402 CA
USA
aolds@fix.net

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) “necessarily involves some degree of forecasting,” and that “an agency must use its best efforts to find out and disclose all that it reasonably can.” Furthermore, the agency cannot reach a determination of “too speculative for evaluation” without conducting a “thorough investigation.” (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue “speculative” (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an “incentive” for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project “could provide an incentive for extending the operable life of the nuclear facility beyond its current license.” (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these “clues,” the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is “speculative.”

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, “A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved.” (Laurel Heights Improvement Assn v. Regents

13-1

13-2

13-3

13-4

Comment Set 13, cont.
Alexis Olds

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

13-4

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

13-5

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

13-6

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

13-7

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

13-8

Sincerely,

Alexis Olds

Responses to Comment Set 13

Alexis Olds

- 13-1 The commenter's support for the comment submitted by the San Luis Obispo Mothers for Peace and its Joint Parties is noted. Please refer to the Responses to Comment Set CC6 for responses to their comment letter.
- Please refer to Master Responses MR-1 (Baseline), as well as Response A-1 and CC5-24. The Draft EIR does not fail to consider the effects of future operation of the power plant. A fundamental aspect of the Draft EIR is the acknowledgement that the effects of plant operation would continue through the current license term if the Proposed Project is approved. However, these effects already exist in the environment and are appropriately described as part of baseline conditions, as discussed in Draft EIR Section D.1.2.1. For the No Project Alternative, it would be speculative to forecast exactly how replacement power would be provided, as noted in Section D.1.2.3. The likelihood of relicensing is addressed in MR-2 (License Renewal).
- 13-2 Please refer to Master Response MR-2 (License Renewal) for a discussion of license renewal.
- 13-3 Please refer to Master Response MR-2 (License Renewal) and Responses 11-2 and 13-1.
- 13-4 Please refer to Response CC6-2 for a discussion of the relationship of the CPUC's interim decision to the CEQA process.
- 13-5 Following a comparison of all of the alternatives (including the No Project Alternative), the Environmentally Superior Alternative is detailed in Executive Summary Section 4.2 (page ES-47) and in Section E.2 (page E-2) of the Draft EIR. Please see Responses CC2-4 and CC2-9 as well as Responses CC5-10, CC5-12, CC6-91 for more explanation of the alternatives analysis. The No Project Alternative was not found to be superior due to environmental impacts that would occur with providing replacement power and replacement transmission facilities under the No Project Alternative.
- The CPUC's resource procurement Rulemaking proceeding (R.04-04-003), which was established to promote policy and program coordination and integration in electric utility resource planning, is currently underway and is independent of this EIR. As required by CEQA, the Draft EIR is limited to describing the significant environmental effects of the Proposed Project. Please also refer to Responses CC6-12 and CC6-90, which discuss other CPUC proceedings, such as Rulemaking R.04-04-003.
- 13-6 Please refer to Master Responses MR-1 (Baseline) for a discussion on continued operation and the project's environmental baseline and MR-2 (License Renewal) for a discussion of license renewal. See also Response 13-5 concerning the scope of the alternatives analysis.
- 13-7 The commenter's support for Mitigation Measure G-3a (Long-Term Seismic Program Update) is noted. The DCPD facility is already in place, and thus is part of the environmental setting against which environmental impacts of the Proposed Project are judged, as discussed in Draft EIR Sections D.1.2.1 and D.5.1.4. Draft EIR Section D.1.2.5 also notes that the seismic safety of DCPD in its current design is regulated exclusively by the NRC.

13-8 The commenter's support for the comments submitted by the San Luis Obispo Mothers for Peace and its Joint Parties is noted. Please refer to the Responses to Comment Set CC6 for responses to their comment letter.

The CPUC believes the Draft EIR fully complies with the requirements of CEQA. Some revisions to the document have been made in the Final EIR, but none of these revisions constitute significant new information requiring recirculation of the Draft EIR.

Comment Set 14 Jack McCurdy

989 Balboa St.
Morro Bay, 93442 CA
USA
pjmccurdy@sbcglobal.net

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) “necessarily involves some degree of forecasting,” and that “an agency must use its best efforts to find out and disclose all that it reasonably can.” Furthermore, the agency cannot reach a determination of “too speculative for evaluation” without conducting a “thorough investigation.” (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue “speculative” (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an “incentive” for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project “could provide an incentive for extending the operable life of the nuclear facility beyond its current license.” (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these “clues,” the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is “speculative.”

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, “A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved.” (Laurel Heights Improvement Assn v. Regents

14-1

Comment Set 14, cont.
Jack McCurdy

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

14-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

I demand that you meet your professional responsibilities and revise the EIR to address the deficiencies identified by the joint parties.

14-2

Sincerely,

Jack McCurdy

Responses to Comment Set 14

Jack McCurdy

- 14-1 Please refer to the Responses to Comment Set 13.
- 14-2 Please refer to the Responses to Comment Set CC6 for responses to the Joint Parties' comment letter. The CPUC believes the Draft EIR with revisions made in the Final EIR fully complies with the requirements of CEQA.

Comment Set 15 Jan Howell Marx

265 Albert Drive
San Luis Obispo, 93405 CA
USA
janmarx@fix.net

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) “necessarily involves some degree of forecasting,” and that “an agency must use its best efforts to find out and disclose all that it reasonably can.” Furthermore, the agency cannot reach a determination of “too speculative for evaluation” without conducting a “thorough investigation.” (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue “speculative” (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an “incentive” for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project “could provide an incentive for extending the operable life of the nuclear facility beyond its current license.” (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these “clues,” the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is “speculative.”

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, “A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved.” (Laurel Heights Improvement Assn v. Regents

15-1

Comment Set 15, cont. Jan Howell Marx

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

15-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

Better yet, just shut down Diablo.

15-2

Sincerely,

Jan Howell Marx

Responses to Comment Set 15
Jan Howell Marx

- 15-1 Please refer to the Responses to Comment Set 13.
- 15-2 The commenter's preference for the shutdown of DCPP is noted.

Comment Set 16 Kim Dunn

736 Quebrada Ln
Arroyo Grande, 93420 Ca
USA
dunnmagic@aol.com

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) “necessarily involves some degree of forecasting,” and that “an agency must use its best efforts to find out and disclose all that it reasonably can.” Furthermore, the agency cannot reach a determination of “too speculative for evaluation” without conducting a “thorough investigation.” (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue “speculative” (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an “incentive” for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project “could provide an incentive for extending the operable life of the nuclear facility beyond its current license.” (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these “clues,” the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is “speculative.”

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, “A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved.” (Laurel Heights Improvement Assn v. Regents

16-1

Comment Set 16, cont.
Kim Dunn

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

16-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

San Luis Obispo County was never intended to become a Nuclear Waste Storage Facility. Many of the promises made by PG&E turned out to be untrue. The NRC seems to hold little regard for the concerns of those who live within the Diablo Canyon Nuclear Response Zone. This area has contributed enough of itself for the energy consumption of many. We have risked our own investments and future security in doing so. We have given enough. You are asking too much. Kim dunn

16-2

Sincerely,

Kim Dunn

Responses to Comment Set 16

Kim Dunn

- 16-1 Please refer to the Responses to Comment Set 13.
- 16-2 The commenter's opposition to the Proposed Project is noted. Please refer to Responses CC5-17 and 9-1 and for a discussion of how the Proposed Project affects the storage of radioactive materials. Master Response MR-3 (Jurisdiction) discusses NRC license renewal.

Comment Set 17 Kim Dunn

736 Quebrada Ln
Arroyo Grande, 93420 Ca
USA
dunnmagic@aol.com

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) “necessarily involves some degree of forecasting,” and that “an agency must use its best efforts to find out and disclose all that it reasonably can.” Furthermore, the agency cannot reach a determination of “too speculative for evaluation” without conducting a “thorough investigation.” (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue “speculative” (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an “incentive” for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project “could provide an incentive for extending the operable life of the nuclear facility beyond its current license.” (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these “clues,” the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is “speculative.”

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, “A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved.” (Laurel Heights Improvement Assn v. Regents

17-1

Comment Set 17, cont.
Kim Dunn

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

17-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

I totally agree with the above.

17-2

Sincerely,

Kim Dunn

Responses to Comment Set 17
Kim Dunn

- 17-1 Please refer to the Responses to Comment Set 13.
- 17-2 The commenter agrees with Comment 17-1, which is the same as Comment Set 13; therefore, please refer to the Responses to Comment Set 13.

Comment Set 18 Klaus Schumann

26 Hillcrest Drive
Paso Robles, 93446 California
US
jayklaus@msn.com

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) “necessarily involves some degree of forecasting,” and that “an agency must use its best efforts to find out and disclose all that it reasonably can.” Furthermore, the agency cannot reach a determination of “too speculative for evaluation” without conducting a “thorough investigation.” (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue “speculative” (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an “incentive” for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project “could provide an incentive for extending the operable life of the nuclear facility beyond its current license.” (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these “clues,” the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is “speculative.”

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, “A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved.” (Laurel Heights Improvement Assn v. Regents

18-1

Comment Set 18, cont.
Klaus Schumann

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

18-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

I am in full agreement with the above letter.

18-2

Sincerely,

Klaus Schumann

Responses to Comment Set 18

Klaus Schumann

- 18-1 Please refer to the Responses to Comment Set 13.
- 18-2 The commenter agrees with Comment 18-1, which is the same as Comment Set 13. Please refer to the Responses to Comment Set 13.

Comment Set 19 Marty Brown

8455 Graves Creek Road
Atascadero, 93422 Ca
USA
martybrown@tcsn.net

2005/05/05

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) "necessarily involves some degree of forecasting," and that "an agency must use its best efforts to find out and disclose all that it reasonably can." Furthermore, the agency cannot reach a determination of "too speculative for evaluation" without conducting a "thorough investigation." (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue "speculative" (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an "incentive" for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project "could provide an incentive for extending the operable life of the nuclear facility beyond its current license." (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these "clues," the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is "speculative."

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, "A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved." (Laurel Heights Improvement Assn v. Regents

19-1

Comment Set 19, cont.
Marty Brown

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

19-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

It is imperative that all sources of alternative, clean energy be researched without prejudice. Until that time that we have substituted clean energy for nuclear, the public cannot be assured of health and safety.

19-2

Sincerely,

Marty Brown

Responses to Comment Set 19

Marty Brown

- 19-1 Please refer to the Responses to Comment Set 13.
- 19-2 Please refer to Responses 12-12 and 12-15 for a discussion of alternative energy technologies and demand-side management. Sections C.6.1 and C.6.2 (page C-27) of the Draft EIR discuss replacement generation (i.e., natural gas-fired power plants) and transmission facilities, respectively, and a wide range of renewable energy technologies are also identified in the No Project Alternative (Section C.6.3). See Response 11-2 concerning public health and safety.

Comment Set 20 Mary Jane Adams

26 Hillcrest Drive
Paso Robles, 93446 California
US
jayklaus@msn.com

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) "necessarily involves some degree of forecasting," and that "an agency must use its best efforts to find out and disclose all that it reasonably can." Furthermore, the agency cannot reach a determination of "too speculative for evaluation" without conducting a "thorough investigation." (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue "speculative" (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an "incentive" for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project "could provide an incentive for extending the operable life of the nuclear facility beyond its current license." (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these "clues," the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is "speculative."

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, "A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved." (Laurel Heights Improvement Assn v. Regents

20-1

Comment Set 20, cont.
Mary Jane Adams

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

20-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

The above letter says it all.

Sincerely,

Mary Jane Adams

20-2

Responses to Comment Set 20
Mary Jane Adams

- 20-1 Please refer to the Responses to Comment Set 13.
- 20-2 The commenter agrees with Comment 20-1, which is the same as Comment Set 13. Please refer to the Responses to Comment Set 13.

Comment Set 21 Nancy Reinstein

1745 Portola St.
San Luis Obispo, 93405 CA
USA
nreinstein805@charter.net

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) "necessarily involves some degree of forecasting," and that "an agency must use its best efforts to find out and disclose all that it reasonably can." Furthermore, the agency cannot reach a determination of "too speculative for evaluation" without conducting a "thorough investigation." (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue "speculative" (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an "incentive" for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project "could provide an incentive for extending the operable life of the nuclear facility beyond its current license." (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these "clues," the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is "speculative."

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, "A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved." (Laurel Heights Improvement Assn v. Regents

21-1

Comment Set 21, cont. Nancy Reinstein

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

21-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

There are much better options for energy.

21-2

Sincerely,

Nancy Reinstein

Responses to Comment Set 21 Nancy Reinstein

- 21-1 Please refer to the Responses to Comment Set 13.
- 21-2 The commenter's opposition to the Proposed Project is noted. Please refer to Responses 12-12 and 12-15 for a discussion of alternative energy technologies and demand-side management. Sections C.6.1 and C.6.2 (page C-27) of the Draft EIR discuss replacement generation (i.e., natural gas-fired power plants) and transmission facilities, respectively.

Comment Set 22 Russ Ferriday

2259 Florence Ave
San Luis Obispo, 93401 CA
United States
russf@topia.com

2005/05/05

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) "necessarily involves some degree of forecasting," and that "an agency must use its best efforts to find out and disclose all that it reasonably can." Furthermore, the agency cannot reach a determination of "too speculative for evaluation" without conducting a "thorough investigation." (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue "speculative" (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an "incentive" for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project "could provide an incentive for extending the operable life of the nuclear facility beyond its current license." (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these "clues," the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is "speculative."

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, "A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved." (Laurel Heights Improvement Assn v. Regents

22-1

Comment Set 22, cont.
Russ Ferriday

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

22-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

Ratepayers are entirely justified in feeling that their best interests are NOT being taken care of by the NRC, CPUC and certainly not by PG&E.

22-2

Sincerely,

Russ Ferriday

Responses to Comment Set 22

Russ Ferriday

- 22-1 Please refer to the Responses to Comment Set 13.
- 22-2 For a discussion of project cost and how it relates to the ratepayer, please refer to Responses CC6-3 and 1-3, above.

Comment Set 23 Susan Bieseck

2829 See Canyon Rd
San Luis Obispo, 93405 CA
usa
sumacbie@aol.com

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) “necessarily involves some degree of forecasting,” and that “an agency must use its best efforts to find out and disclose all that it reasonably can.” Furthermore, the agency cannot reach a determination of “too speculative for evaluation” without conducting a “thorough investigation.” (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue “speculative” (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an “incentive” for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project “could provide an incentive for extending the operable life of the nuclear facility beyond its current license.” (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these “clues,” the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is “speculative.”

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, “A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved.” (Laurel Heights Improvement Assn v. Regents

23-1

Comment Set 23, cont.
Susan Biesek

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

23-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

Let us now spend our money more wisely and move forward into the future supporting new energy technologies other than the outmoded nuclear technology at Diablo Canyon. It's costs are already a heavy burden. Thank you.
SB

23-2

Sincerely,

Susan Biesek

Responses to Comment Set 23
Susan Bieseck

- 23-1 Please refer to the Responses to Comment Set 13.
- 23-2 For a discussion of project cost, please refer to Responses CC6-3 and 1-3, and for a discussion of alternative energy technologies under the No Project Alternative, please refer to Response 12-15.

Comment Set 24 Sylvia Alcon

PO Box 442
Avila Beach, 93424 CA
USA
sylviaa@kcbx.net

2005/05/03

Andrew Barnsdale, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Comments regarding the Draft Environmental Impact Report, Diablo Canyon Nuclear Power Plant Steam Generator Replacement Project

Application No. A.04-01-009 SCH No. 2004101001

Dear Mr. Barnsdale:

I am writing in support of the comments submitted by the San Luis Obispo Mothers for Peace (MFP) and its joint parties. Specifically, I emphasize the following:

1. California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) "necessarily involves some degree of forecasting," and that "an agency must use its best efforts to find out and disclose all that it reasonably can." Furthermore, the agency cannot reach a determination of "too speculative for evaluation" without conducting a "thorough investigation." (CEQA Guideline 15144)

The Draft EIR is deficient because it dismisses the likelihood that Pacific Gas and Electric Company (PG&E) will extend its operating license. It considers this issue "speculative" (D.1-2) and thus does not include accumulated environmental impacts that will likely occur in the years beyond 2025. This is a fatal flaw of the Draft EIR, for it provides a deceptive and incomplete picture of the probable environmental impacts.

The Draft EIR acknowledges that the Steam Generator Replacement Project (Project) may provide an "incentive" for PG&E to seek a license renewal. (D.1-2). In its scoping comments, PG&E agreed that the Project "could provide an incentive for extending the operable life of the nuclear facility beyond its current license." (p.9) The Nuclear Regulatory Commission (NRC) has already granted PG&E authorization to build a facility to store enough high level radioactive waste on site to allow operation through an extended licensing period. Despite these "clues," the Draft EIR denies an obvious outcome of the Project and thus fails to comply with CEQA, for it does not provide an analysis of its conclusion that a license renewal is "speculative."

The Draft EIR should consider the scenario of a license renewal and add its significant environmental effects – additional years of accumulated high level radioactive waste, marine degradation, seismic risk, terrorist threat, and the effects of prolonged operation on public safety and the environment.

2. CEQA requires the CPUC to consider the information in the EIR prior to reaching any decisions on the Project. According to a Supreme Court decision, "A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved." (Laurel Heights Improvement Assn v. Regents

24-1

Comment Set 24, cont.
Sylvia Alcon

of University of California, 47 Cal.3d 376, 394 (1988)) The CPUC, however, has already issued an Interim Decision – and did so before the Draft EIR had even been issued. I support the MFP finding that this defies CEQA law and undermines public confidence in the CPUC process.

24-1

3. The Draft EIR consideration of alternatives is impermissibly narrow and superficial. Considering environmentally superior alternatives is at the heart of CEQA, and this Draft EIR pays mere lip service to options available to the CPUC.

The State's energy policy requires that utilities consider a wide range of options for meeting future energy needs. The CPUC judge in the long-term resource planning case (A.04-04-003) specifically ordered PG&E to consider a future without Diablo Canyon Nuclear Power Plant (DCNPP); it was to analyze realistic options for meeting its customers' electricity needs should DCNPP cease to operate by 2014. PG&E has not taken this order seriously, and the Draft EIR does not even mention that this long-term planning process is underway despite the fact that MFP et al's comments on the CPUC's EIR Notice of Preparation contained extensive information about this case and its relevance to the DCNPP Steam Generator Replacement Project.

The failure to compare the environmental impacts of alternatives to DCNPP's operation beyond 2014 is a glaring deficiency of the Draft EIR. The report is legally inadequate because it does not comply with CEQA's requirement to provide a detailed analysis of possible alternatives.

4. I support the Draft EIR mitigation to incorporate new earthquake data developed since publication of PG&E's Long Term Seismic Program (PG&E, 1988). This proposed update is to be used to review the seismic characteristics of the storage facility for the original steam generators. I propose that this seismic update be utilized to review the structural design of the entire Diablo Canyon facility.

In summary, I support all comments by MFP and joint parties in response to the Draft EIR. I concur that the Draft EIR does not comply with CEQA and does not provide an adequate basis for action by the CPUC on the Project application. The Draft EIR must be redrafted to correct its deficiencies and recirculated for public review and comment.

The Avila Valley is developing very quickly. More and more people use the one highway going in and out, the same highway that is the evacuation route in case of an event at Diablo. Redrafting the EIR is an effort to make people safe.

24-2

Sincerely,

Sylvia Alcon

Responses to Comment Set 24

Sylvia Alcon

- 24-1 Please refer to the Responses to Comment Set 13.
- 24-2 The traffic analysis in the Draft EIR (Section D.13) accounts for the growth in the region and Avila Beach, as it would be a function of population growth (see Section D.13.1.5). Ongoing and continued operation of DCPP after completion of the Proposed Project would generate traffic much as DCPP does in the environmental setting. As illustrated in Section D.13.3.5, there would be no permanent increase in traffic with the Proposed Project. Section D.12.1 of the Draft EIR shows that in the environmental setting, DCPP maintains a comprehensive Emergency Response Plan, and the Proposed Project would not affect the need for such plans, which is governed by NRC regulations (Section D.1.2.5).