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c/o Aspen Environmental Group
California Public Utilities Commission

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE SAN ONOFRE NUCLEAR GENERATING STATION
STEAM GENERATOR REPLACEMENT PROJECT**

These comments are submitted on behalf of the Alliance for Nuclear Responsibility (ANR). The comments concern the Draft Environmental Impact Report ("DEIR") issued by the California Public Utilities Commission ("CPUC") regarding the San Onofre Nuclear Generating Station (SONGS) Steam Generator Replacement Project ("SGR Project").

Both the Diablo Canyon and the SONGS DEIR, omit an analysis of at least an additional decade of component replacement and maintenance necessitated by the Proposed Project. Both also fail to address the production of high-level radioactive waste that will continue to be produced and must be stored on earthquake-active coastal bluffs if the generators are replaced. In addition, the SONGS DEIR relies on a myriad of "possibilities and probabilities untried at any other nuclear reactor site.

At both Diablo Canyon and San Onofre nuclear plants a plan for either the replacement of this facility or replacement of its aging components must begin with weighing the true costs - both economic and environmental. Both DEIR's fail to analyze the full environmental costs of steam generator replacement and therefore does not offer a sufficient basis for the CPUC to make a legally informed decision under the California Environmental Quality Act (CEQA). ANR asserts that the DEIR should be redrafted and deficiencies corrected then recirculated allowing the public an opportunity to comment on a DEIR which adequately reviews the full range of the impacts and a reasonable range of true alternatives to the Project.

ANR agrees with Joint Intervenor Comments in the DCNPP DEIR that "CEQA requires that a project subject to preparation of an EIR be defined as "the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." PRC § 21065. The above provision make clear, an agency must consider all "reasonably foreseeable consequences" of the action. The DEIR is improperly confined to describing the process of removing, transporting, and storing the existing generators and transporting, staging, and installing the new steam generators." (May 5, 2005)

It is imperative that the DEIR provide the CPUC with the full scope of environmental effects of SONGS future operations. The SONGS DEIR treats the Steam Generator Replacement Project as if it were essentially a "construction project." By so doing, the DEIR deprives the CPUC of the information that it needs to determine the environmental effects of the future operations of the plant as part of its determination of whether to approve the rate making proposal.

In clear violation of CEQA, the CPUC's DEIR for San Onofre is riddled with qualifying words and sentences and relies heavily on the unknown. For example:

- 1) The proposed project is complicated by numerous challenges unique to the SONGS 2 & 3 site when compared to other nuclear plant... **De-tensioning tendons of the type at SONGS 2 & 3 has never been attempted at another operating nuclear plant.** Most of the tendons are not designed to be de-tensioned or removed. (B-10)

- 2) Transportation **presents many challenges** because of the size of the RSG's and the relative inaccessibility of SONGS 2 & #. Steam generator replacement projects have occurred at other nuclear facilities in the U.S., but normally they are accomplished with delivery to a dock area at the power plant site. (B-11)
- 3) The specific type of transporter **would be determined in the future** (B-14)
- 4) Safe transport **depends on favorable weather conditions** (B-23)
- 5) The mouth of the Santa Margarita River has also been known to close off, even in winter periods. Therefore, **it is unknown whether** the Santa Margarita River would flow during the transport.
- 6) **SCE proposes to obtain all appropriate permits** [to] meet all applicable compliance conditions. (B-33)
- 7) SCE **expects the containment to maintain acceptable integrity.** (B-33)
- 8) SCE **has not identified a potential site** for an OSG Storage Facility on the SONGS site. (B-15)
- 9) SCE **has not specified a disposal location, but the likely destination** would be Environ-care of Utah (B-34)
- 10) **Details** for loading the original steam generators onto rail cars **have not been developed**, but they would probably involve lifting components from a multi-wheeled land transporter using portable hydraulic jacks and positioning the rail car underneath. (B-35)
- 11) Although the plan for maintaining structural integrity **would be developed** during the engineering phase...**The NRC has yet to review** SCE's proposed plan for restoring the containment, but SCE must eventually prepare an engineering evaluation that describes whether the steam generator replacement would affect operation and safety of the facility. (B-36)

This partial list of omissions, uncertainties and not-yet-developed components of the SGR Project, should have sent red-flags flying at the CPUC. Yet the CPUC's DEIR recommends that this frighteningly deficient report be adopted and that the project be found reasonable and environmentally sound.

The DEIR does recognize that the No Project Alternative would benefit the environment. It further identifies "emissions from relatively steady operation of a bank of portable engines that would be used while creating the containment opening could cause significant impacts." (B-22) However, the emissions by the portable engines are not the greatest emission threat at SONGS. As in the Diablo Canyon *Nuclear* Power Plant DEIR, emissions in the SONGS DEIR are very narrowly defined. Emit is defined according to the American Heritage Dictionary as "to give or send out matter or energy, isotopes that emit radioactive particles..." It is precisely because nuclear plants daily produce high-level radioactive waste that a full CEQA review is mandatory for a complete record in this proceeding.

The CPUC's DEIR's conclusion that a license renewal at SONGS and Diablo Canyon is not foreseeable is disingenuous. A license renewal could not occur but for the proposed RSG projects. To date, the NRC has granted over 31 nuclear license renewals. Both PG&E and SCE acknowledge that they are performing

feasibility studies for license renewals. It is obvious to the communities who live in close proximity to these nuclear facilities that license renewals are a reasonably foreseeable outcome of the project.

In fact, license renewal is more likely than the numerous yet-to-be determined segments mentioned above. Of the now 31 license renewals granted by the Nuclear Regulatory Commission, only 5 had not already replaced steam generators. A CPUC decision to replace steam generators at California's nuclear facilities could result in our state being boxed into an energy source that not only requires additional expensive replacements and retrofits, but leaves tons of high-level radioactive waste on our precious coast for not 10 additional years, but 30.

Another DEIR finding that replacement power projections would be too remote and speculative to predict exactly how replacement power would be provided; given the wide range of possibilities is equally disingenuous. California's Governor and the state legislature have invested time and resources to create a renewable energy policy. Last week the Million Solar Roof Initiative passed out of appropriations and toward reality. The outcome of the RSG Proposed Projects runs counter to the optimistic determination of this state to strive for cleaner independent power sources.

The DEIR's asserts that alternative technologies cause environmental impacts, and they also have technical feasibility limitations yet this assertion is accompanied by no analysis. The CPUC cannot issue a blanket dismissal of alternative and renewable energy as expensive or technologically unfeasible, especially when such important issues of the SONGS RSG Project, such as maintaining integrity of the containment vessels, remain an unknown.

Another issue inadequately addressed is the geology of the earthquake active coastal zones where SONGS and Diablo Canyon are sited. The new steam generators will extend the useful life of California's Nuclear Plants by at least 8 to 12 years, i.e. at least until the end of the current licensing periods in 2021, 2022 and 2025. This extension of the operations of the facilities beyond the "natural" decommissioning point in 2013/14 creates an additional period of seismic risk. It would therefore be reasonable to expect the DEIR to include an analysis of seismic risks associated with operation of the entire nuclear facilities for this extended period. As it is, the DEIR focuses narrowly on seismic risks associated only with the steam generator replacement project, i.e. to the OSG storage site, etc. ANR has reviewed the brief analysis of site geology and finds the DEIR for SCE's SGR Project relating to seismic issues contains little scientific literature or data.

In the past few years residents who live by dangerously sited aging nuclear plants have heard one California oversight agency and local government after another apologetically tell us that the impacts of the operation of a nuclear plant and the daily production and storage of high-level radioactive waste near our uninsured homes is "beyond their purview". Yet California reactor communities have watched as Minnesota voted to limit the amount of radioactive waste to be stored in its state; as Vermont had required nuclear utilities to reimburse the state for onsite storage of radioactive waste, as Washington State voted to limit radioactive materials. If California is to be protected from increasing stockpiles of high-level radioactive waste on our coast it will ONLY be through state action, not the NRC. (for back-up material relating to other state's rights issues see ANR Comments on DEIR for the Diablo Canyon Nuclear Plant).

Nuclear utilities have historically used "NRC preemption" to bully oversight agencies into steering clear of issues that most concern reactor communities. Yet, ANR knows of no incidence where the NRC itself has fought with state agencies over preemption issues, only the nuclear utilities.

The DEIR is incorrect in concluding that so-called "safety issues" are entirely beyond the purview of the CPUC in the context of its current decision. We agree with the Joint Intervenors in the DCNPP SGR proceeding that, while it is correct that the CPUC cannot dictate to SCE what safety measures must be employed in the handling of nuclear materials or the design of equipment using these materials, that does not mean that the CPUC cannot consider "safety issues" in deciding as an economic matter whether it is prudent

to enable the continued operation of SONGS by approval of the ratemaking proposal. All legal citations provided in the “Comments of the Joint Intervenors in the DEIR for the DCNPP should be officially noticed in the DEIR for SONGS SGR as all are equally relevant to this proceeding.

Like the SGR for the DCNPP, the intent and direct impact of the SGR Project at SONGS is to extend the operating lifetime of SONGS for an additional 8-10 or more years. SCE’s states in its Application, that the SGR Project is to extend the operating lifetime of SONGS. Absent the CPUC’s approval of SCE’s application, the utility concedes that SONGS will not operate to the end of its current license periods; likewise SCE agrees that a direct impact of the Project will be to extend the operating life of SONGS until 2022. Yet, the DEIR refuses to consider the environmental impacts of the future SONGS operation enabled by the Project.

The DEIR admits that the project may provide an “incentive” for SCE to seek an NRC license renewal, then without further analysis calls this possibility “remote and speculative. CEQA Guideline § 15144 states that “[d]rafting an 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.” In turn, while § 15145 allows an agency to terminate discussion of an impact if it is “too speculative for evaluation,” the agency cannot reach this conclusion without conducting a “thorough investigation.” ANR submits that the CPUC should direct its staff and consultants to acknowledge the likelihood of license renewal and update its EIR accordingly.

Representatives of the NRC, SCE and the CPUC have all confirmed the likelihood of NRC license renewal. The NRC expects all existing plants will seek license renewals. On July 15, 2003, the NRC held a public meeting on license renewal for nuclear power plants, PG&E was represented. During this meeting, Mr. John Tappert, Chief of the Environmental Review section of the NRC’s license renewal and environmental impact program, stated: “Now, to date, the NRC has received 14 applications for the renewal of 30 power reactor licenses and the NRC has issued renewal licenses to 16 power reactors. All indications are that multiple license renewal applications will continue to be filed with the Commission over the next decade and *eventually the entire fleet of nuclear power plants will request license renewal.*” (NRC Public Meeting transcript, July 15, 2003, Anaheim Hilton Hotel, page 12, lines 11-15.)

The executive director of the Alliance for Nuclear Responsibility was in attendance at the July 15, 2003 meeting and directly asked the NRC if “the entire fleet...” included the Diablo Canyon Nuclear Plant and SONGS, the NRC answered “yes”.

The DEIR recognizes that 30 nuclear plant units have so far been granted renewal, that 16 more have applications pending, and that the renewals were granted within two years or less of the filing of the application. How then can the DEIR find a license renewal for SONGS “remote and speculative”?

As stated in CEQA Guidelines § 15126.6(e)(1), “[t]he purpose of describing and analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” An additional 20 years of high-level radioactive waste production that the CCC acknowledges will remain on California’s earthquake active fragile coastal bluffs “in perpetuity” cannot responsibility be ignored

ANR requests the CPUC to take official notice of all testimony and comments in the DCNPP DEIR in the DEIR for SONGS SGR. New information resulting from a report released April 2005, by the National Academy of Sciences and commissioned by Congress reveals additional risks from crowded spent fuel pools. Virtually all of the risks remain unresolved, and is currently the subject of a May 24, 2005 Congressional Report - H. 2419. This information must be included in the EIR for SONGS SRG.

California is still reeling from an energy “crisis” and the resultant damage to the state’s budget. To blindly go forward with projects that will result in billions of ratepayer dollars being invested in an aging technology

without considering the environmental impacts of additional years of radioactive waste produced and stored on seismically active coastal zones could prove to be extremely costly and irresponsibly short-sighted.

The CPUC must determine if planning for alternative energy sources now can save ratepayers billions of dollars in investments in steam generators and other failing components at California's nuclear plants. Should ratepayer dollars be used to create electric generation that will benefit our state with new jobs, new property taxes, clean energy and a phase out of the production of high-level radioactive waste? This is a question and answer not found in the DEIR. The opportunity to move toward renewable generation inherent in the alternatives to the Proposed Project must be seriously considered.

It is the obligation our state representatives and oversight agencies to reduce economic risks, especially in the area of energy, and to that end we ask the CPUC to further review the environmental impacts of steam generator replacement. Furthermore, we request that ALL costs of the additional 10 years of operation be included and environmental impacts of license renewal be analyzed and the DEIR reissued for public comment.

Sincerely,

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