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**DOCKET**

**11-IEP-1J**

DATE \_\_\_\_\_

RECD. July 28 2011

California Energy Commission  
Docket Office, MS-4  
Re: Docket No. 11-IEP-1J  
1516 Ninth Street  
Sacramento, CA 95814

RE: Comments and Recommendations of the Abalone Alliance Clearinghouse (AAC) in response to the the 2011 Integrated Energy Policy Report, Docket 11-IEP-1J

The AAC would like to thank the California Energy Commission for holding the 8-26-2011 public workshop on nuclear issues.

I would like to submit the following comments.

#### 1. Nuclear Emergency Response Planning

On March 21st, 2011 the California Senate held emergency safety hearings concerning the the implications of the Fukushima disaster on California and its nuclear facilities. The Chairman of the committee stated that the Senate would also be doing additional hearings on California's Emergency Response Planning.

None were forthcoming, unless you consider the one question (not responded to by panel) asked during the April 14th Senate hearings on Fukushima.

On the days following Fukushima, America and the world heard the order by the US State Department and the Nuclear Regulatory Commission that all US citizens within 50 miles of the Fukushima Daiichi facility should evacuate.

As stated by testimony during the 7-27-2011 CEC hearings, there is no plan by either nuclear facility owner to expand or change their current Emergency Planning Zone. Furthermore, we did hear that EPZ sizes were under the jurisdiction of the state.

#### Background

After the April 26th 1986 Chernobyl disaster, the California Senate convened a Senate Task Force on Emergency Planning that completed its work and submitted a report on April 1988.

I am attaching a copy of the Executive Summary of that nearly 2 year long task force's recommended changes to the emergency planning.

It should be noted that the Task Force investigated all of the state's commercial nuclear facilities, except the Vallecitos Hitachi GE facility which has an operating reactor located a few miles from the Livermore Labs that currently does experimental work on spent fuel, as well as storing spent fuel on site. Hearings,

which consisted of meeting by state and regional emergency personnel. Transcripts of those hearings were part of the Task Force's documents.

Assumptions, or should I say opinions were openly expressed during the hearings implying that such an event would never happen, and thus these were mere legal formalities.

During the SONGS hearing, it was stated that the 10-50 mile EPZ would be locked down by CHP officers so that residents in the 0-10 mile EPZ could evacuate in a timely manor. Representatives from regional communities outside of the 10 EPZ expressed incredulity that during a major crisis of such nature that California authorities would have the resources or wherewithal to carry out such a huge undertaking of dealing with downed infrastructure and at the same time evacuating people during a nuclear emergency, while getting the public in the larger zone, depending on the time of day to stay sheltered in the middle of a calamity!

On August 3rd 1984 the US NRC gave an operating license to PG&E for unit 1 of DCP. After months of legal wrangling, the DC Court of Appeals turned down the Mother's For Peace's request to see the secret licensing transcripts of the NRC. In anger over the court's decision, an NRC employee leaked the transcripts in January of 1985 to KRON TV station in San Francisco. The nearly 200 pages of leaked documents showed that the NRC with the support of PG&E had spent days in closed meetings figuring out how to get by its own legal requirements of holding public hearings regarding emergency planning after a major earthquake. The leaked transcripts, became a public document that was according to the DC Court of Appeals, personal non-gratta if you will.

However, the fact of the matter is that those documents that showed the NRC's failure to grant the required public hearings concerning evacuation planning in case of a major disaster, but it also pointed out the fact that it had also failed to develop any kind of generic planning for SONGS as well.

As demonstrated during testimony on 7-26-2011 at the CEC workshop, Sam Johnson stated that we do not have enough the scientific information to know whether or not Diablo Canyon could withstand the kind of earthquake possible that could send G forces that are beyond DCP design basis. The aging reactors at Diablo Canyon and SONGS are candidates for a California version of a Black Swan event.

In light of the 1984 leaked transcripts, California can either protect its own or act blindly as the DC Court of Appeals decision suggests to ignore the internal arguments why the NRC failed to give California the opportunity to adjudicate emergency planning. There can be no greater moment of irresponsibility to ignore the arguments made that Earthquakes were no more or less dangerous than fog or snow.

The CEC has personally experienced the NRC's past response to Shoreline. It is time that the CEC also become fully aware of the NRC failure in regards to carrying out its legal duties.

The people of Japan annually carry out Tsunami drills. There has never been anything like that done in California for either Tsunami or earthquakes.

As a participant in the 1985-1988 CPUC rate case and one of the only members of the public to sit through the entire hearings, it was very saddening to watch to political machine in this state shift from democrat to republican between the start of those hearings and at the end when all of the promises made at the beginning were washed away, giving PG&E which spent over \$110 million in prosecuting its interests.

During those hearings, it was disclosed that PG&E was secretly loaned over \$1 billion by the Reagan Administration via the EPA to complete its third rebuild.

Nor did the public ever hear the full extend of the 40 year operational costs to the public. Business folks always want us to know how much we are going to pay for one of their products, but for some reason the \$50 billion plus price tag for Diablo Canyon over its 40 year life wasn't something the public was ever going to hear.

Hmm. Back in the 1980's a number that big had never been in the public's mind of a single electric station. Nor was the fact that between 1988 and 1994 Californian's would face a near 50% rate increase to pay for DCP, let alone the rather dramatic 1996 state legislation that granted PG&E and SCE an additional \$28 billion in stranded costs for various facilities that included SONGS and DCP. The public has never been told just how much of that \$28 billion went into paying for these two reactors.

1. The Tohoku earthquake on March 3rd 2011, just as the Shoemaker-Levy Comet changed the course of science. Prior to the 9 segments of Shoemaker-Levy hitting Jupiter On July 16th 1994, such cataclismic events were not considered to be within the realm of possibility by modern scientists. So too were the multiple meltdowns, spent fuel pond exposures and explosions at Fukushima.

According to the World Nuclear Association the Fukushima Daiichi reactors were designed to withstand a thousand year event. In a society that actually had a historic record of earthquakes and Tsunami, there can be no doubt that a new day has dawned when one of the most technologically sophisticated societies on Earth watched as the 40 year promises of the Japanese nuclear industry that it had designed the facilities to withstand anything nature could throw at the facilities was not the case. As what happens in Japan continues to come out, eventually the larger public will hear the stories of lone voices that warned of such an event going all the way back to the 1970's and the dawn of Japan's first days of nuclear construction.

Even though the field of geophysics has come far since the days when Diablo Canyon was first conceived, even the CEC's experts as testified on 8-26 point out that not only do we not have even a small fraction of the history of California, but furthermore when USGS's Sam Johnson was asked whether or not he felt that we had the necessary ability to determine whether or not a quake greater than the state's reactors could withstand, his answer was that the scientific community as it stands today cannot answer this question either way.

The implications of course are clear, just as the NRC in its own 1994 statement considering flooding that year on the Missouri River as a Thousand year event for the Fort Calhoun nuclear station near Blair Nebraska, the facility has since suffered two more Thousand year events two years in a row!

<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1994/in94027.html>

The CEC hearings shows that you have at least been willing to look squarely at the gamble being taken by allowing DCP and SONGS to continue to operate.

The CPUC has expressed the willingness to investigate the potential of closing DCP and SONGS in its long term procurement process. However, the only proponent of this position is a public intervenor, not a state agency.

I urge the CEC to use its own resources to propose to the governor and AG to actively change this state of affairs, in terms of taking the findings you have uncovered that it could be a decade or longer before we even know whether or not the state's reactors are candidates for our own California Black Swan event.

Roger Herried  
Abalone Alliance Clearinghouse