

Comment Set PM1
Public Meeting – San Luis Obispo, 5:30 p.m. April 19, 2005

Baseline

- The Draft EIR treats this project like it is a simple construction project
 - This project is not limited to a single area; the effects of an accident would affect a wide area
 - There is no mention of radioactive wastes under hazardous materials. It should be included despite the fact the steam generators don't have hazardous materials.
- The Draft EIR only accounts for another 11 years of DCPD operation
 - There will be additional radioactive waste, and therefore potential for releases from human error, earthquakes, and terrorist attacks
- Draft EIR is so narrowed to just environmental impacts of replacing the steam generators
 - However in order to produce this "clean energy" at DCPD – must mine, mill and enrich uranium, which produces air pollution, increases greenhouse gases

PM1-1

NRC License Renewal/Extension of Life

- Disappointed with the approach to NRC license renewal as speculative and not reasonably foreseeable. Believes that CEQA requires analysis of reasonably foreseeable events.
 - Proof: Geoffrey Brown said that if PG&E gets this project approved that they (PG&E) will apply for license extension.
 - DEIR is incomplete because it does not consider EOL
- Even though DCPD has not formally submitted their NRC renewal application, it does not mean that they will never submit it.
 - NRC states that all active nuclear power plants will most likely renew their licenses

PM1-2

Alternatives

- There is a lack of detailed alternatives. It is an injustice to say there are none besides applicant proposed alternatives.
- Moving OSGs offsite is not a good idea because then PG&E is just polluting someone else's neighborhood.
 - Need to find another alternative to storage/disposal phase

PM1-3

No Project Alternative/Use of Alternative Energy sources

- Biggest issues are the approach to the No Project Alternative and the lack of proof of public input

PM1-4

Comment Set PM1, cont.

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- There is no mention of California thermal plans in D.3.2 nor is there mention of California’s energy plan and how the State intends to spend energy money
- Alternative energy sources, such as wind power
 - Target: 25% of 10,000 MW of energy with wind by 2008
- Comments refer to pages ES-2 and ES-23 of the Draft EIR, which say the ‘No Project’ Alternative represents a continuation of DCPD operation and that there are beneficial impacts related to marine biology (impingement/entrainment and thermal plume) and public safety issues.
 - Any power source, other than nuclear, is much safer.
 - Nuclear power is much more expensive (\$\$\$, waste produced, and danger)
 - Clean technology should be the replacement generation for DCPD
- There is a deficiency in the Draft EIR, especially in the lack of alternative energy generation sources presented in the No Project Alternative section and the consideration of environmentally superior alternatives to SG replacement
 - Every utility company is required to consider alternative energy sources per the California energy plan, and there are not many discussed in this section.

PM1-4

Procedural Issues

- Complained that there was no transcriber – asked if the public will be able to reference (or get a copy of) the transcript of the meeting
- Biggest issues are the approach to the No Project Alternative and the lack of proof of public input
- CPUC does not know about all of “our” concerns because you do not come to all the other meetings that we attend (NRC, Health & Safety, etc.)
- “We” (the public) are the checks and balances of this process

PM1-5

Marine Biology Issues

- Marine biology issues are important and deficient in the DEIR
- There are no data on current impingement/entrainment rates in the DEIR
- Add info on current, local fish populations
- Current thermal effects, impingement and entrainment rates should not be considered baseline.
- RWQCB discussion is misleading because the decision was thrown out.

PM1-6

Comment Set PM1, cont.
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Nuclear/Hazardous Materials

- Seem to diminish the relevance of nuclear and radioactive materials in the Draft EIR; must reflect that these exist

PM1-7

Safety

- DCPD is an old, not technologically advanced, expensive plant
- If anything went wrong at DCPD, it could do major damage and destruction that would reach long distances and affect the economy of the area.

PM1-8

Mitigation Measures

- Page H-3 of Draft EIR: Mitigation compliance responsibility
 - Says applicant will respond to CPUC to let them know which mitigation measures can not be implemented.
 - This is a loophole that allows PG&E to abandon mitigation
 - Must have public input if mitigation measures are to be revised
 - Should do a revised Draft EIR and fill in the current holes
 - Can not just fill holes in the Final EIR because it does not give the public an opportunity to comment on the missing information

PM1-9

Specific Comments

- Section D.10.2 – General Hospital is no longer open and is not a service provider

PM1-10

Responses to Comment Set PM1 Public Meeting, Tuesday, April 19, 2005

PM1-1 Please refer to Master Responses MR-1 (Baseline). The Draft EIR analyzes the impacts of the Proposed Project, which is steam generator replacement, not plant operation. Potential impacts associated with operation of the power plant through the current license terms are considered to be part of the “environmental baseline.” Section D.1.2.1 of the Draft EIR provides a summary of the existing environmental baseline conditions at the project site. Potential impacts associated with the operation of the power plant, including the potential for accidents, radioactive waste management, and other long-term operations, were previously evaluated as part of the environmental review prepared for the permitting, construction and operation of the DCP. The proposed steam generator replacement project would not alter the conclusions of the previous analysis, and would not result in any new potentially significant operation-related impacts. Therefore, CEQA does not require a reevaluation of potential plant operation-related impacts. Please see Draft EIR Section D.12 for discussion related to radiological materials.

The Draft EIR acknowledges that impacts associated with current operations would continue into the future if the steam generators are replaced and the plant continues to operate. The Proposed Project description and the plant-related operations subject to this CEQA review of environmental impacts do not include the mining or processing of uranium. Those activities would be subject to the applicable permitting and environmental review requirements in effect within the jurisdictions where the mining-related operations occur. Please also see Response CC2-3 for consideration of the uranium fuel cycle.

PM1-2 Please refer to Master Response MR-2 (License Renewal). If NRC license renewal is to occur, the party responsible for initiating the license renewal process would be PG&E. Draft EIR Section G.1 indicates that PG&E has not yet decided whether to initiate that process. Attempting to complete an environmental review of a potential licensing project that would not be completed within the next 15 to 20 years would be speculative and require an extensive amount of “forecasting,” which is not required by CEQA. *CEQA Guidelines* Section 15144 states that “An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal” (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376).” The Final EIR (Section G) includes additional clarification of the environmental issues that would need to be addressed if an application for license renewal is eventually submitted.

PM1-3 As described in Section C.4.1 of the Draft EIR, the CPUC and the preparers of the Draft EIR conducted a comprehensive evaluation of the materials submitted by PG&E and the site itself. This evaluation included investigation of potential RSG offloading alternatives, TSA alternatives, and OSG Storage Facility location alternatives. Many offloading alternatives were evaluated, including coastal sites located from Avila Beach north to the boundary of Montaña de Oro State Park. All of these potential sites were eliminated from full consideration due to various reasons, such as infeasibility or creation of greater environmental impacts than the Proposed Project. See Section C.5.2 for more information regarding the RSG offloading alternatives that were eliminated from consideration in the Draft EIR. For TSA alternatives and OSG Storage Facility location alternatives, technical feasibility issues including limited space, topography, performance design features, and building requirements constrain the available options that would reduce potential impacts. The potential replacement gen-

eration and transmission facilities needed under the No Project Alternative are described in Section C.6 of the Draft EIR. As indicated above and described in Section C.4 of the Draft EIR, the EIR has evaluated a reasonable range of feasible project-related alternatives. *CEQA Guidelines* Section 15126.6 states that “*an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.*” The range of alternatives evaluated in the EIR fulfills this requirement and the analysis provides sufficient information about each alternative to allow a meaningful evaluation, analysis and comparison with the Proposed Project.

The commenter’s opposition to the OSG Offsite Disposal Alternative and request to identify other storage or disposal alternatives are noted. Section ES.4.2.5 and Table ES-1 of the Draft EIR indicate that the OSG Offsite Disposal Alternative is not the environmentally preferred alternative. The onsite OSG Storage Facility location is preferred over offsite disposal due to various impacts listed in Table ES-5 of the Draft EIR.

PM1-4 Please refer to Master Response MR-1 (Baseline), Part C for information regarding the No Project Alternative approach in the Draft EIR. In addition Section C.6 of the Draft EIR describes the No Project Alternative.

Section I of the Draft EIR summarizes the public participation efforts of the CPUC for the CEQA process. The general public was given the opportunity to provide input to the Proposed Project during the public scoping period before the Draft EIR was created and during public meetings shortly after the publication of the Draft EIR. As described in Section I.1.2, three public scoping meetings were held in October 2004 during which comments were solicited regarding the scope and content of the analyses, as well as the alternatives and mitigation measures that should be considered. In addition, a 30-day NOP scoping period with an 8-day extension provided interested parties time to submit comments regarding the EIR contents. The CPUC also prepared a Public Scoping Report, which summarizes the comments and issues identified through the NOP scoping process, including the public scoping meetings. The Public Scoping Report is available on the Project’s website at <http://www.cpuc.ca.gov/environment/info/aspn/diablocanyon/toc-scoping.htm>, and a summary of the Scoping Report appears in Section I.1.4 of the Draft EIR. In addition, there were two public workshops in San Luis Obispo after the publication of the Draft EIR, and a 45-day comment period in which comments were solicited from parties on the content of the Draft EIR. These comments have been reproduced and responses provided in Section 3 of this Final EIR.

Section C.6.3 of the Draft EIR discusses various alternative energy technologies including solar thermal power, photovoltaic power, wind turbines, geothermal power, hydroelectric power, biomass power, and fuel cells. These alternative technologies and distributed generation technologies are part of California’s overall energy goals, as mentioned in Sections C.6.3 and C.6.4.2 of the Draft EIR, which provides information on California’s Renewables Portfolio Standard (RPS) program and the Self-Generation Incentive Program. Because operation of DCPP through the end of the NRC licenses is an aspect of the environmental setting, and the Proposed Project would enable DCPP to continue to generate power until the end of the licenses, the Proposed Project would not affect the State’s current energy resource mix. Please also see Response CC2-4 for more information on the State’s energy resource goals.

Alternative energy technology could not solely replace the base-load generation provided by DCP, as stated in Section C.6.3 of the Draft EIR. For example, solar thermal and wind power are too variable and intermittent to be suitable for base-load applications; however, they could be used as alternatives to peak-shaving power facilities as stated in Sections C.6.3.1 and C.6.3.3. Conversely, Section C.6.3.4 states that geothermal power can be used for base-load applications, but that power plants must be constructed near geothermal reservoir sites in order to prevent thermal energy loss. There are no reservoir sites near DCP nor are there any transmission lines that connect current or potential future geothermal power plant sites to the PG&E service area. It is noted that the commenters believe that “clean technology” should be used as replacement generation for DCP; however, as noted above, there are no available alternative energy technologies that could solely replace the 2200 MW of base-load generation provided by DCP. Throughout the Draft EIR, the potentially adverse effects of constructing new replacement generation and transmission facilities are described.

The Draft EIR concurs with the comment stating that nuclear power is more expensive and less safe than other power generation sources. For example, the first paragraph of Section C.6.1 states: “It is anticipated that environmental and safety concerns are likely to preclude the addition of new nuclear, hydroelectric, and coal-and oil-fired generation as replacement for DCP.” However, as described in the Executive Summary of the Draft EIR Section 3.1.5, aspects of nuclear safety and the economic effects of the Proposed Project are outside of the scope of this CEQA review and the CEQA process, respectively. Safety is within the exclusive jurisdiction of the NRC [see Master Response MR-3 (Jurisdiction)]. Cost issues, while not evaluated under CEQA, are considered by the CPUC in the General Proceeding for the Proposed Project.

PM1-5 The commenter’s statement regarding the absence of transcription of the public meeting is noted. The CPUC prepared a Public Scoping Report, which summarizes the comments and issues identified through the NOP scoping process, including the public scoping meeting. The Public Scoping Report can be found on the Project’s website at <http://www.cpuc.ca.gov/environment/info/aspen/diablo/canyon/toc-scoping.htm>. Discussion regarding the evaluation of the No Project Alternative is provided in Master Response MR-1 (Baseline). Comments regarding the CPUC’s knowledge of the public’s concerns and that the public provides “checks and balances” are noted.

PM1-6 The Draft EIR provided a lengthy discussion of the existing marine biological baseline, as well as an evaluation of potential impacts associated with the Steam Generator Replacement Project. Issues surrounding the DCP cooling water system, specifically marine organism entrainment, impingement, and thermal plume effects were thoroughly described in Draft EIR Section D.3.1.5. This information fully discloses the environmental issues associated with operating DCP. Please also see Master Response MR-1 (Baseline) for more information about the baseline.

As part of Section D.3.1.5, the Draft EIR contained extensive data related to current impingement/entrainment rates and information on local fish populations. However, it should be noted that inter-annual impingement/entrainment rates and local fish populations vary greatly in the vicinity of the DCP due to normal climatic and oceanographic fluctuations. The Draft EIR specifically identified impingement rates, which are measured and logged at the DCP. Entrainment rates are not measured, but are periodically estimated based on the concentration of various marine organisms in the vicinity of the DCP intake structure, and the amount

of cooling water utilized at the DCP. Like entrainment, local fish populations are not measured directly. The Draft EIR provided a lengthy discussion of the species that are found in the project area, as well as the relative abundance. The Steam Generator Replacement Project would not change the operating conditions of DCP, including these impingement/entrainment rates. However, the Draft EIR identified that beneficial impacts would occur with the No Project Alternative because DCP would be shut down before the end of the current license periods (Section D.3.5).

The discussion does not attempt to portray that the Consent Judgment would correct the environmental damage that was summarized in this section, but provides an overview of the major marine biological resource issues associated with the DCP that are also considered to be part of the environmental baseline. The degraded marine resource conditions offshore the DCP, including the effects of operating the Morro Bay Power Plant, are characteristic of the marine environment at the time the NOP was published, which under CEQA defined the baseline against which all potential impacts are to be evaluated. Please also see Draft EIR Section D.1.2.1.

Please see Master Response MR-4 (Consent Judgment) for more information on the RWQCB action. Regardless of the current status of the proposed Consent Judgment, the Draft EIR identifies the baseline marine biological issues and the ongoing effects of the operating nuclear plant throughout the authorized NRC license period. Those effects, however, have been previously evaluated, are part of the existing environmental baseline conditions, and would not be affected as a consequence of the Proposed Project. The Draft EIR also illustrates that shutdown of the cooling water system under the No Project Alternative would lead to beneficial impacts (Section D.3.5.2).

The Final EIR has been modified to note that the RWQCB has directed staff to evaluate additional alternatives. This evaluation is ongoing and there is no clear timeframe for reaching a settlement and implementation of any of the mitigation or restoration projects identified with the draft Consent Judgment.

- PM1-7 Section D.12 of the Draft EIR clearly identifies the relevance and presence of radioactive materials, as well as potential hazards associated with this type of facility. However, radioactive materials already exist at the operational plant and are considered part of the existing environmental baseline for the Draft EIR. Also see Master Response MR-3 (Jurisdiction) regarding state authority to impose mitigation measures or regulate plant operations and safety practices, and issues related to radiological materials.
- PM1-8 Potential hazards associated with the DCP are discussed in Section D.12.1 of the Draft EIR, which provides a substantial amount of detail regarding the baseline hazards associated with the facility. DCP Units 1 and 2 have current operating licenses until September 2021 and April 2025, respectively, and the continued operation of the facilities is considered part of the environmental baseline conditions. The Proposed Project would have only limited ability to alter the baseline risks of operating DCP, as described in Section D.12.3. The NRC routinely issues safety directives that result in inspections, changes in procedures, and component upgrades to minimize potential accidents and improve the reliability of nuclear power generating facilities. These directives serve to upgrade facilities, such as the DCP, as necessary to minimize the potential risk of an incident associated with aging components. Please see MR-3 (Jurisdiction).

PM1-9 As stated in Draft EIR Section H.2.3, the Applicant (PG&E) is responsible for successfully implementing all the mitigation measures adopted and approved by the CPUC, and is required to do so. It is the Applicant's responsibility to inform the CPUC if there is a failure to successfully implement the mitigation, and the CPUC and its field monitors will specify what actions are needed to rectify the mitigation.

If the Proposed Project is approved, a Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) would be adopted as part of the general proceeding. This would ensure enforcement of the mitigation measures, and the adoption process is a public process, as described in Draft EIR Section H.1. The comment states that there are gaps in the mitigation measures that should be filled, but does not identify specific mitigation measures believed to be inadequate.

PM1-10 The comment regarding the closure of the General Hospital is noted. Changes are reflected in Section D.10.1, Table D.10-1.