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April 9, 2010

Andrew L. Stuyvenberg
Nuclear Regulatory Commission
Mail Stop 0-11F1
Washington, DC 20555-0001

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via e-mail; USPS delivery to follow

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RULES AND DIRECTIVES
BRANCH
10/27/10

re: **PG&E Diablo Canyon License Renewal: Environmental Impact Statement**

Dear Mr. Stuyvenberg,

Port San Luis Harbor District has enjoyed a mutually beneficial relationship with our neighbor, PG&E, for many years. Whether the issue has been cooperation on projects of community benefit (Coastal Clean Up Day), management of coastal access (Pecho Coast Trail) or support for the District's efforts at energy conservation, PG&E has been a good neighbor and partner.

The District has, over the years, actively participated in and commented on the review and permitting process for PG&E projects.

PG&E has applied for relicensing to extend by twenty years the operating life of its two reactors (currently expiring 11/02/24 and 8/26/25).

The District will divide our comments on issues to be addressed in the environmental scoping process into two parts: those of direct impact on and specific to Port San Luis Harbor District, and those of a more general nature and of concern to the larger community.

District concerns:

- 1 **Socio-economic studies:** While the District recognizes that the socio-economic impacts of relicensing will be reviewed as a part of the EIS, and while the District recognizes the significant financial benefit to both the District and the community at large of continued operation (employment, unitary tax revenues), the District wishes to see an evaluation of the impact of the one mile exclusion zone on local fishing and fishing support businesses. Commercial and recreational fishermen are currently prohibited from fishing within this zone; this, in conjunction with Marine Protected Areas (MPAs), the

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potential for closure of fishing grounds for the development of wave energy projects, and other regulatory closures, has a cumulative impact on the livelihoods of commercial fishermen and the shore based businesses that support both them and recreational fishermen. Given the absence of a no-fly zone over DCP, and given the disparity between this closure of state waters and the access granted in the waters off San Onofre NPP, is this continued closure of state waters justified? **The District requests that the environmental documents address the justification for the one mile exclusion zone in the waters off the plant.**

- 2 **Marine Safety:** The coast of California has a limited number of opportunities for mariners to seek refuge from weather, or to address mechanical problems, in safety. Certain parts of the coast are more unforgiving, with fewer opportunities for safe harbor, than others. Until the institution of the exclusion zone around DCP, the cove at Diablo Canyon was accessible to mariners as a harbor of refuge. **The District requests that the security benefits of the exclusion zone, if shown to exist, be weighed against the safety impacts of the loss to mariners of a harbor of refuge, and that the cove be considered a harbor of refuge.**

- 3 **Emergency operations:** Emergency planning is an ongoing exercise with continual refinement and improvement in preparing for the greatest level of public safety in the event of an emergency. In the past, in response to PG&E's application for the development of the Independent Spent Fuel Storage Installation (ISFSI), the District commissioned a study by Douglas Wood and Associates on emergency planning and preparedness. The District, PG&E and the County of San Luis Obispo have worked diligently to implement the recommendations in this study. In response to increasing public visitation and access to the coast, additional concerns in emergency planning are apparent. Specifically, there is currently no ability to conduct a water based evacuation from the Point San Luis Light Station. Additionally, constant shoaling of near shore waters in the harbor, periodically and minimally mitigated by the District's dredging operation, impacts the ability of District to launch and/or haul out public safety vessels, both ours and those of USCG Station Morro Bay. **The District requests that the environmental documents address the need for continual improvement in emergency planning and response, specifically related to water evacuation from Point San Luis, and to the impacts on public safety of the shoaling of near shore facilities.**

- 4 Peer reviewed studies should focus on the entrainment by DCP of larvae of commercial and recreational fin and shell fish species, including but not limited to all rockfish species, lingcod, black cod, cabezon, California halibut, demersal fishes caught by trawlers (rex sole, dover sole etc.), market squid, abalone, kellets whelk and sea urchin. **The District requests a review of scientific studies or data to support or refute any measurable negative**

effects on the abundance of local (i.e. accessible to fishermen out of Port San Luis) populations of these species from the continued operation of DCP, specifically the once through cooling system.

General comments of concern, but not specific to the current environmental review:

- 1 **Seismic studies:** While the District understands that seismic studies are an ongoing effort, we also recognize the impact of the recently discovered (November 2008) off shore fault adjacent to Diablo Canyon. The District believes it proper and prudent that the seismic studies now underway be completed prior to continuation with the relicensing application, and further, that said seismic studies undergo rigorous peer review and document the ability of the plant to continue to both operate and store waste safely for the expected duration of any relicensing period (operation) and indefinitely thereafter (storage). **The District requests that the relicensing documents include a rigorous, peer reviewed study of the potential for compromise of both the reactor buildings and the ISFSI as a result of a seismic event.**

- 2 The District submitted comments on the EIR conducted for the ISFSI, requesting that the EIR address the potential for plant relicensing. This was not included in the EIR. Given that the Yucca Mountain Repository project has been cancelled, the impacts of relicensing on the ISFSI should be addressed in detail in the environmental review of the relicensing application, including the evaluation of new technologies for the management of spent nuclear fuel. **The District requests that the environmental documents address the impacts on the ISFSI should relicensing occur, and that, if necessary, this should include a project level analysis of spent fuel management.**

The District thanks you for the opportunity to comment on the scoping for the environmental review of PG&E's application to relicense the Diablo Canyon Power Plant

Sincerely,



Carolyn Moffatt
President, Board of Commissioners

c: PG&E, Tom Jones
CPUC, Public Advisor