

# COMMITTEE TO BRIDGE THE GAP

605 WALDEBERG ROAD  
BEN LOMOND, CA 95005  
(831) 336-8003

2 April 2008

Loni Hancock  
Chair  
Natural Resources Committee  
California Assembly  
Sacramento, CA 95814

Re: AB 1776 and AB 2788 (DeVore) – OPPOSE

Dear Chair Hancock:

Three decades ago the Legislature enacted a law that prohibits the construction of new nuclear plants in the state until the Energy Commission certifies that there is a solution to the problem of disposal of the high level radioactive waste produced by such reactors. We are further from such a solution than we were even when the law was passed. These wastes, incredibly toxic for hundreds of thousands of years, still have no disposal facility, and no technological breakthrough has occurred to keep them isolated from the human environment for the tens of thousands of generations that they are dangerous. The Energy Commission has recently reaffirmed that no solution presently exists for these nuclear wastes.

Nonetheless, Assemblymember Chuck DeVore last year proposed lifting the moratorium, despite the absence of a certified disposal solution for the waste. Mr. DeVore's bill did not pass out of its first committee, and died. At the time, Mr. DeVore claimed that the Legislature was purportedly out of touch with the people of the state and announced that he would take the issue directly to the people via an initiative. However, his initiative generated virtually no support, and his own polling showed insufficient public support to give it any reasonable chance of passage, so he pulled it.

So now Mr. DeVore is back before the same committee with two bills with the same basic content as the bill defeated here last year and the initiative which failed to generate any momentum. The bills should be quickly defeated again.

AB 1776 is essentially identical to the language of his failed initiative. It would lift the moratorium and permit new reactors to be built without a solution to the waste problem being certified by the Energy Commission. Essentially it says "let's build nuclear plants here even though their massive problems remain unaddressed." Besides the waste problem, reactors can still meltdown, causing hundreds of thousands of casualties; are proliferation risks, proliferating nuclear materials and technology that spread atomic weapons worldwide; are terrorism risks, targets for terrorist attack that can result in massive radiation release and extraordinary numbers

of cancers; and aren't cost-competitive, requiring massive taxpayer subsidies, and almost always coming in way over deadline and with huge cost overruns. The Legislative Analyst's Office, in its official analysis of the identical language for Mr. DeVore's failed initiative, estimated potential costs in the millions of dollars to taxpayers to clean up contamination at a new nuclear site and potentially billions of dollars in damages in the event of a major radioactive release. Additionally, spending billions of dollars on new nuclear plants would steal resources and time from true solutions to global warming, when we have only a short window in which to turn around the devastating risks of climate change. Nuclear power is "spherically senseless"—it makes no sense, no matter from which angle one looks at it.

The bill has two very misleading sections that make it appear as though certain seismic and environmental protections would be required. The first would permit the construction of new plants in about two-thirds of the state, putting about a third off limits for seismic reasons. However, the seismic criteria were carefully gerrymandered so as to permit new reactors in all the locations being suggested for them. The area around the San Onofre reactors has been gerrymandered out of the restriction, so that new reactors could be built there, despite the very high seismic risk there. The area around the Diablo Canyon reactors has been gerrymandered out of the restriction, so new reactors could be built there, despite the presence of the nearby Hosgri Fault estimated to be capable of a quake in the 7.5 magnitude range. And reactors would be permitted to be built in the majority of the rest of the state under Mr. DeVore's framework.

Secondly, the bill appears to bar construction of new reactors in coastal areas, but this again is misleading and not actually the case. The prohibition would only apply to reactors that don't use cooling towers; any reactor that doesn't use once-through-cooling would be permitted to build *anywhere* on the coast under this provision. Additionally, the coastal habitat criteria chosen by Mr. DeVore is gerrymandered in the same way as the seismic criteria, so the existing sites of San Onofre and Diablo Canyon, the likely coastal locations for new reactors if the moratorium were to end, are not captured.

As to AB 2788, it simply overturns existing law's requirements for a solution to the high level radioactive waste problem. It says if a facility applies for an early permit from the NRC, it can go ahead and build the reactor despite current law's requirement for certification of a solution to the radwaste problem. What got us into the current horrendous situation we are in environmentally with regards nuclear power – vast quantities of high level waste piling up with no safe method for disposing of it – would be made greatly worse by Mr. DeVore's bill were it to pass.

The Legislature has recently passed legislation that, by conserving electricity through more efficient light bulbs and by building solar power systems, saves and/or produces the energy equivalent of many new nuclear plants, and faster and far more safely than could nuclear. This state is blessed with vast areas in which extraordinary amounts of solar energy are deposited daily, free, and safely. By collecting that free energy--from which no atomic weapon can be made, which produces no waste, can't have a catastrophic radioactive accident, and isn't a target for nuclear terrorists—we can take real and concrete steps to solving the global warming problem. The last thing we need is to try to address the second worst environmental risk—global warming—by exacerbating the far worse environmental risk of nuclear proliferation, terrorism, accident, and waste.

We urge defeat of AB 1776 and 2788.

Sincerely,

Daniel Hirsch  
President