

Environmental group tried to shut down Diablo Canyon. Judge just dismissed case

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PG&E can continue to operate California's last nuclear power plant past 2025 despite a contract it signed with environmentalists to shutter it, a

San Francisco Superior Court judge ruled Wednesday.

The lawsuit, filed by Friends of the Earth in April, claimed that PG&E was obligated to close Diablo Canyon Power Plant because of a 2016 contract the utility company signed with environmental and labor groups.

In the contract, PG&E pledged to work to replace the 2,200 megawatts of electricity produced annually by Diablo Canyon with clean and renewable sources of energy.

Friends of the Earth, the Natural Resources Defense Council, Environment California, the International Brotherhood of Electrical Workers Local 1245, the Coalition of California Utility Employees and the Alliance for Nuclear Responsibility all signed onto the 2016 contract with PG&E.

By moving to renew the operating license of the power plant in San Luis Obispo County, PG&E was ignoring that 2016 contract, Friends of the Earth alleged in its lawsuit.

At the time the 2016 contract was signed, Friends of the Earth and other [environmental groups](#) were suing PG&E over its then-current license renewal application because of safety and environmental concerns. But the groups agreed, with the 2016 [contract](#), to drop the lawsuits.

Located just north of Avila Beach in San Luis Obispo County, Diablo Canyon produces about 9% of the state's total power.

Diablo Canyon was expected to stop operating its twin reactors in 2024 and 2025, but the state failed to procure enough [clean energy](#) to replace the plant in time.

In September, the California State Legislature passed Senate Bill 846,

which allocated \$1.4 billion to PG&E to fund the nuclear power plant's license renewal costs for staying open through 2030.

That was followed by a \$1.1 billion grant to PG&E in November from the U.S. Department of Energy through President Joe Biden's bipartisan infrastructure law.

The NRC in March told PG&E it can run Diablo Canyon past its original closure dates without a current license as long as the utility company submits a valid license renewal application for the two reactors by the end of 2023.

PG&E has said it will file a license renewal application for Diablo Canyon by the end of this year.

In his ruling Wednesday, Superior Court Judge Ethan Schulman said that jurisdiction over the matter did not lie with the court, but rather the California Public Utilities Commission.

The public utilities commission has an ongoing proceeding regarding the possible extension of Diablo Canyon's operating licenses.

In that proceeding, the commission may issue rulings and decisions that determine the power plant's future operations.

"The bottom line is this: FOE's action, if allowed to proceed, poses the risk that this court will be asked to issue orders inconsistent with those that the CPUC has already issued or may issue in the pending rulemaking proceeding," Schulman wrote in his ruling.

The public utilities commission's proceeding is expected to address "the very issues FOE raises, including the duration of any [license](#) extension, PG&E's preparation for shutdown of the nuclear power plant and the

energy resources that will be necessary to replace it," the ruling said.

Friends of the Earth's legal director, Hallie Templeton, said the [nonprofit organization](#) was "deeply disappointed" in the judge's ruling and may file an appeal.

"Diablo Canyon's operations are extremely dangerous, environmentally harmful and put all of California at risk of a devastating accident," she said in a prepared statement Thursday. "We continue to strongly believe in our case and are considering appealing the unwarranted dismissal.

"One thing is clear: the fight to shutter Diablo Canyon is not over, and this is not our only iron in the fire."

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