

## **For Immediate Release**

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## **World Business Academy Appeals Ruling in Lawsuit against State Lands Commission, Seeks Environmental Review of Diablo Canyon Nuclear Plant**

**(Santa Barbara, California)** The World Business Academy announced that it is appealing a ruling against the Academy in its lawsuit seeking an Environmental Impact Report to address the significant environmental and human health dangers that would result from continued operation of the Diablo Canyon Nuclear Power Plant near San Luis Obispo.

The World Business Academy sued last year after the State Lands Commission in June 2016 renewed land leases that will allow Diablo Canyon to continue operating through 2025. The Academy, a nonprofit organization advocating for the public welfare since 1986, contends that the State Lands Commission did not have the legal authority to exempt Diablo Canyon from environmental review under the California Environmental Quality Act (CEQA), and that its action in doing so was arbitrary and capricious.

The lawsuit went to trial in July 2017 before Judge Mary H. Strobel, who ruled against the Academy after a short non-jury trial in Los Angeles Superior Court, with a remarkably circuitous 23-page ruling she wrote *before* any testimony was heard.

In announcing its appeal, World Business Academy President Rinaldo S. Brutoco said, “With all due respect to Judge Strobel, as a trial court she does not possess the authority to ignore the clear requirements of California environmental protection laws elaborated in the state Supreme Court’s Berkeley Hillside case. No trial judge has the authority to *choose* to eviscerate the environmental protections California residents demand and are entitled to receive.”

No EIR has ever been prepared for Diablo Canyon. Studies by the U.S. Nuclear Regulatory Commission show that Diablo Canyon is the third most “embrittled” nuclear plant in America, and that by 2033 it will be a danger to operate. Studies cited in the lawsuit show increasing rates of cancer and infant mortality in communities around the plant.

The Academy argued that substantial harm to adjacent communities and the marine ecosystem will occur during the nine-year interval leading up to the plant’s proposed closure in 2025, and that the Court should order the Commission to void the new lease allowing Diablo Canyon to operate until 2025 and to proceed immediately to prepare an Environmental Impact Report, as required under CEQA, to formally review these issues.

The Academy argued that under California statutory and case law, the existence of any “unusual circumstances” automatically requires an environmental review under CEQA,

particularly whereas here the Diablo Canyon case is replete with numerous unusual circumstances, any one of which would require a CEQA review. Unusual circumstances include: extraordinary seismic risk; adverse health impacts from continuing emissions of radioactive isotopes; devastating impacts on marine life; potential adverse impacts from a terrorist attack; leakage and buildup of radioactive waste; and Diablo Canyon's status as the sole remaining nuclear power plant in the State of California.

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