

## **For Immediate Release**

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### **World Business Academy Seeks Rehearing in Lawsuit against “Ticking Time Bomb” Diablo Canyon Nuclear Plant**

*Academy pledges to take effort for an environmental review of Diablo Canyon to the California Supreme Court*

**(Santa Barbara, California)** Vowing to take the case all the way to the California Supreme Court, the World Business Academy has filed a petition with the appellate court, asking for a rehearing in its lawsuit to force PG&E to study environmental and human health dangers – including potentially faulty welds in the nuclear reactor core – stemming from continued operation of the Diablo Canyon Nuclear Power Plant in Avila Beach.

“Diablo Canyon is a ticking time bomb set to go off any day. If you live in Santa Barbara, you are at risk. There is a genuine immediate danger of a meltdown at Diablo Canyon because of the welds at the reactor core, and the dangerous amount of proven embrittled reactor core materials. PG&E knows this and just like the fatal explosion in San Bruno, they are covering it up because they don’t want to pay millions of dollars to repair these welds. PG&E knows that the welds at the core of its 45-year-old reactor at Diablo are bad and refuses to inspect them. If there is an earthquake and those welds fail, Santa Barbara will be radioactive that same day from the strong trade winds that blow every day,” said Academy attorney J. Kirk Boyd.

“This is such a dangerous situation that the court of appeal needs to take a second look before we go to the Supreme Court,” Boyd said. “We are not at the point where shutting down Diablo is an immediate goal. The Academy is just requesting that PG&E inspect the faulty welds and look at health issues showing a greater incidence of cancer and infant mortality near the plant.”

The World Business Academy, a non-profit organization advocating on environmental issues, on Thursday, June 28, filed a Petition for Rehearing in Los Angeles County Appellate Court in the lawsuit against the State Lands Commission and Pacific Gas & Electric, the operators of Diablo Canyon. The new court filing says the court’s previous opinion against the Academy contains

omissions and misstatements of fact as well as mistakes of law. The Academy also cites procedural difficulties with the Administrative Record in the case.

The Academy sued after the State Lands Commission in June 2016 renewed land leases that will allow Diablo Canyon to continue operating through 2025. The Academy 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). The lawsuit went to trial in July 2017 before Judge Mary H. Strobel, who ruled in a highly convoluted opinion against the Academy after a short non-jury trial in Los Angeles Superior Court.

The Academy says substantial harm to people in adjacent communities and the marine ecosystem will occur in the years leading up to Diablo Canyon's proposed closure in 2025 as the aging plant reactors become even more brittle. No environmental review has ever been prepared for the Diablo Canyon nuclear power plant, or for the on-site desalinization plant. To avoid potentially catastrophic consequences, the Academy is asking for an environmental "Initial Study" to be prepared while the plant remains in operation.

"There are grave ongoing harms and future risks to the health of the people and marine life in California that require at least an Initial Study be prepared in accordance with CEQA... The best course to fully air this matter is to ask PG&E to file an answer to today's petition and hold a rehearing so that with so much at stake, the record is complete and all questions and issues before this Court are fully addressed," Boyd wrote in the new court papers.

Studies by the U.S. Nuclear Regulatory Commission show that Diablo Canyon is the third most "embrittled" nuclear plant in America. Studies cited in the lawsuit also show increasing rates of cancer and infant mortality in communities around the plant as a result of continuously venting the highly radioactive isotope strontium 90.

Boyd said PG&E refuses to inspect the welds at Diablo Canyon, just as they refused to properly inspect the welds on its San Bruno gas pipeline that exploded, killing 14 San Bruno residents and destroying a tremendous amount of residential property. PG&E has admitted to having faulty welds in Unit 1 from using too much copper. They have not been fixed, he said.

"Embrittlement is caused by the daily radioactive bombardment of the 8 inches of stainless steel plates that are welded together at the core the reactor. As each day passes, the reactor becomes more embrittled, weaker, and more prone to either failing during an earthquake, or failing during execution of the high-pressure safety protocols implemented after an earthquake, or some other event such as an accident. Not even PG&E denies that embrittlement is occurring, as it is inherently part of the Diablo's operations. Embrittlement will cumulatively worsen each day over the seven years of the new lease," Boyd wrote.

According to the federal criminal indictment, which led to PG&E being convicted of five felonies for disregard of the public's health and safety, the San Bruno pipeline was among those where PG&E had failed to check for damage after years of gas-pressure surges.

“The same cannot be allowed to repeat in this instance, where a nuclear power plant failure could produce an exponentially worse disaster,” Boyd said.

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