

# SAN DIEGO COUNTY

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## Dedication Keeps Tiny Alliance Going in Fight to Stop Nuclear Plants



Glenn Barlow, Richard Wharton and Bill Carstens, from left, are leading effort to prevent licensing of the new generating units at San Onofre nuclear plant.



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By MARK FORSTER, Times Staff Writer

They are an unlikely alliance.

August S. (Bill) Carstens, 76, is a lifelong Republican now retired from the insurance business.

Richard (Corky) Wharton, a 35-year-old former Army battery commander in Vietnam, is one of San Diego County's leading environmental lawyers.

Glenn Barlow, 33, a Yale University dropout, has devoted the last three years of his life to fighting nuclear power plants in California.

Toiling far from the parades of the anti-nuclear movement, underfinanced, overworked and outmatched by Southern California Edison Co., these three men could prevent the operation of the utility company's twin 1,100-megawatt nuclear generators, now nearing completion at San Onofre.

## Linked by Commitment

Linked by little more than an ideological commitment against nuclear power, the three have, on a shoestring budget, prepared a professional case against the nuclear energy plans of a billion-dollar utility company.

Carstens, a likable, if blunt-spoken retired insurance executive who lives in La Jolla, bankrolls the fight from his savings.

Wharton, who went through University of San Diego law school with Ralph Nader as a hero, cut his legal fee and jumped from local environmental law cases to the convoluted federal proceedings governing nuclear plant licensing.

Barlow, who dropped out of Yale University and moved to a remote farm in Hawaii out of despair with the Vietnam War, returned to the mainland for a brief but successful career opposing nuclear power in Northern California, then volunteered to join the San Onofre fight.

## Battle Heads for Climax

Their battle will climax next year when the Nuclear Regulatory Commission holds licensing hearings for San Onofre Units 2 and 3, now under construction beneath the twin domes along Interstate 5 south of the San Diego-Orange County line.

The intervenors (a term meaning legally recognized opponents) believe they have enough evidence and expert testimony to successfully challenge the license application on the grounds that the plant is dangerously close to earthquake faults.

As with recent hearings on the Diablo Canyon nuclear plant site, potential earthquake hazards will be the central issue in the San Onofre case.

A San Clemente anti-nuclear group, Guard, also opposes the license but just on the grounds that there are inadequate emergency evacuation procedures.

Edison Co. is courteous but terse in its evaluation of Carstens, Wharton and Barlow, whose intervention has delayed the

licensing and threatened the eventual operation of the \$3 billion expansion.

"Certainly they have their beliefs and opinions and are entitled to those beliefs and opinions," said Ken Baskins, Edison's manager of nuclear engineering.

To those in the environmental community, Carstens, Wharton and Barlow are more than just atomic age Quixotes tilting against nuclear reactors.

"Intervenors are always out-funded and out-staffed at least 100-to-1 by the nuclear industry," said Andy Baldwin, former legal director for Friends of the Earth, who was instrumental in the challenge that closed a nuclear test plant in Vallecitos.

"Glenn, Corky and Bill are making progress and it's not at all

● 'I believe a man when he is retired has to have something to do that is bigger than he is.'

August (Bill) Carstens

● 'Even if we don't stop the operation of this plant, it will be a much safer plant.'

Richard Wharton

● 'It's a personal thing. I don't do it for the money.'

Glenn Barlow

clear that San Onofre will ever be licensed," Baldwin said. "Their commitment will have a lot to do with that if it comes to pass."

Twilight shadows darkened the cluttered study in Bill Carstens' Mt. Soledad condominium where sunlight had earlier spilled in.

Carstens, in a swivel chair at his desk, ignored growing darkness and continued talking about San Onofre. When Carstens talks about nuclear power he rushes along like a runaway train racing down a mountain.

In a gravel voice, Carstens explained why he uses his retirement years in La Jolla and spent \$50,000 to keep two nuclear reactors from starting up.

"I felt I had to make the Nuclear Regulatory Commission and Edison Co. accountable to the people of Southern California for

this very, very dangerous reactor they were putting in the middle of the population area, and right next to a highway, with nobody contesting it," he said.

"I just couldn't stand it. I just couldn't stand it." He shook his head. "I'll tell you a funny, selfish reason. I believe a man when he is retired has to have something to do that is bigger than he is. I'm not interested in playing golf or going around to Rotary Clubs and all that crap. I want to tackle something so big and so important.

"I'm now engaged in something which commands all my brains, ability, intelligence, forbearance, money — anything you want to name.

"And I'm getting great pleasure in beating the living hell out of Edison Co."

He chuckled gruffly with enjoyment at that.

Carstens looks like a graying grandfather, which he is.

## Sold His Business

But he talks like a high-powered salesman, which he was until he sold a successful Washington, D.C., group insurance firm to retire to La Jolla in 1971 with his wife, Rose.

Beyond that, it's difficult to pigeonhole Carstens, a businessman who has voted Republican in every presidential election except 1976.

"One of the things that gets Edison's goat," he said with another chuckle, "is a guy like me on the other side. A man has to have some integrity. I can afford that integrity."

Carstens is an intellectual bulldog who has aligned himself with other unorthodox causes.

## Fought DNA Research

While challenging San Onofre, Carstens also joined the fight against UC San Diego's application to carry out DNA research. Before that, Carstens tried to sell insurance companies on a plan to help set up a foundation to build experimental farms in underdeveloped countries.

"He has a large sense of social responsibility," Ronald Carstens said of his father.

"He is a readaholic," added the younger Carstens, a chemical engineer who led a successful drive against a nuclear plant planned for the Skagit Valley area near his Washington home.

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"He knows a lot about a lot of different things. But if you talk to him about one thing he tends to stick to that."

When it comes to nuclear power and San Onofre, Bill Carstens has a file of newspaper and magazine clippings that would credit any professional service.

It was Carstens' self-motivated research into nuclear power in the early 1970s that led him to challenge the licensing of Units 2 and 3 at San Onofre.

He contacted Wharton on a referral from another lawyer and the attorney filed intervention papers on behalf of Friends of the Earth, Carstens and several others.

But Friends of the Earth and the others never assumed an active role in the effort.

Carstens is behind the intervention and not modest about pointing it out.

## Carrying the Fight

"We're going to carry the fight," he said. "We're qualified to do it. We can afford to do it and we're competent to do it."

Not an angry man, Carstens is slightly irascible about some aspects of the complicated and costly proceedings.

He laments the gap of money and technical expertise that separates himself from Edison.

He attacks the NRC as "arbitrary and dictatorial" and Edison as "crooked as a hind leg."

The public, Carstens said, is apathetic and ignorant about nuclear power.

Such cantankerous surety rubs roughly on those not used to Carstens.

Carstens and his researcher, Barlow, spent some rocky months together until they grew to respect each other.

Carstens, in some ways, both sets the tone and reflects the team he has gathered to oppose San Onofre.

"I'm not a guy who starts up any rallies and goes around and all that stuff," Carstens said. "Those fellows use intemperate language, incorrect language."

"My approach is simple. We know our rights, we know the issues, we know the facts. When we get into hearings we will be prepared."

"I come into hearings with a coat and a tie and a suit and my attorney is not some rundown guy either. We don't need to depend on that. We can come in rags and still have the same legal rights, you understand. But I do feel they recognize that we are credible intervenors."

"We're going to give them the damnedest fight."

Richard Wharton was one of a handful of environmental lawyers in San Diego County when Bill Carstens approached him in April, 1977.

## Needed an Attorney

Carstens said he needed an attorney willing to work for little money on the complicated challenge of a nuclear power license.

"At that point my opinion of nuclear power was somewhat benign," Wharton recalled, gently rocking back and forth in his office chair. "It seemed like an alternative. Why would they be spending so much money on it if it wasn't a good alternative?"

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Wharton agreed to at least file the original intervention papers.

But the more research Wharton did, the stronger his feelings on nuclear power grew and he decided to stay on the case beyond the initial filing.

## Needed to Be Done

"I just got interested in it," Wharton said casually. "It's something that needed to be done and nobody else would do it. I'm not a crusader."

"But how often," he asks, "do you get a chance to do something really important?"

Today, Wharton's assessment of San Onofre is more somber. "It could very well mean the survival of this area. It's that serious."

Wharton, with boyish features, styled hair and three-piece suits, will represent the intervenors before the NRC's three-member Atomic Safety and Licensing Board.

Once the lengthy hearings begin — perhaps as early as next spring — they will be run much like court trials and Wharton will be the only one on the intervenor side permitted to ask questions, call experts and cross-examine Edison representatives.

Although this is his first NRC nuclear licensing case, Wharton is no novice at taking on utility companies.

"He's good," said Dwight Worden, Del Mar city attorney. "He's been through it before."

Several years ago Worden and Wharton sued San Diego Gas and Electric Co. over smokestacks planned for the Encina power plant in Carlsbad. They lost the case but got valuable experience.

## Difficult Battle

Environmental cases involving a big utility like Edison, Worden said, are difficult not only from a technical standpoint, but because "the well-heeled lawyers on the other side (are) trying to cream you."

Wharton knows that and is critical of the inequity he

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sees in the structure of the NRC hearings.

Only bona fide scientific experts are permitted to testify in NRC hearings and Edison Co. has an overwhelming advantage in lining up and retaining such experts, Wharton complained.

"As an attorney I know you can get experts to testify to your position. Our experience is what they (NRC) do is listen to Edison experts and accept what they say."

Edison and NRC dispute that idea.

"To assume or to allege these people would compromise their integrity and scientific judgment because they are retained by Edison shows a lack of understanding of the people and the way they built their skills," said Baskins of Edison.

"A public utility will always have greater resources than a local intervenor," said NRC attorney Larry Chandler.

Wharton is correct, Chandler said, only "if you assume the only way to obtain information is buying it."

One unpaid expert Wharton will likely line up for his side is Prof. James Brune, a UC San Diego geophysicist

who appeared on behalf of the intervenors at NRC hearings on Diablo Canyon last October.

In January, Wharton will also secure more assistance in researching his case.

Wharton has been appointed to head the environmental law clinic at his alma mater, the University of San Diego Law School, and he plans to use the second and third year law students on the San Onofre case.

Half of the Mission Valley law firm of Wharton and Pogalies, Wharton shrinks from any more visible role in the anti-nuclear movement.

"I don't go out on soap boxes and try to convert people," said Wharton, who lives with his wife near Balboa Park. "We're not in that business."

"I think people should ask themselves some basic questions about nuclear power. Do they understand what can happen? Do they understand Southern California could have to be evacuated? The whole damn area — it's that serious."

In 1978, Glenn Barlow was working for Friends of the Earth in San Francisco on a successful effort to close General Electric's nuclear test reactor at Vallecitos because of nearby earthquake faults.

Barlow, who researched the Vallecitos question, was also infrequently talking on the phone with Bill Carstens about the developing San Onofre case.

"I started getting the feeling they really didn't have much expertise down here," Barlow said. "Bill Carstens and Corky Wharton were the only ones working against San Onofre. Now, there are three of us."

Barlow invited himself into the case as a researcher. Carstens reluctantly agreed to pay Barlow \$75 a month to do research. At the same time, Barlow enrolled in a video communications course at UC San Diego.

Last March, Barlow graduated from UCSD and went to work full time as the San Onofre researcher at \$500 a month. "It's a personal thing," Barlow said during lunch at a La Jolla restaurant. He had just come from a seismology class taught by James Brune, the UCSD professor expected to be a witness at the NRC hearings.

"I don't do it for the money," he continued. "When I go out in my backyard I can see San Onofre on a clear day and I know I live downwind of it."

"I see so much beauty and value in San Diego County, I feel it could all be lost. Just an earthquake, which is an act of God, could cause radioactive contamination of everything I know down here."

Barlow pointed to a recent study prepared for the state Office of Emergency Services that indicated the potential radiation hazard should an earthquake induce a meltdown at San Onofre.

The report said a worst-case scenario could result in radioactive contamination of 16,000 square miles and force 8 million people throughout Southern California to abandon their homes for up to 10 years.

Prepared by the La Jolla nuclear research firm Science Applications Inc., the report stated the chances were one in one million of a serious accident occurring at San Onofre.

Barlow does not disclose the location of the apartment he shares with his girlfriend because he said he would feel uncomfortable with Edison knowing his residence.

"I don't put my home address on anything dealing with San Onofre," he said.

More than Carstens and Wharton, Barlow entered the proceedings at full gallop, armed with his Northern California experience.

He also perhaps comes closest to the quintessential anti-nuclear activist — an Ivy League dropout who, disgusted with the Vietnam War, lived two years in Hawaii; a former student at UC Santa Cruz; a one-time radio reporter for a Bay Area non-commercial station, and a former Friends of the Earth staffer.

"My motivation is to work in the public interest," he said. "I guess I'm also idealistic. Maybe I'm being over optimistic in terms of our chances of stopping the plant."

But Barlow's growing expertise on earthquake hazards at California nuclear plant sites has put him in a novel position.

It has removed him further from the more highly publicized activities of the anti-nuclear movement and given him a wide range of contacts in state politics, the scientific community and the environmental movement.

"In a sense I've become less of an anti-nuclear activist," said Barlow, a soft-spoken man who has turned down more attractive job offers to stay with the San Onofre case.

"I really got fed up with alliances and grass-roots groups and a lot of the anti-nuclear movement for being too generalized and unfocused and scattered," he said. "I'm just tucked off in a corner."

In the San Onofre case, Barlow is continuing a job he started at Vallecitos — contacting various scientists on

a number of issues relating to earthquake faults and nuclear plants. He distills the information and prepares questions for the NRC and Edison.

"Glenn is very, very effective," said Andy Baldwin, former Friends of the Earth legal director and Barlow's one-time boss.

Barlow's interest in nuclear power began in 1975 when as a radio reporter he covered three months of testimony about nuclear power before the California Legislature.

"I got educated," he said of the hearings. "After that I believed the nuclear industry was lying to the public" about evacuation procedures in case of an accident and about radioactive waste disposal.

In 1977, he quit his job as a radio reporter to start a grass-roots campaign in Alameda County against renewing the nuclear operating license at Vallecitos.

Friends of the Earth and three Bay Area congressmen eventually joined the case and the test reactor has been kept closed, at least temporarily.

## Faces Scientists

Now, Barlow on his \$500-a-month salary, goes head-to-head with Edison scientists.

"It just amazes me," Barlow said. "I go to these meetings and here are these consultants in three-piece suits and all these people earn so much money and have all these documents. It's so unfair and unbalanced."

Barlow, who drives a battered second-hand station wagon, borrowed a three-piece suit for a recent trip to Sacramento to lobby Gov. Edmund G. Brown Jr.'s office.

"What keeps me on," Barlow said, "is I don't know anybody else who could do what I'm doing. Or I should say would do what I'm doing. If I quit, I don't think I would be replaced."