

CALIFORNIA COASTAL COMMISSION

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**W 8**

ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT
FOR THE
DECEMBER 9, 2015 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Energy, Ocean Resources & Federal Consistency

PERMIT REVOCATION REQUESTS

APPLICANT	PROJECT	LOCATION
9-15-0228-REV-1 Southern California Edison Company	Request by Jon Hendricks, Jr. to revoke the Commission approval for SONGS CDP No. 9-15-0228.	San Onofre Nuclear Generating Station (SONGS) San Diego County
9-15-0228-REV-2 Southern California Edison Company	Request by Patricia Borchmann to revoke the Commission approval for SONGS CDP No. 9-15-0228.	San Onofre Nuclear Generating Station (SONGS) San Diego County
9-15-0228-REV-3 Southern California Edison Company	Request by Verna Rollinger to revoke the Commission approval for SONGS CDP No. 9-15-0228.	San Onofre Nuclear Generating Station (SONGS) San Diego County



NEGATIVE DETERMINATION

APPLICANT	PROJECT	LOCATION
ND-0035-15 Bureau of Land Management	Laguna Ridge Trail construction and Public Access Program Action: Concur, 11/13/2015	Coastal Dairies Public Lands Santa Cruz County

NO EFFECTS DETERMINATION

APPLICANT	PROJECT	LOCATION
NE-0009-15 Bureau of Safety and Environmental Enforcement. Freeport McMoran Oil and Gas	Suspension of offshore oil and gas production pending onshore pipeline repairs and resumption of pipeline availability Action: No Effects, 12/4/2015	Point Arguello OCS Unit Santa Barbara Channel



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December 7, 2015

Via electronic mail

Jon Hendricks, Jr.
jonhendricksjr@gmail.com

Re: Request for Revocation of Coastal Development Permit No. 9-15-0228

Dear Mr. Hendricks,

Coastal Commission staff has received your October 27, 2015 request for the revocation of Coastal Development Permit (CDP) #9-15-0228 (Southern California Edison), approved by the Commission on October 6, 2015.

CDP 9-15-0228 authorizes the installation and operation of a new independent spent fuel storage installation (ISFSI) at San Onofre Nuclear Generating Station. Your request for revocation contends that the CDP is "flawed" because the Commission has "not been fully and honestly informed of the details of the permit granted." This contention is followed by a list of assertions:

- (1) *Thin canisters can crack, but cannot be inspected, repaired or maintained and have no early warning system.*
 - (i) *A Diablo Canyon canister located in a similar marine environment has all the conditions for cracking in a 20 year old canister.*
 - (ii) *A similar container at the Koeberg nuclear plant leaked in 17 years.*
 - (iii) *San Onofre has 51 existing canisters and began loading them in 2003.*
- (2) *Cracked canisters cannot be transported.*
- (3) *Edison is ignoring this data and plans to purchase a Holtec dry storage system that cannot be inspected, repaired or maintained.*
- (4) *Edison has no plans or funding to deal with leaking or cracking canisters.*
- (5) *Each canister contains more radiation than released from Chernobyl.*

The grounds for revocation of a CDP are set forth in 14 Cal. Code of Regulations Section 13105 and provide, in relevant part, as follows:

- a) *Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;*

Commission regulations (14 CCR 13106) grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit.

I have reviewed the grounds for revocation stated in your October 27, 2015 request and decline to initiate revocation proceedings because I have determined that the request is patently frivolous and without merit because the contentions you make are either directly contradicted in the record of the permit proceedings or are not supported by evidence that the Applicant, Southern California Edison (SCE), intentionally included inaccurate, erroneous or incomplete information in connection with their coastal development permit application.

Regarding your assertions relating to the whether the Commission was informed about the details of the ISFSI project, SCE provided substantial information on how the proposed canisters would be inspected, repaired and maintained, as well as how any damaged canisters could be handled and transported. The information you provide relating to the number of existing canisters and the initiation of loading is identical to information SCE provided to the Commission as part of its CDP application. SCE also provided to the Commission information on the limitations of existing inspection, maintenance and repair techniques, and on current efforts to develop new techniques that will be implemented as part of an Aging Management Plan required by the federal Nuclear Regulatory Commission (NRC). The information provided by SCE on these issues is consistent with hearing testimony provided by a representative of the NRC. Thus, you provide no evidence that SCE intentionally provided inaccurate, erroneous, or incomplete information.

Regarding your assertions relating to steel component cracking at other plants and the level of radioactivity at the Chernobyl disaster, the omission of such information in SCE's submission materials does not evidence the intentional inclusion of erroneous or incomplete information in connection with the CDP application for the ISFSI facility. In fact, you provide no evidence that SCE intentionally withheld this or any other information.

Therefore, I am declining to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR § 13106), that your October 27, 2015 revocation request is patently frivolous and without merit.

If you have questions about this matter, please contact Alison Dettmer, Deputy Director, or Joseph Street, Environmental Scientist, in the Energy and Ocean Resources and Federal Consistency Division, at (415) 904-5240.

Sincerely,

A handwritten signature in blue ink that reads "Alison Dettmer for".

CHARLES F. LESTER
Executive Director

cc: Kim Anthony, SCE

9-15-0228-REV-1

**Revocation Request by
Jon Hendricks, Jr.**

From: [Jon Hendricks, Jr.](mailto:Jon.Hendricks.Jr@Coastal)
To: [Street, Joseph@Coastal](mailto:Street,Joseph@Coastal)
Subject: Please revoke permit issued to
Date: Tuesday, October 27, 2015 8:42:39 AM

Please be aware that the permit awarded to SCE (Southern California Edison) is flawed because you have not been fully and honestly informed of the details of the permit granted. Please REVOKE the permit. PLEASE??

- **Thin canisters can crack, but cannot be inspected, repaired or maintained and have no early warning system.**
 - **A Diablo Canyon canister located in a similar marine environment has all the conditions for cracking in a 2-year old canister.**
 - **A similar container at the Koeberg nuclear plant leaked in 17 years.**

 - **San Onofre has 51 existing canisters and began loading them in 2003.**
- **Cracked canisters cannot be transported.**
 - [NRC Regulation 10 CFR § 71.85 Packaging and Transportation of Radioactive Materials](#). *Preliminary determinations. Before the first use of any packaging for the shipment of licensed material — (a) The certificate holder shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging.*
 - [NRC Certificate of Compliance NUHOMS-MP197HB, Certificate 9302, April 23, 2014 \(ML14114A099\)](#), Page 17, *“For any DSC [Dry Storage Canister] that has been used in storage, the condition of the DSC must be evaluated, prior to transportation, to verify that the integrity of the canister is maintained.”*
 - **Edison is ignoring this data and plans to purchase a Holtec dry storage system that cannot be inspected, repaired or maintained.**
 - **Edison has no plans or funding to deal with leaking or cracking canisters.**
 - **Each canister contains more radiation than released from Chernobyl.**

It is up to the public to stop this. Learn more and get involved. On this website you will find government and scientific sourced documents that can be used to inform others. Whether you live in California or in other states with nuclear power plants, this affects you, your family and your community.

The California Coastal Commission voted to approve, but has not yet granted a 20-year permit to install the experimental unproven Holtec

UMAX underground nuclear waste storage system at San Onofre. Special conditions to the permit may be voted on in a future meeting. Many of these special conditions only need to be met after the system is installed for 20 years, because they cannot be met now.

- **The Coastal Commission is planning to grant a 20-year permit for a system that cannot be inspected for cracks, cannot be repaired, may crack in 20 years (or sooner for existing thin canisters) and cannot be transported with cracks.**
- **Tell your local and state elected officials to urge the Governor, the Coastal Commission and the CPUC to NOT allow a nuclear waste storage system to be installed that can crack, that cannot be inspected for cracks, cannot be repaired or maintained and cannot be transported.** Tell them to:
 - **not to allow purchase of vaporware — capabilities that do not exist.** This is against state government procurement regulations, so why are we allowing Edison to do this? We've had enough broken promises from Edison, the federal government and the nuclear industry.
 - **Other options are available now**, but Edison refuses to consider them.
 - **The NRC approves systems for 20 years even though they don't meet these requirements.** However, it is within the states jurisdiction to require a system that is guaranteed to last decades and won't affect our coastal resources and communities. The NRC would approve such a system, but Edison needs to ask for it.
 - **Edison should be required to prove they can meet the special conditions prior to the installation of the system, not 20 year later.**
 - The Coastal Commission included "special conditions" that must be met AFTER 20 years, including ability to inspect, repair, maintain and transport. **If they have the authority to include these special conditions now, then they should require them NOW not in 20 years when it's too late.**
 - The CPUC will be making a decision on whether to give Edison the almost \$1.3 billion of our limited ratepayer trust fund to install and manage this inferior system. Edison's Tom Palmisano told us that Edison has no money allocated to relocate this system to higher ground as required by one of the special conditions.
 - **NRC Director of Spent Fuel Management, Mark Lombard, admitted to the Commissioners there is no technology to inspect or repair**

these systems now and only offered promises they would figure it out in the future.

Jon Hendricks, Jr.

When asked how does it feel to be the smartest man in the world Albert Einstein replied "I don't know you, should ask Nikola Tesla.."

9-15-0228-REV-1

COMMENTS

From: [Linda Anabtawi](#)
To: Cheddar_Ann@Coastal
Cc: [Kim Anthony](#); Street_Joseph@Coastal
Subject: FW: ISFSI Revocation Request #2 (Hendricks)
Date: Monday, November 09, 2015 2:03:37 PM
Attachments: [SCE Response to 9-1 CCC RAI ISFSI 2015-09-14.pdf](#)
[ISFSI Q&A.PDF](#)

Ann,

We believe Mr. Hendricks' request fails to establish even the basic grounds that are necessary to support the consideration of a revocation request. This is a thinly disguised attempt to reargue issues that were presented to the Commission, and which were deliberated and decided upon by the Commission. Mr. Hendricks already had an opportunity to make his arguments to the Commission and should not be permitted to subvert the revocation request process for the purpose of revisiting the Commission's decision simply because he disagrees with the outcome. Although the request opens with the statement that the Commission has "not been fully and honestly informed," Mr. Hendricks has not presented a single valid example to demonstrate that SCE intentionally included inaccurate, erroneous, or incomplete information that the Commission relied upon in making its decision. We have addressed some points more specifically in the highlighted text below. Therefore, we respectfully request that the revocation request be dismissed outright as patently frivolous and without merit. Thank you.

Linda J. Anabtawi
Senior Attorney
SCE Law Department
(626) 302-6832
linda.anabtawi@sce.com

From: Jon Hendricks, Jr. [<mailto:jonhendricksjr@gmail.com>]
Sent: Tuesday, October 27, 2015 8:42 AM
To: Street_Joseph@Coastal
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- **Thin canisters can crack, but cannot be inspected, repaired or maintained and have no early warning system.**

This is not accurate. In fact, SCE submitted substantial information to the Commission regarding how canisters can be inspected, repaired, and/or maintained including, for example, the attached document that was submitted on 9/14/15. Moreover, the requestor is making this general argument without pointing to any information in the record that was allegedly

inaccurate, erroneous, or incomplete.

- **A Diablo Canyon canister located in a similar marine environment has all the conditions for cracking in a 2-year old canister.**
- **A similar container at the Koeberg nuclear plant leaked in 17 years.**
- **San Onofre has 51 existing canisters and began loading them in 2003.**

The above three bullets make statements that are not relevant to the discussion regarding inspection, repair, and maintenance of the proposed SONGS ISFSI.

▪ **Cracked canisters cannot be transported.**

- NRC Regulation 10 CFR § 71.85 Packaging and Transportation of Radioactive Materials. Preliminary determinations. Before the first use of any packaging for the shipment of licensed material – (a) The certificate holder shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging.
- NRC Certificate of Compliance NUHOMS-MP197HB, Certificate 9302, April 23, 2014 (ML14114A099), Page 17, “For any DSC [Dry Storage Canister] that has been used in storage, the condition of the DSC must be evaluated, prior to transportation, to verify that the integrity of the canister is maintained.”

This is not accurate – cracked canisters can be transported. SCE provided information on this topic as part of the “ISFSI Q & A” document (attached) submitted to the CCC on 10/5/15. The information presented above does not necessarily contradict or invalidate the information submitted by SCE.

- **Edison is ignoring this data and plans to purchase a Holtec dry storage system that cannot be inspected, repaired or maintained.**

Once again, the statement regarding inspection, repair, and maintenance is not accurate.

- **Edison has no plans or funding to deal with leaking or cracking canisters.**

Assurance of adequate funding was not an issue in the proceeding before the CCC and is under the purview of the NRC and CPUC. Requestor has not demonstrated that this issue was material to the Commission’s decision or that SCE intentionally misled the Commission on this point.

- **Each canister contains more radiation than released from Chernobyl.**

It is not clear how the above statement is relevant to the revocation request or the Commission's decision to approve the CDP. In addition, the Commission has acknowledged that radiological issues are under the NRC's jurisdiction.

It is up to the public to stop this. Learn more and get involved. On this website you will find government and scientific sourced documents that can be used to inform others. Whether you live in California or in other states with nuclear power plants, this affects you, your family and your community.

The California Coastal Commission voted to approve, but has not yet granted a 20-year permit to install the experimental unproven Holtec UMAX underground nuclear waste storage system at San Onofre. Special conditions to the permit may be voted on in a future meeting. Many of these special conditions only need to be met after the system is installed for 20 years, because they cannot be met now.

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conditions prior to the installation of the system, not 20 year later.

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- The CPUC will be making a decision on whether to give Edison the almost \$1.3 billion of our limited ratepayer trust fund to install and manage this inferior system. Edison’s Tom Palmisano told us that Edison has no money allocated to relocate this system to higher ground as required by one of the special conditions.
- **NRC Director of Spent Fuel Management, Mark Lombard, admitted to the Commissioners there is no technology to inspect or repair these systems now and only offered promises they would figure it out in the future.**

SCE cannot respond to statements regarding actions that should be taken by local or state elected officials. The Commission conducted a thorough review of the project and imposed special conditions (including Special Condition 7) to address those aspects of the project that are within its jurisdiction. It is not appropriate for this revocation request to present arguments on what is or is not within the State’s jurisdiction. The above statements do not present or point to any inaccurate, erroneous, or incomplete information that factored into the Commission’s decision.

Jon Hendricks, Jr.

When asked how does it feel to be the smartest man in the world Albert Einstein replied "I don't know you, should ask Nikola Tesla.."

SCE Responses to CCC RAI Dated 9/1/2015

1. The ISFSI components, including the casks, have been designed and possess adequate safeguards to resist degradation (e.g., related to wear and tear, environmental conditions, etc.) and will still be removable in 2049.

SCE Response

The requirements for the ISFSI components to resist degradation and be removable are specified in the Code of Federal Regulations, as described below.

10CFR72.122.h

(5) The high-level radioactive waste and reactor-related GTCC waste must be packaged in a manner that allows handling and retrievability without the release of radioactive materials to the environment or radiation exposures in excess of part 20 limits. The package must be designed to confine the high-level radioactive waste for the duration of the license.

10CFR72.236

(d) The ISFSI or MRS [monitored retrievable storage] must be designed, made of materials, and constructed to ensure that there will be no significant chemical, galvanic, or other reactions between or among the storage system components, spent fuel, reactor-related GTCC waste, and/or high level waste including possible reaction with water during wet loading and unloading operations or during storage in a water-pool type ISFSI or MRS. The behavior of materials under irradiation and thermal conditions must be taken into account.

The Holtec testing and analysis regarding the performance of the materials used for fabrication of Holtec UMAX components is described in detail in the UMAX Final Safety Analysis Report (Holtec 2012). The Nuclear Regulatory Commission's (NRC) detailed technical evaluation is documented in a Safety Evaluation Report (NRC Docket 72-1040). In the materials sections the NRC concludes that there is "adequate material performance of components important to safety of the HI-STORM UMAX canister storage system, including the spent fuel canister or cask, under normal, off-normal and accident-level conditions."

Technical Discussion

The ISFSI can best be understood as having three primary components: (1) the pad, (2) storage modules, and (3) multi-purpose canisters (MPC). The pad consists of a high strength steel reinforced concrete slab that supports the individual storage modules. Each steel-reinforced concrete in-ground storage module is supported by the concrete pad and is designed to accept one MPC. The space between adjacent storage modules is filled with a flowable grouting material. A second high-strength concrete pad is installed above the concrete modules to support the canister handling equipment (Fig 1.). This armored structure is designed to resist all forms of routine environmental degradation or the impacts of extreme environmental events (i.e., maximum rainfall, tsunami or seismic) without adverse impacts over many decades and well past the anticipated life of the ISFSI.

SCE Responses to CCC RAI Dated 9/1/2015

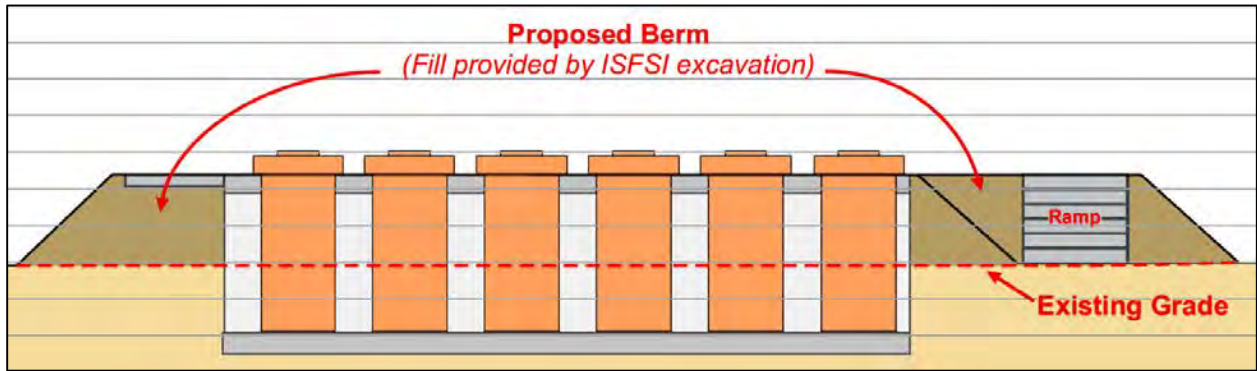


Figure 1. Cross section illustration of the concrete pads and storage modules. The space between the cylindrical storage modules is filled with a flowable grout material.

SCE's existing and proposed ISFSI systems both employ MPCs, which are protected by concrete and steel storage modules. The storage modules are large steel and concrete cylinders which provide physical protection, shielding and other functional benefits (i.e., enhance convective cooling) (Fig. 2). They are structurally robust and will not be significantly challenged by normal or extreme environmental conditions.

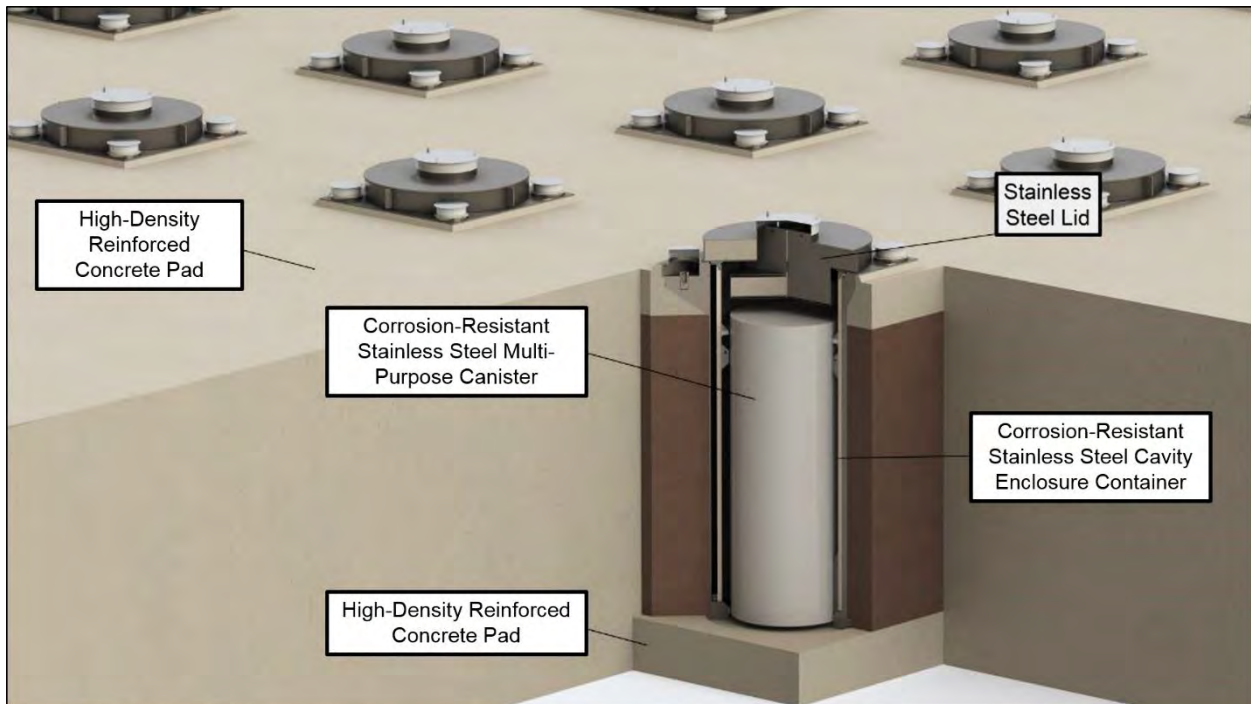


Figure 2. Illustration of a multi-purpose canister in a storage module supported by the concrete pad and surrounded by flowable grouting material.

SCE Responses to CCC RAI Dated 9/1/2015

Welded stainless steel canister technology is widely used in the United States and is a proven technology that has been in service for several decades without any observed degradation. SCE has placed a number of higher demands on Holtec for the SONGS ISFSI including thicker walled canisters and a more corrosion resistant stainless steel alloy.

The design life for the selected ISFSI components is 60 years. However, based on the robust Holtec UMAX design, the service life of ISFSI components is expected to exceed 60 years. Specific inspections and additional analysis to extend ISFSI service life could be performed if needed at SONGS. As described in the NRC generic environmental impact statement (NUREG-2157), ISFSI facilities at individual nuclear plant sites are assumed to be replaced after 100 years as needed until the Department of Energy (DOE) removes the fuel to interim or permanent storage facilities.

2. SCE has a credible plan for monitoring the condition of the ISFSI components (including the casks) in order to assure that the facility will be removable in 2049.

SCE Response

The requirements for ensuring the ISFSI components are designed for effective monitoring and then can later be removed are specified in the Code of Federal Regulations:

10CFR72.122

f) Testing and maintenance of systems and components. Systems and components that are important to safety must be designed to permit inspection, maintenance, and testing.

10CFR72.122.h

4) Storage confinement systems must have the capability for continuous monitoring in a manner such that the licensee will be able to determine when corrective action needs to be taken to maintain safe storage conditions. For dry spent fuel storage, periodic monitoring is sufficient provided that periodic monitoring is consistent with the dry spent fuel storage cask design requirements. The monitoring period must be based upon the spent fuel storage cask design requirements.

The Holtec UMAX Final Safety Analysis Report (Holtec 2012) describes the design features that meet the Code of Federal Regulation requirements for allowing monitoring of ISFSI components. The NRC evaluation concluded that the Holtec UMAX design meets the current requirements as described in the NRC detailed technical evaluation documented in the applicable Safety Evaluation Report (NRC Docket 72-1040). SCE plans to develop detailed operational plans for monitoring the ISFSI components, which will be modified as necessary after the NRC provides revised aging management guidance.

SCE Responses to CCC RAI Dated 9/1/2015

Technical Discussion

The NRC will require licensees to implement an appropriate Aging Management Program (AMP) as part of initial license renewal of the casks. The NRC is confident that, based on the successful operation of existing ISFSI components over the past 30 years, aging management actions are not needed until ISFSI components have been in service for more than 20 years, after the initial license period. However, SCE will develop a program much earlier—shortly after the fuel is transferred to the expanded ISFSI. SCE's program will focus on engineered controls (i.e., conservative design, material selection and fabrication controls), operational controls (e.g., inspection and monitoring) and developing mitigation plans to address material degradation and/or mitigate its consequences. Site monitoring of environmental parameters such as temperature and humidity will be used to help determine the risk of corrosion to the canister and predict the time of onset of degradation. Inspections will include visual observation, collection of surface deposits and temperature, and more extensive non-destructive examination (NDE) techniques. Industry efforts are well underway to develop NDE methods, deployment methods, qualification processes and acceptance criteria. It is not unusual for such efforts to evolve over time and with greater collective experience. With the commitment that SCE will not wait until it is required by the NRC to implement an AMP, SCE expects to be an early, if not the first, user of such techniques.

One of the challenges of inspections is getting to the entire surface of the loaded canisters which have a radiation environment that limits access. Remote surface inspection tools are currently being developed and are expected to be available for use at SONGS shortly after the fuel is transferred to the expanded ISFSI. In addition to developing these remote inspection tools, SCE will place an empty canister in the same environment as the loaded systems. This type-test specimen (i.e., coupon) can be thoroughly inspected and monitored in ways that a loaded canister cannot due to the presence of a spent fuel assembly. SCE has selected a canister to test, which will be located in the vicinity of the proposed ISFSI pad and will begin its initial exposure by the fourth quarter of 2015.

SCE's AMP will include a combination of the inspections described above to monitor the condition of the ISFSI components throughout their service life. This will provide assurance that the ISFSI components are performing as designed and allow for the spent fuel to be safely removed when the DOE is ready to transfer the fuel to an interim storage facility or permanent repository.

SCE Responses to CCC RAI Dated 9/1/2015

3. SCE has a credible contingency plan for managing and mitigating potential degradation of and/or structural problems with the ISFSI components, including the casks, in order to assure that even if problems occur, the facility will still be removable in 2049.

SCE Response

Management of unexpected problems with ISFSI components includes responses to unexpected component performance (e.g., chloride stress corrosion cracking) and will be addressed in the AMP. Plans for mitigating these conditions of a canister include the use of pre-staged spare equipment. If a canister was found to have a through-wall defect, the defective canister can be installed into a slightly larger diameter canister that will fit into one of the two spare in-ground storage modules, which will be built into the ISFSI. ISFSI components are also designed and evaluated for other contingencies, such as accident conditions, as required by the Code of Federal Regulations.

10CFR72.122

(b) Protection against environmental conditions and natural phenomena.

(1) Structures, systems, and components important to safety must be designed to accommodate the effects of, and to be compatible with, site characteristics and environmental conditions associated with normal operation, maintenance, and testing of the ISFSI or MRS and to withstand postulated accidents.

(2) Structures, systems, and components important to safety must be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, lightning, hurricanes, floods, tsunami, and seiches, without impairing their capability to perform safety functions. The design bases for these structures, systems, and components must reflect:

(i) Structures, systems, and components important to safety must be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, lightning, hurricanes, floods, tsunami, and seiches, without impairing their capability to perform their intended design functions. The design bases for these structures, systems, and components must reflect:

(A) Appropriate consideration of the most severe of the natural phenomena reported for the site and surrounding area, with appropriate margins to take into account the limitations of the data and the period of time in which the data have accumulated, and

(B) Appropriate combinations of the effects of normal and accident conditions and the effects of natural phenomena.

SCE Responses to CCC RAI Dated 9/1/2015

(ii) The ISFSI or MRS also should be designed to prevent massive collapse of building structures or the dropping of heavy objects as a result of building structural failure on the spent fuel, high-level radioactive waste, or reactor-related GTCC waste or on to structures, systems, and components important to safety.

(3) Capability must be provided for determining the intensity of natural phenomena that may occur for comparison with design bases of structures, systems, and components important to safety.

10CFR72.122

g) Emergency capability. Structures, systems, and components important to safety must be designed for emergencies. The design must provide for accessibility to the equipment of onsite and available offsite emergency facilities and services such as hospitals, fire and police departments, ambulance service, and other emergency agencies.

The Holtec testing and analysis demonstrates that the Holtec UMAX system meets the Code of Federal Regulation requirements for unexpected conditions such as accidents as described in detail in the Holtec Umax Final Safety Analysis Report. The NRC evaluation concluded that the Holtec UMAX design meets the current requirements for contingent conditions (accidents) as described in the NRC detailed technical evaluation documented in the applicable Safety Evaluation Report (NRC Docket 72-1040).

Technical Discussion

One of the primary objectives of the AMP is to identify degradation issues early, providing time to respond before the problem results in a significant impact. In the event that a sign of material degradation is discovered, there will be ample time between initial identification and significant impact (e.g., propagation of a defect through the full thickness of the canister shell) because degradation process is very slow. While several different repair techniques are feasible, selection of a specific approach will depend on the specific nature of the degradation. Encasement of the canister in a leak-tight transport cask is a one potential approach that could be used in response to several different unexpected canister and storage module degradation problems.

References

Holtec International. 2012. HI-STORM UMAX Canister Storage System- Final Safety Analysis Report.

NRC Docket 72-1040. HI-STORM UMAX Canister Storage System - Safety Evaluation Report.

Potential ISFSI Questions

- Question: Why does the fuel need to be moved from wet to dry storage now?
Answer: Putting the fuel in canisters is the first step to removing the fuel from site. Community stakeholders all want it shipped off-site as soon as options are available. While wet and dry storage are both safe and secure, dry storage has substantial benefits for a retired plant.
- Question: Why is a welded stainless steel spent fuel canister (Holtec UMAX) a better choice than a thick wall, bolted lid (Castor) design?
Answer: Welded canister based storage has a three decade long successful track record. Castor challenges include:

 - No current US licensed products available for storage and transport and represent approximately 1% of the US market.
 - Weight would require substantial upgrades to spent fuel crane and handling equipment at SONGS
 - Using any bolted dual purpose casks has the severe negative consequence that at the time of transport the cask could be well past its service life. Conversely, SONGS canisters can be transported in new, or recently certified, transportation casks.
 - The bolted lid with mechanical seals is more susceptible to leaks than a welded system.
 - NRC has expressed reservations about the suitability of cast iron for transportation.
- Question: Isn't the new Holtec UMAX System a new design that is untested and experimental?
Answer: This design evolved from earlier models that: have been proven with over 810 Holtec stainless steel canisters loaded since 1999, including systems at Humboldt Bay and Diablo Canyon; licensed by the NRC; and developed by a global supplier with almost half of the U.S. market.
- Question: What is the likelihood of a through-wall crack developing in a SONGS canister?
Answer: As concluded by the NRC and consistent with decades of industry experience, through-wall cracking is highly improbable. However, it will be addressed in the aging management program. The UMAX system is designed for a service life of 100 years.
- Question: What is the seismic rating of a cracked canister?
Answer: This would be an activity regulated by the NRC. The licensee would conduct an inspection and evaluation in accordance with their Corrective Action Program. Cracking is a localized phenomenon that has an insignificant effect on the overall structural integrity of the canister.
- Question: Diablo Canyon canisters have the conditions present for stress corrosion cracking after only 2 years. SONGS has canisters that are up to 12 years old. How do you know you don't have a canister leaking radioactive material on-site?
Answer: Routine radiological surveys are performed at all the nuclear sites in the country including SONGS. There have been no reports of a release of radioactive material from any U.S. commercial dry storage canister.

7. Question: Why not move the ISFSI out of state?

Answer: There are initiatives in Utah, New Mexico and Texas for interim storage.

- The interim storage option in Utah has been unable to obtain necessary transportation rights for more than 20 years.
- The New Mexico and Texas Interim Storage Facilities are much more promising since they have local support, and SCE is monitoring these options.
- However, the bottom line is that the fuel must be stored in multipurpose canisters to be received at the proposed interim storage facilities; placing it in the canister is the first step.

8. Question: What aging management program will be in place prior to loading fuel?

Answer: SCE is working with Holtec and EPRI to develop additional non-destructive examination techniques, including enhanced visual, eddy current, and ultrasonic testing. In accordance with NRC rules and regulations, SCE will be required to develop an Aging Management Program (AMP) for the SONGS ISFSI prior to license renewal in 2035. However, SCE's goal is to have the program in place prior to loading the first UMAX system.

In October 2014, the NRC approved an AMP for Calvert Cliffs Nuclear Power Plant, which is a coastal facility with a similar marine environment to that at SONGS. This is one of the first NRC-approved AMPs and serves as a model for developing a SONGS-specific AMP. More information is available at: <http://www.nei.org/News-Media/News/News-Archives/Calvert-Cliffs-ISFSI-Gets-40-Year-License-Renewal>.

9. Question: What is the status of the review of the Holtec Certificate of Compliance for specific use at SONGS?

- According to the Federal Register – it is not approved for 5/8" thickness
- According to the Federal Register – Requires site specific seismic analyses that may not have been performed
- According to the Federal Register – the LAR did not address the half in – half out style "underground" design

Answer:

- The design basis thickness for the DSC is 1/2". At SCE's request, Holtec has added an option to the UMAX System for a 5/8" thickness canister shell. Using the established regulatory process, Holtec has determined that no prior NRC approval is needed for this option.

- The Holtec UMAX system was designed for the maximum plant design requirements in the U.S. An amendment was initiated to update the design for use in CA to match the enhanced seismic commitment made by SCE to the CCC in the existing NUHOMS ISFSI design. Site-specific analyses have been performed for SONGS.

- The elevation of the system (i.e., above and below ground) was optimized to ensure the system would be above the water table during construction (to avoid dewatering) and minimize the above ground profile. Dewatering is undesirable due to the environmental impact. Site-specific seismic analyses for SONGS are in progress and will be evaluated against the requirements set forth in the recent Amendment 1 to the Holtec license. The results will be documented and subject to NRC review per standard processes.

10. Question: Is it unsafe to locate the facility so close to the groundwater level, in light of forecasted sea level rise?

Answer: If the groundwater level increased at an equivalent projected sea level rise at SONGS, the groundwater would remain below the bottom of the system by 2051. Should sea level rise exceed projections, the system is designed for installation in the groundwater table per the Holtec Final Safety Analysis Report. Reinforced concrete is typical for use in wetted environment, such as piers, bridges or deep foundations.

11. Question: Don't you need to keep the spent fuel pools to allow for the repair of damaged canisters?

Answer: Once the spent fuel is offloaded, the spent fuel pools are no longer needed. Alternatives are available in the unlikely event that future repairs of canisters is needed. The dismantlement of the spent fuel pools will be addressed as a part of the Decommissioning Project.

12. Question: What is the acceptability of long-term storage of high burnup fuel (HBF)?

Answer: The type of fuel that goes into a canister is regulated by the NRC. The UMAX system to be used at SONGS is licensed to store HBF.

13. Question: Is the rail system inadequate to transport the SONGS spent fuel casks?

Answer: The railroad main line servicing SONGS is owned and operated by the BNSF Railway and will be adequate for spent fuel transport. The NRC approved casks will be transported using specialized rail cars that are being acquired by DOE and built and tested to rigorous American Association of Railroads standards that conform to BNSF requirements. The rail line, including track, bridges, clearance obstructions, etc., is carefully inspected and upgraded where necessary to meet Federal Railroad Administration requirements. The SONGS local spur will be upgraded for decommissioning operations and will likewise be inspected and upgraded as needed.

14. Question: How can spent fuel be safely transported by truck through SoCal without putting our population at risk for health, safety, and disrupting essential public highways?

Answer: Spent fuel transportation by truck is less practical than rail for SONGS. Trucks capable of carrying SONGS spent fuel transport casks are very large and heavy, can only transit roads with sufficient load capacity and clearances, and could involve some restriction of public highway access.

15. Question: What is the lifespan of these canisters?

Answer: There are three different time periods associated with the "lifespan" of canisters: (1) the Design Life, (2) the Service Life, and (3) the License Life. The Design Life is the minimum

duration for which the component is engineered to perform its intended function if operated and maintained in accordance with the Final Safety Analysis Report (FSAR).¹ The Design Life of the HI-STORM UMAX system is 60 years. The Service Life is the duration for which the component is reasonably expected to perform its intended function if operated and maintained in accordance with the provisions of the controlling FSAR. Service Life is typically longer than the Design Life because of the conservatism inherent in the codes, standards, and procedures used to design, fabricate, operate, and maintain the component. As documented in the FSAR, the welded stainless steel canisters stored inside the HI-STORM UMAX have a Service Life of 100 years. This is consistent with the NRC's estimate for the Service Life of a dry storage cask in the Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel (GEIS) (NUREG-2157). Finally, License Life refers to the duration for which the system is authorized by virtue of its certification by the NRC. The typical initial License Life for dry cask storage systems licensed under 10CFR Part 72 regulations is 20 years, with extensions of 20-40 year increments.

16. Question: How likely is Stress Corrosion Cracking (SSC)?

Answer: SSC is a well understood phenomenon. There is significant documented research which is ongoing today to better qualify and quantify mechanisms of corrosion. The documented research to date supports the NRC's initial 20-year license life. In particular, the following industry findings are noted:

- A 15-year study that exposed weld stainless steel specimens to the atmosphere at coastal sites did not detect any cracking of 316/316L specimens⁽²⁾.
- According to NRC estimates, the maximum growth rate for SCC is 0.91 mm/year⁽³⁾. By this estimate, it would take approximately 17 years for a through-wall crack to develop in a 5/8" thick canister wall after crack initiation.

The above data suggests that it would take at least 32 years (15 + 17) for a through-wall crack to develop in a welded stainless steel canister at SONGS after initial exposure to the marine atmosphere. Therefore, the NRC's decision to approve a 20-year storage license is well supported by the available data on SCC. A robust Aging Management Program will manage the condition in the future.

17. Question: Can you transport a cracked SONGS canister?

Answer: Yes, you can transport a cracked canister. There are transport cask designs (such as the HI-STAR 180), which have been reviewed and licensed by the NRC, that do not rely upon or take credit for an internal canister as part of the containment boundary. In other words, these transport casks, which are typically equipped with dual closure lids, are capable of safely containing and transporting spent fuel without reliance on an internal canister. As a result, these designs can be used to transport a cracked canister. A similar concept can be adapted for the HI-

¹ The FSAR is submitted to the NRC in support of a licensee's application to secure a Certificate of Compliance under 10CFR Part 72.

² Y. Toshima, et al., "Long-Term Exposure Test for External Stress Corrosion Cracking on Austenitic Stainless Steels in Coastal Areas," CORROSION 2000, Paper No. 00456, NACE, 2000.

³ D. Dunn, "Chloride-Induced Stress Corrosion Cracking Tests and Example Aging Management Program," Public Meeting with NEI on Chloride Induced Stress Corrosion Cracking Regulatory Issue Resolution Protocol, U.S. Nuclear Regulatory Commission, August 5, 2014.

STAR 190 (the transport cask that is in the process of being licensed for transporting HI-STORM UMAX canisters) in order to transport a cracked SONGS canister.

18. Question: Does high burn-up fuel need to be cool for up to 45 years before transport off-site can occur? If so, how does this timeline coincide with SCE's proposal to ship the fuel off-site starting in 2030 and completing by 2049?

Answer: The minimum cooling time for transportation is a direct function of the design of the transportation cask and the characteristics of the fuel to be transported. SONGS fuel transported within a HI-STAR 190 transport cask will require less than 15 years cooling time starting from reactor shutdown in 2012. For SONGS, this means that the most recently offloaded spent fuel would be ready for transport by 2027.

9-15-0228-REV-2

**Revocation Request by
Patricia Borchmann**

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
45 FREMONT STREET
SUITE 2000
PH (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



December 7, 2015

Via electronic mail

Patricia Borchmann
patriciaborchmann@gmail.com

Re: Request for Revocation of Coastal Development Permit No. 9-15-0228

Dear Ms. Borchmann,

Coastal Commission staff has received your October 21, 2015 and November 11, 2015 communications requesting the revocation of Coastal Development Permit (CDP) #9-15-0228 (Southern California Edison), approved by the Commission on October 6, 2015. In an e-mail dated October 22, 2015, you requested that staff suspend your revocation request pending the submittal of additional materials. On November 11, 2015 you reactivated the October 21, 2015 request for revocation, and provided additional materials in support of your request on November 11, 12 and 13, 2015.

CDP 9-15-0228 authorizes the installation and operation of a new independent spent fuel storage installation (ISFSI) at San Onofre Nuclear Generating Station. Your request for revocation is based on three basic contentions: (1) there is information that should have been more fully examined and considered by the Commission and Commission staff, including "extensive technical issues" that the Commission "was not fully informed about"; (2) that the Commission was misled by SCE about "performance capabilities of HOLTEC UMAX casks pertaining to transportability, and other important technical disparities that were glossed over"; (3) that the public was denied "meaningful opportunity for active public involvement in decision making" on this CDP due to curtailed public testimony at the hearing, SCE's "aggressive efforts for 'project streamlining, the nature of media coverage, and errors and irregularities in public notice procedures.

The grounds for revocation of a CDP are set forth in 14 Cal. Code of Regulations Section 13105 and provide, in relevant part, as follows:

- a) *Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;*
- b) *Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.*

Commission regulations (14 CCR 13106) grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit.

I have reviewed the grounds for revocation stated in your October 27, 2015 request and decline to initiate revocation proceedings because I have determined that the request is patently frivolous and without merit because the contentions you make are: (1) directly contradicted in the record of the permit proceedings; and/or (2) not supported by evidence that the Applicant, Southern California Edison (SCE), either intentionally included inaccurate, erroneous or incomplete information in connection with their coastal development permit application or failed to comply with the notice provisions of Section 13054 of the Commission's regulations.

Contention #1 – Information should have been more fully examined and considered

In support of your contentions that there is information which should have been more fully examined, and considered by Commissioners, your October 21, 2015 e-mail cited (a) "extensive technical issues" with the proposed ISFSI system documented by Donna Gilmore on the SanOnofreSafety.org website. Ms. Gilmore has provided her views on the ISFSI project at several Commission meetings, including in oral testimony at the October 6, 2015 hearing, and has submitted detailed written comments on the project which included technical critiques of the ISFSI system. The comments and information provided by Ms. Gilmore are contained in the record of the permit proceedings and were available to the Commission during its deliberations. You neither assert nor evidence that SCE withheld or suppressed this information, or otherwise intentionally included inaccurate, erroneous or incomplete information in connection with its coastal development permit application.

Your November 11, 2015 e-mail ("Email #2") cited additional "new evidence," largely consisting of a critique of the October 5, 2015 Staff Report Addendum issued by Commission staff for Agenda Item Tu14a (CDP #9-15-0228). You highlighted changes to the text of the Staff Report which were reported in the Addendum, and asserted that "the number, scope and extent of technical changes presented by Southern CA Edison at last minute went so far beyond the project description that was actually analyzed in Commission's Staff Report dated 09-25-15, they were not sufficiently examined by either Commission staff, or Commissioners, and the supporting technical reports had also not been formally updated to become consistent." The staff report addendum is the mechanism by which the staff informs the Commission (and the public) of changes to its original recommendation and additional public comment that have been received since publication of the original staff report. The Commission had these addendum revisions and public comment available to it before and during its deliberations. You provide no evidence that SCE intentionally included inaccurate, erroneous or incomplete information in connection with its coastal development permit application.

In addition, your November 11, 2015 e-mail ("Email #2") cited what appears to be a technical analysis of concrete degradation, stating that this issue needs further technical evaluation to determine "potential applicability for the ISFSI proposed onsite at SONGS", and provided comments on the October 6, 2015 hearing testimony of Mark Lombard, a Nuclear Regulatory Commission spokesman. Your e-mail of November 13, 2015 ("Email #5") also provided two attachments described as containing "relevant new evidence" supporting your request for revocation. The attachments included a news article and letter (from the San Diego County Department of Environmental Health) discussing the federal EPA's Radiation Alert Indication Network (RAIN) of radiation sensors. You provide no explanation of how these items relate to the grounds for revocation of CDP 9-15-0228.

Contention #2 – Applicant Misled Commission

In your October 21, 2015 e-mail you asserted that “Commissioners we misled by applicant Southern California Edison (SCE) about performance capabilities of HOLTEC UMAX casks pertaining to transportability, and other important technical disparities that were glossed over.” This assertion is repeated in your November 11, 2015 e-mail (“Email #2”), which indicated that “instances where Commissioners were knowingly misled by Permittee (Southern California Edison)” would be presented in a subsequent e-mail. Though Commission staff received three additional e-mails from you on November 12-13 (“Email #3”, “Email #4”, “Email #5”), no additional information related to this contention was included. In fact, nowhere in your submittals do you provide evidence that SCE misled the Commission or otherwise intentionally included inaccurate, erroneous or incomplete information in connection with its coastal development permit application.

Contention #3 – Public Notice and Participation

In your October 21, 2015 request for revocation and in two of your supplemental e-mails (November 11, 2015, “Email #2”; November 12, 2015, “Email #3”) you contend, variously, that (a) at least two speakers did not received adequate time to present their comments at the public hearing; (b) SCE has “applied such aggressive efforts for ‘project streamlining’ ... that stakeholders have not been afforded meaningful opportunity for active public involvement”; (c) SCE prematurely released a media alert of the Commission’s approval of CDP 9-15-0228 before Commission action had occurred; (d) the “mainstream media has ... been captured”, “meaningful material” has been “excluded or suppressed from mainstream media coverage for years on credible San Onofre safety issues”; and (e) several “Public Notice irregularities” and “errors in Public Notice procedures” occurred.

The grounds for revocation of a CDP as set forth in 14 CCR Section 13105(b) include the failure to comply with the notice provisions of 14 CCR Section 13054, which provide for the written notification of adjacent landowners and residents and other persons known to the applicant to be interested in a CDP application, and for the conspicuous public posting of a notice of the proposed development. Your request for revocation and supporting materials do not assert or evidence any such failure on the part of SCE. Although your November 11, 2015 e-mail (“Email #2”) asserted “certain specific Public Notice irregularities,” you do not describe or evidence any instance in which SCE failed to comply with 14 CCR Section 13054.

Therefore, I am declining to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR § 13106), that your October 27, 2015 revocation request is patently frivolous and without merit.

If you have questions about this matter, please contact Alison Dettmer, Deputy Director, or Joseph Street, Environmental Scientist, in the Energy and Ocean Resources and Federal Consistency Division, at (415) 904-5240.

Sincerely,



CHARLES F. LESTER
Executive Director

cc: Kim Anthony, SCE

From: [Patricia Borchmann](#)
To: [Street, Joseph@Coastal](#)
Cc: [Donna Gilmore](#)
Subject: Request for CA Coastal Commission to consider Revocation of CDP Permit for ISFSI storage of spent nuclear fuel at San Onofre (SONGS) - proposal by SCE Edison (Licensee)
Date: Wednesday, October 21, 2015 3:18:35 PM

Joseph Street -

I was one of the many public speakers who spoke in opposition on Agenda Item Tu14a at Commission's October 6, 2014 public meeting in Long Beach, CA. during the almost 5 hour public hearing on the onsite ISFSI proposed by Southern California Edison (SCE) at San Onofre for onsite storage of spent nuclear fuel.

After public comments, during Commission discussion I was impressed by the many technical, and specific questions asked by Commissioner M. Shaloney about Southern CA Edison's proposal to construct onsite ISFSI at San Onofre (SONGS), for indefinitely prolonged storage of partially underground spent nuclear fuel, located only 100' linear feet from existing coastline, and only inches above sea level. Technical questions from this well informed Commissioner expressed extremely credible concerns (shared by many public stakeholders in southern California) that the conditional approval recommendation from CCC staff to authorize 20- year Coastal Development Permit (CDP) may be insufficient to protect public access to the beach, and protect existing coastal resources for enjoyment by present, and future generations, which she felt provided necessary nexus for Commission to exert authority, beyond limits allowed by current laws, if safety threats are known to exist now.

Like many stakeholders, this Commissioner asked the obvious question why Licensee should not be required to either further examine potential alternatives, or submit earlier technical reports, or in possible 3-5 year increments to provide Commission with updated results from incremental inspections during the initial 20-year CDP Permit, since Staff Report disclosed some technical uncertainty still exists that casks will, in fact be readily retrievable, and capable of being transported in 20 years. This Commissioner (and stakeholders) have credible structural concerns about actual durability during expected service lifetime of HOLTEC UMAX casks, actual performance capabilities, and limited product warranties, given that cask inspection capabilities, or cask replacement (if damaged spent fuel is found) which still do not currently exist, but are realistically expected in near future (within 5 years of industry R&D) .

After questions and more discussion with staff and Tom Palisano (SCE), Commissioners received repeat confirmation from Mark Lombard (NRC Reactor Safety) that NRC already certified the HOLTEC UMAX storage casks are capable to perform as described. So, despite having evidence presented earlier by stakeholders about multiple safety risks and potential corrosion threats from constant marine exposure, and lack of current technical certainty about how long it takes for an observed corrosion pattern to penetrate up to the SCE-allowed 75% through-wall limit, or if potential cask ruptures or leaks could occur following a significant seismic event, or unexpected exposure to flooding, Coastal Commission unanimously approved the CDP request by Southern California Edison (SCE), as conditioned by staff, and amended during Commission motion.

During the few weeks following Commission's conditional approval on 10-06-15, there now appears to be new relevant evidence which stakeholders assert should have been more fully examined, and considered by Commissioners. Stakeholders understand there was confusion, and Commissioners were misled by applicant Southern California Edison (SCE) about performance capabilities of HOLTEC UMAX casks pertaining to transportability, and other important technical disparities that were glossed over. Based on the importance, safety significance, and unproven performance capability for cask transportability after 20 years, public stakeholders in southern California certainly deserve reconsideration by California Coastal Commission at another hearing, for potential permit REVOCATION, of CDP Permit initially approved by Commission on 10-06-15, and further examination of alternatives, such as casks commonly utilized elsewhere in the world, fabricated in Germany, which have proven performance capabilities that HOLTEC casks do not .

Donna Gilmore, website author of www.sanonofresafety.org, has already defined extensive technical issues in that online source (with references), which California Coastal Commission was not fully informed of, or accurately informed about at the October 6, 2015 public meeting. I understand that there are also other independent local experts (outside nuclear industry, or utility or contractors) preparing updated technical reports for the purpose of updating California Coastal Commission. For instance at the October 6, 2015 CCC hearing, Torgen Johnson was one of the expert speakers with technical expertise (emergency planning) who was not able to complete his verbal comments, due to time limits applied during Commission hearing. Additionally, it is noted that Donna Gilmore was allowed 6 minutes to speak (instead of the usual 2 minutes for other speakers), however Ms. Gilmore should have been allowed at least approximately 20 minutes to present her verbal remarks. Before this Agenda Item was presented at 1 pm, over a dozen Speaker Slips were turned in at Commission's reception table for individual speakers who had authorized their Speaker time be donated to Donna Gilmore specifically, from San Onofre Safety.org. These additional Speaker Slips for those who donated time for Donna Gilmore's extended remarks were turned in by Rick Morgal, who was one of the other public speakers (and his son) who spoke during the Commission's hearing on October 6, 2015.

Stakeholders assert that Licensee Southern California Edison (SCE) has applied such aggressive efforts for 'project streamlining' on this project at various regulatory agencies, and levels, that stakeholders have not been afforded meaningful opportunity for active public involvement in decision making on this regionally significant project. Stakeholders also assert that mainstream media has also been 'captured', since apparently SCE Edison prematurely released media alert by 3:45 pm on October 6, 2015, of Commission's unanimous approval on SCE Edison's proposed ISFSI with conditions, although Commission's actual ACTION did not occur until another hour and a half. This is another example, and provides more evidence how Edison's aggressive 'project streamlining' methods have left public stakeholders OUT, and excluded meaningful opposition prematurely.

There has been a lot of meaningful material already apparently excluded, or suppressed from mainstream media coverage for years on credible San Onofre safety issues. In past 4 years, SanOnofreSafety.org. has closely examined technical issues, Licensee performance, and obvious emergency safety response reductions through earlier exemption processes which were disputed by stakeholders, but disregarded by Community Engagement Panel (CEP), and at various 'education' update meetings sponsored by Edison. Stakeholders have so far, been cheated, and

do deserve another opportunity to have Coastal Commission's CDP Permit (w/conditions) reexamined, and potentially revoked at another public hearing.

Please respond as rapidly as possible. Thank you for thoughtful consideration. If you have questions, my cellphone is 760 580 7046.

From: [Patricia Borchmann](#)
To: Street_Joseph@Coastal
Cc: [Donna Gilmore](#)
Subject: Fwd: Request for CA Coastal Commission to consider Revocation of CDP Permit for ISFSI storage of spent nuclear fuel at San Onofre (SONGS) - proposal by SCE Edison (Licensee)
Date: Thursday, October 22, 2015 11:18:26 AM

Joseph Street -

Your email from this morning provides information that is helpful, and describes potential options.

Your email indicates I should inform you whether to proceed with your review of my Permit Revocation () request which I filed yesterday, or:
if I plan to submit a supplement to that request, or:
if I plan to withdraw the first Permit Revocation request (from 10-21-15), and plan to resubmit with another.

At this point I am uncertain which option could best represent Stakeholders in southern California, however if possible I would like you to temporarily suspend your immediate review of my initial request from yesterday until 11-10-15. If suspended, I hope the valuable time of you and your staff is not wasted.

During the interim, I hope to consult with other stakeholders, and local independent experts who have more relevant experience and expertise than I do, and determine if there is interest by another party, or organization to refile with a separate, but parallel request for Permit Revocation on CDP 9-15-0228. I will also spend time during interim til 11-10-15 to prepare either material to supplement yesterday's Request for Permit Revocation, or to submit a new request to replace my request from yesterday. Regardless of which of those 2 options I choose, I will prepare material in a form which is more aligned with Commission regulations, and specific criteria pertaining to Permit Revocation, as defined in link you sent earlier. I want to assure you that I have no interest or intent to file a frivolous request for Permit Revocation.

During this interim, perhaps you could also undertake limited work only necessary to confirm what procedural steps apply, if Coastal Commission received additional requests for Permit Revocation on CDP 9-15-0228 from other parties, whether Commission would want to aggregate multiple requests if based on similar grounds, or as separate cases. Based on recent conversation with others, I believe it is likely the Coastal Commission could expect similar Permit Revocation requests from others in near future within a month.

Thank you.

On Thu, Oct 22, 2015 at 9:05 AM, Street, Joseph@Coastal <Joseph.Street@coastal.ca.gov> wrote:

Ms. Borchmann,

You may supplement your previous request for revocation, or submit an entirely new request. If you think it likely that you'll be adding to or revising yesterday's request, I can hold off on reviewing it until I receive your supplemental request. Alternatively, we can handle your requests separately. Anyone can submit a revocation request, and there is no limit on the number of requests that can be considered for a given permit. You ask a good question about whether revocation requests for the same permit can be handled collectively – it seems like this would be an efficient way to address multiple requests based on similar arguments. But I don't know the answer, and will have to do some research and get back to you. There is no fixed deadline on when the requests can be submitted (no 30 day limit), though it is best to submit within a reasonable timeframe. Yours is the only revocation request we've received for CDP 9-15-0228.

Best,

Joe Street

From: [Patricia Borchmann](#)
To: [Street, Joseph@Coastal](#)
Cc: [Patricia Borchmann](#); [Michael Aguirre](#); [Ray Lutz](#); [Donna Gilmore](#)
Subject: (email #1) Supplemental material - Request for CCC Consideration of Permit Revocation on CDP Permit 09-15--0228 (Allowing SCE Edison to Construct onsite ISFSI at San Onofre). (email #1, Nov. 11, 2015)
Date: Wednesday, November 11, 2015 3:59:20 PM
Attachments: [Coastal COM 10-30-15 mcs.pdf ok.pdf](#)

Joe Street -

fyi - This email contains a large file attachment, so it is the first of 3 emails. (Email #1, dated November 11, 2015).

I will send 3 separate emails, as necessary to supplement my earlier email Request (dated 10-21-15) for CA Coastal Commission consideration of Permit Revocation on CDP Permit 09-15-0228. My Request for Permit Revocation pertains to Coastal Development Permit 09-15-0228, which authorized Permittee Southern California Edison to a 20-year License to construct an onsite ISFSI at San Onofre (SONGS), for indefinitely prolonged storage of spent nuclear fuel, using the HOLTEC UMAX casks selected by Southern California Edison (SCE).

The attachment to this email contains a digital file, consisting of a preliminary advance courtesy copy of the Writ of Mandate filed by Michael Aguirre and Maria Severson, dated 10-30-15, for Permit Revocation of same CDP Permit 09-15-0228, which I understand will proceed separately from my Request for Permit Revocation. My understanding is that you, and Commission staff should have already received the actual case filed by Aguirre and Severson, in San Diego Superior Court on 11-03-15. That separate case prepared by Aguirre and Severson, was filed to represent Citizen Oversight, Inc., and myself as Plaintiff(s). Since each Request for Permit Revocation will be processed separately, I chose to limit the content of this first email only to inform you I am identified as Plaintiff in that case, and provide the preliminary digital file from that case.

As far as I know, the scope and content covered in the separate Permit Revocation Request filed by Aguirre and Severson does not duplicate precise scope and content contained in my Request for Permit Revocation. The content contained in my earlier email dated 10-21-15 may have some similarity, including assertions (by both) that the Commission staff, Commissioners, media and the public were purposely misled by information provided by Permittee Southern California Edison (SCE). In separate and subsequent email submittals (dated today 11-11-15), my intent is to provide you and Commission staff with important, and relevant new information and evidence, supporting my request to reactivate my Request for Permit Revocation.

If possible, as the series of consecutive emails from me are received today, confirmation by email would be appreciated at your convenience. If you have any questions, my phone number is [760 580 7046](tel:7605807046).

Thank you in advance for thoughtful consideration.

From: [Patricia Borchmann](#)
To: [Street, Joseph@Coastal](mailto:Street_Joseph@Coastal)
Cc: [Patricia Borchmann](#); [Michael Aguirre](#); [Ray Lutz](#); [Donna Gilmore](#)
Subject: (email #2) Supplemental material - Reactivate Request for CCC Consideration of Permit Revocation (CDP 09-15-0228) ISFSI 20 year License for Southern CA Edison (SCE)
Date: Wednesday, November 11, 2015 3:59:51 PM

Joe Street

Email #2 - dated today November 11, 2015

First, this is to notify you of my request for to reactivate my prior email Request for Permit Revocation (dated 10-21-15), on CDP 09-15-0228, and to consider that material, together with supplemental material contained in this updated supplemental Request for Permit Revocation. This Permit Revocation request pertains to the Coastal Development Permit 09-15-0228, which was conditionally approved by CA Coastal Commission on 10-06-15, at public hearing in Long Beach, CA. Coastal Commission's conditional approval on 10-06-15 authorized Permittee Southern California Edison (SCE) to construct onsite ISFSI at San Onofre (San Diego County), for indefinitely prolonged interim storage of spent nuclear fuel, using HOLTEC UMAX 5/8" stainless steel, partially underground casks, as selected by Southern California Edison.

This updated email Request for Permit Revocation contains new evidence, and presents new material which I do not think was fully examined or considered in sufficient detail by staff, or Commissioners on 10-06-15 at the Public Meeting.

New Evidence

On Monday 10-05-15 (only one day before the actual Coastal Commission meeting on 10-06-15), Commission staff released an Addendum to the Initial Staff Report, (which was first released on 09-25-15). The Addendum released on 10-05-15 contained the advance written public comments received by Commission staff up til 09-30-15, including one public comment I sent. The 10-05-15 Addendum also contained a series of last-minute text changes to certain sections of Staff Report, and numerous technical text changes to Conditions applied to Permit 09-15-0228 which apparently had been requested by Permittee Southern California Edison after the initial Commission Staff Report for Agenda Item Tu14a was publicly circulated on 09-25-15.

Since the Addendum to Staff Report for Agenda Item Tu14a was only released on 10-05-15 (one day prior to Coastal Commission's public meeting), I think it is fair to say that the number, scope, content, and substance of text changes contained in Addendum Staff Report sections, and technical changes to describe actual updated conditions were not widely circulated in advance, or analyzed in advance by Commissioners, outside agencies, permitting agencies, by media, members of public who submitted advance written comments, or general public at large who were in attendance at the 10-06-15 Commission Meeting,

While it was generally noted during Commission staff's verbal presentation that certain specific last minute technical changes had been requested by Permittee (Southern California Edison), which were reflected in the Addendum to Staff Report (dated 10-05-15), stakeholders note there was no substantial or specific discussion

about the number, scope, content, or substance of the multiple technical text changes, or a definite comparison between the original project description, and the updated descriptions contained in the Addendum. In the following section, my updated Permit Revocation request identifies at least six (6) specific examples of how project description changes reflected in Addendum dated 10-05-15 presented material facts which were so distinct, different, and will be more severe and more intensive, that California stakeholders believe Commission's approval action exceeded reasonable limits of staff discretion, because the number, scope and extent of technical changes presented by Southern CA Edison at last minute went so far beyond the project description that was actually analyzed in Commission's Staff Report dated 09-25-15, they were not sufficiently examined by either Commission staff, or Commissioners, and the supporting technical reports had also not been formally updated to become consistent.

In my advance written public comments to Commission (dated 10-01-15) and my earlier 10-21-15 email Request for Permit Revocation, I already identified how this applicant 'consistently applied all possible project streamlining' methods to expedite permit processing at all levels, and Permittee's urgency of expedience was applied at all regulatory agencies where permits are required. Edison's aggressive campaign to expedite permit approvals through regulatory agencies had already caused stakeholders to feel as if many fundamental decisions had been rushed, and stakeholders with credible concerns had been rushed, marginalized, overlooked, and prematurely had multiple credible concerns prematurely dismissed. Therefore, it was not surprising when stakeholders observed the similar 'rushed approval' process being repeated again at Coastal Commission, only this time by the primary permitting state agency which stakeholders counted on to protect coastal resources and beach assets not only for present, but for future generations, for as long as the spent nuclear fuel may realistically be expected to remain at San Onofre. Stakeholders are aware spent fuel storage onsite at San Onofre could be indefinitely prolonged, based on NRC approval action in 2014 to allow Continued Onsite Rad-Waste Storage onsite at operating reactors, and reactors where Decommissioning is undertaken (such as at San Onofre). So, on 10-06-15, stakeholders were surprised, offended, and extremely disappointed by Commission's unanimous approval action, especially after such credible technical issues by Commissioner Mary Shellahan were raised, but still seemed to remain at least partially unresolved.

In Addendum to Commission Staff Report (dated 10-05-16), the following changes were noted:

Addendum, page 5:

p.31, fourth (4th) paragraph, lines 11-16.

"The analysis indicates sea level can be expected to rise 0.3 (overstrike); changed to 0.4 to .0 feet by 2051". (30 year timeframe).

Addendum, page 6:

p. 33, second (2nd) paragraph, lines 5-8:

"A maximum average bluff retreat of 20 inches per year over the proposed 35 year life of project would equate to a total bluff retreat of 29' feet (overstrike); changed to 58 feet, or about one third 1/3 (overstrike); changed to to one half 1/2 of distance between existing seawall and proposed ISFSI facility." Extent of bluff retreat went from 29 feet to 58 feet, and distance that almost is doubled in size, which extremely exceeds limits analyzed in initial Staff Report. Bluff erosion impacts on peripheral berm surrounding ISFSI do not appear to have been

sufficiently analyzed in technical reports, or fully have had impacts which are fully mitigated.

Addendum, page 6:

p.35, second (2nd) paragraph, lines 3-6:

"A crude calculation using a maximum estimated bluff retreat rate of 0.8 feet (overstrike); (changed to 20 inches per year); (Hapke et. al. 2007, for unprotected slopes in San Mateo Formation bedrock) indicates erosion could begin to undermine structure by approximately 2130 (overstrike); changed to 2077". The changed timeframe indicates bluff retreat causing undermined structure could occur 53 years earlier than date analyzed in initial Staff Report dated 09-25-15.

Addendum, Exhibit 4, p.2, caption - Figure 1 - "space between cylindrical structure module is filled with a 'flowable grout material' (overstrike); changed to concrete". Stakeholders observe how this could be a technical change that may be significant, and stakeholders assert the technical performance capability of the substituted concrete needs to be technically evaluated in an updated study, to confirm that concrete substitute will function at least equivalent, or better than "flowable grout material".

Addendum, Exhibit 6, Figure 3 (Horizontal Acceleration);

"Curve label UMAX ISFSI Design Spectrum (2.12 g) overstrike; changed to 1.5 g in each direction".

Addendum, Exhibit 6, Figure 4 (Vertical Acceleration):

"Curve label UMAX ISFSI Design Spectra - (PGA = 2.2 g overstrike) changed to 1.0 g)

SONGS Design Basis Earthquake (PGA 0.67 g overstrike); changed to 0.45 g)

Stakeholders observe both the Horizontal Acceleration (Figure 4), and Vertical Acceleration (Figure 5) changes reflect changes which could be significant, and stakeholders assert that technical updated seismic analysis is necessary to adequately support verifiable proof that proposed changes reflected in Addendum have been technically analyzed correctly, and reaffirms findings from SONGS seismic analysis, including SONGS Design Basis Earthquake source.

Addendum, Page 19:

ML 14282A172 - ACRS Transcript from 09-14-14 brown @ matse.psu.edu.

"Concrete Durability Strategies and Their Limitations", Paul Brown Ph.D.;

chemhydration@aol.com

Degradation Reactions:

Delayed ettingite formation (DEF)

homogenous paste expansion in mature concrete as a result of an elevated curing temperature.

Alkali-silica reaction (ASR)

homogenous expansion, due to silicate gel formation, corrosion of embedded steel concrete cracking and debonding due to increase in specific volumes of local solids as steel corrodes.

Alkali-carbonate reaction (ACR)

a relatively rare form of degradation associated with/ MgO extraction from dolomitic

aggregate.

Summary: (excerpt)
Concrete will always contain flaws.

Stakeholders note that analysis of these three additional types of concrete degradation (above) need to be technically evaluated in updated reports prepared, to provide support by producing verifiable findings, as to potential applicability for the ISFSI proposed onsite at SONGS.

Other:

Testimony at 10-06-15 Coastal Commission hearing, was provided by NRC spokesman Mark Lombard (near conclusion of meeting), which pertained specifically only to the storage of spent nuclear fuel at the onsite ISFSI at SONGS. It is extremely important to emphasize that Mr. Lombard's assurances to Commissioners did not extend to apply to transportation of spent fuel, or that spent fuel in HOLTEC UMAX casks will be readily retrievable, and will be capable of being safely to transport offsite at a later time, when removal is required by either DOE , or when a potential Consolidated Storage Site becomes available.

Stakeholders understand that storage of spent nuclear fuel, and transportation of spent nuclear fuel are regulated separately by NRC in CFR codes. Performance capabilities in both categories for storage and transportation of spent fuel during the service life, and term of Commission's 20-year License seem to be a necessity, and defines another unmet need.

I expect to have one additional email submittal prepared to supplement my Permit Revocation ready tomorrow, regarding certain specific Public Notice irregularities which were observed by public stakeholders for the Coastal Commission's public meeting on 10-06-15. The Commission's specific criteria for Permit Revocation applies to instances where Commissioners were knowingly misled by Permittee (Southern California Edison), and instances where procedural errors in Public Notice procedures occurred. These Notice issues will be defined in my email I expect to have completed tomorrow (as Email #3). In the meantime, please proceed with Email's #1, and #2.

Thank you for thoughtful consideration If you have questions, my phone is 760 580 7046.

From: [Patricia Borchmann](#)
To: [Street, Joseph@Coastal](mailto:Street_Joseph@Coastal)
Cc: [Patricia Borchmann](#); [Donna Gilmore](#)
Subject: Fwd: Laurel Kaskurs replied to your comment on KUSI News's link: "That meeting in Long Beach was announce...
Date: Thursday, November 12, 2015 1:58:21 PM

Joseph Street -

Email #3.

Thank you for your email confirmation this morning, that you will reactivate my Request for Permit Revocation (CDP 09-15-228), and you received my 2 emails from yesterday. .

In this third email, I am forwarding the recent Facebook comment from Laurel Kaskurs as an example, to corroborate reasons why many stakeholders have credible complaints about apparent improper advance public notice for the Commission's October 6, 2015 public meeting in Long Beach were observed. Laurel Kaskurs is another very interested, active stakeholder on this case, who probably would have also attended, and contributed opposition comments at the Commission's meeting, if meaningful advance public notice were provided.

My understanding is that during late afternoon on news broadcast in San Diego, Laurel Kaskurs also heard from a tv media source approximately 3:45 pm, that SCE Edison had already announced the Commission's unanimous approval of Edison's ISFSI Permit, and 20-year license more than an hour before the Commissioners even voted.!!

I think this should provide you with sufficient evidence it appears that less than the usual standard public notice protocols were undertaken, and it appears advance coverage by mainstream media to alert stakeholders in San Diego, Orange County, and LA County of the upcoming Coastal Commission meeting on October 6, 2015 were largely missing.

The forwarded comment here from Laurel Kaskurs is also disturbing because it confirms how Edison's same type of overly aggressive, and premature media announcements from Southern California Edison get made, before the Commission voting even took place approximately 5 pm. If that's NOT an indication of improper, or nontransparent decisionmaking by Coastal Commission, then what is?

I believe other stakeholders also have similar examples. After 4 pm, stakeholders in audience like me also heard remarks among audience (with online access) that Edison prematurely activated a pre-prepared Press Release announcement, of Commission's voting action at least an hour before voting took place.

I recall during Commission's discussions in later afternoon, some audience members raised hands and some tried to speak, however Commissioners were tired and rebuked audience members from making interruptions.

I believe these 'irregularities' provide sufficient evidence to demonstrate compliance by stakeholders with at least 2 portions of CA Coastal Commission's formal criteria for "Permit Revocation".

----- Forwarded message -----

From: **Facebook** <update+zj4y0as6=_9c@facebookmail.com>

Date: Tue, Nov 10, 2015 at 4:15 PM

Subject: Laurel Kaskurs replied to your comment on KUSI News's link: "That meetingvin Long Beach was announce..."

To: Patricia Borchmann <patriciaborchmann@gmail.com>

 Facebook

Laurel Kaskurs replied to your comment on [KUSI News's link](#): "That meetingvin Long Beach was announced ????? ..."



Laurel Kaskurs

November 10 at 4:15pm

That meetingvin Long Beach was announced ????? Well, I look for stuff like that and I only saw it a couple days before. Love how that meeting was a hundred miles away in a different county and the decision was announced before the vote !



Like



Comment

[View on Facebook](#)

Reply to this email to comment on this link.

This message was sent to patriciaborchmann@gmail.com. If you don't want to receive these emails from Facebook in the future, please [unsubscribe](#).

Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

From: [Patricia Borchmann](#)
To: [Street, Joseph@Coastal](mailto:Street_Joseph@Coastal)
Cc: [Patricia Borchmann](#); [Donna Gilmore](#); [Ray Lutz](#); [Michael Aguirre](#); [Maria Severson](#); [Charles Langley](#); [George Courser](#); [Olga Diaz](#)
Subject: Fwd: SONGS CEP Panel Mtg 04 16 15 - Public Opposition - SCE License Exemptions, and proposed Emergency Plan Reductions
Date: Friday, November 13, 2015 1:56:02 PM
Attachments: [SONGS CEP Panel 04 `6 15 Opposition SCE License Exemptions, Emergency Plan Reductions \(revised\) 3.docx](#)

Joe Street -

(Email #4)

fyi, I wanted to forward copy of my earlier letter (mid April 2015), which was directed to SCE's Community Engagement Panel (CEP) Chairperson David Victor. My letter explains reasons why I opposed NRC's approval actions on Edison's multiple License Exemptions at San Onofre, which authorized extreme reductions in Emergency Response Planning requirements, Alert Levels, and notification requirements.

I'm not sure if it applies directly, but I think it might be relevant in my request for Permit Revocation on Coastal Dev. Permit 09-15-0228 to construct onsite ISFSI at San Onofre.

I believe CEP's silence on specific issues like this which were disputed by stakeholders may become relevant, because it indicates the Panel is applied less than the objective role which is described by the CEP's online website at www.SONGS.community.com. The same License Exemption issue was also identified specifically in the pending litigation case filed by Aguirre and Severson, where they noted Edison did not qualify for the License Exemption, because certain specific prerequisites defined in NRC regs CFR were unmet. The existence of unique physical conditions at San Onofre (seismicity, and potential tsunami exposure) should have triggered a more extensive analysis, for appropriateness of License Exemptions at San Onofre, than was applied at the other two locations where NRC issued previous license exemptions (Wisconsin plant, and Vermont Yankee).

Based on recent media coverage and recent letter from County of San Diego about San Onofre's relaxed Emergency Response requirements, stakeholders in California feel there is important new evidence, that adequacy of Emergency Response plans for San Onofre, and coordination with County Agencies, on and offsite funding, staffing, equipment and training for first responders are still not fully resolved.

I will send a separate email with the actual media article, and County Department of Environmental Health correspondence recently released which provides supporting evidence that many technical uncertainties still need to be resolved on adequacy of Emergency Response issues at San Onofre.

Thank you for consideration.

----- Forwarded message -----

From: **Patricia Borchmann** <patriciaborchmann@gmail.com>
Date: Thu, Apr 16, 2015 at 2:40 PM

Subject: SONGS CEP Panel Mtg 04 16 15 - Public Opposition - SCE License Exemptions, and proposed Emergency Plan Reductions
To: Patricia Borchmann <patriciaborchmann@gmail.com>, webcomm@sce.com, webcomm@sce.com, david.victor@sce.com, Esther Soto <Esther.Soto@sce.com>
Cc: Donna Gilmore <dgilmore@cox.net>, San Clemente Green <gary@sanclementegreen.org>

Please accept my personal comments, in attached letter.
And please confirm by email , that you have received my Letter dated today.

And if possible, please make it available in advance to CEP Chair David Victor in advance, and make it available to any member of the media, or public.

If there are questions, my phone is [760 580 7046](tel:7605807046) in Escondido. Thank you for consideration. p

April 16, 2015

Patricia Borchmann
1141 Carrotwood Glen
Escondido, CA 92026

David Victor, Chairman

Community Engagement Panel

San Juan Capistrano Community Center

c/o www: SONGScommunity.com website

RE: CEP Panel Meeting 04 16 15 – Public Opposition to SCE-proposed License Exemptions, and NRC processing which Bypassed Any Public Review; Opposition to Proposed Emergency Plan Reductions (Due to Significant Safety Gaps)

Dear Chairman Victor:

Thank you for accepting supplemental public comments by email, which I hope can be distributed to the entire CEP Panel in advance of your meeting tonight in San Juan Capistrano (from 6-9 pm). I will be unable to attend in person, but will be viewing the meeting via SCE's webcast remotely from San Diego County;

I doubt if webcast viewers will be able to actively participate, or interact in the meeting, so if possible please make sure my concerns here are presented to the CEP Panel Member(s), and made available to media, or anyone at the meeting, or by viewing the public record.

My personal observations about topics on CEP's Agenda tonight include how:

SCE's proposed processing sequence for fast-track processing of the utility's multiple License Exemption Requests has so far entirely bypassed any public exposure, public meeting, public review/comment periods, any mainstream media exposure, or any meaningful public participation opportunity. SCE's proposals are an insult to a public who tries hard to become informed, and learn as much as possible, and become active participants in the Decommissioning Plan process at San Onofre.

Instead, the various License Exemptions proposed by SCE were submitted in mid-December 2014, and have so far only been processed internally by NRC staff, and their limited consultations with local agencies. As a stakeholder in north San Diego County, I felt the NRC process so far, unfairly applied an insider-only exclusive process, so on behalf of many, I object to the way SCE's License Exemptions have excluded any meaningful public participation. I also object to how License Exemptions have already been pre-approved by NRC staff, and have apparently already had some level of preliminary approval by NRC Commission.

Before these SCE-requested License Exemption approvals for SONGS 2 & 3 proceed any further, I would ask Community Engagement Panel to apply your limited authority to intervene, on behalf of the public interest. Please consider Stakeholders' respectful request CEP Panel for tonight, to apply action to assert public's right to

make substantive comments, meaningful observations, contribute constructive comments.

During earlier phases, CEP will recall how as has already become an established pattern, public participation by stakeholders in southern CA has already led to meaningful public safety contributions, and vitally important, but overlooked cost considerations, and highly technical oversight observations, especially since the January 2012 SONGS shutdown, which eventually led to SCE's corporate decision to prematurely retire SONGS 2 & 3.

Since the SONGS shutdown in early 2012, until SCE prematurely retired SONGS 2 & 3 at end of June 2013, CEP Panel members probably recall how certain local stakeholders from reactor communities identified several specific technical issue issues were vital. Until NRC received public comments, up til then, such impacts had not been recognized, or evaluated by NRC staff. Once public comments were received, NRC staff reevaluated, and then determined SCE's analysis and technical submittal somehow seemed less than credible. It appeared that significant technical, cost, storage cask design impacts had been either overlooked during NRC staff' initial analysis, or maybe how certain cost, safety and technical impacts may have been grossly, or even partially underestimated. This led to SCE undertaking extensive unnecessary time to perform an extremely faulty Restart Plan for Unit 2, that was eventually abandoned, but only after extreme additional costs (to Ratepayers) were accrued, by SCE and consultant(s) over many many months.

Based on these and many 'lessons learned' from hardships, or deficiencies noted by stakeholders in the past, now Stakeholders feel the urgent necessity to publicly assert that CEP intervention is necessary, to formally assert stakeholders' formal Request for Hearing, and restore every opportunity for authentic public participation.

Stakeholders assert that by applying the streamlined permit sequences requested by Licensee during NRC's internal-only NRC staff review of SCE-controlled materials for SONGS 2 & 3, when NRC applies these fast-track processing sequences for expedited permit review, the public interest and public's mandated rights were violated, and all ordinary standards for reasonableness remain unmet.

Therefore, Public Stakeholders in southern California, request formal intervention by Community Engagement Panel, because experience has proven that when agencies apply streamlining procedures to complex processes like this, the time that is saved can only be accomplished when the public interest is unserved, but the regulatory agency (NRC) confers undue deference to the utility interest in expedience.

Stakeholders are requesting that CEP assert your limited authority to represent public interest in the full exercise of due process, open meeting laws, and normal agency protocol, and formalize stakeholders' Request for Public Meeting.

Public Opposition to Emergency Plan Reductions, as proposed by SCE (Licensee)

Stakeholders also oppose the multiple License Exemptions proposed by Licensee (Edison), pertaining to Decommissioning Plan for SONGS 1, 2 and 3. First, it is vitally

important to have CEP recognize that Decommissioning for SONGS Unit 1 was never fully completed, after Unit 1 was shut down and demolished. In fact, it is highly relevant, because the scope of completing Unit 1 Decommissioning work has been obscured by Licensee's contrived project scoping, phasing, and 'creative' project fragmentation by Licensee, as a separate task to be undertaken by an outside contractor, and NOT being treated as a separate vital component for the Decommissioning Plan for SONGS 2 & 3 to EVEN BEGIN. By separating completion of the Unit 1 Decommissioning from scope of SCE Licensee's DP for SONGS 2 & 3, I believe Licensee hopes to escape taking responsibility for performance of such work. I believe it is likely that the Unit 1 Decommissioning Work will become far more difficult, or impossible for Subcontractor to safely perform. That work requires the 3 foot excavation of the Unit 1 vessel head burial area, before the new ISFSI waste storage area can even BEGIN being implemented. There has not been sufficient study, impact analysis, or mitigation of potential impacts which are at this point uncertain, untested, and unknown, from excavation of 3 foot below the Unit 1 vessel head location. STOP, PAUSE, ASK Licensee to respond.

Public Stakeholders are also opposed to the SCE proposed License Exemptions, which will result in the substantial reduction for Emergency Response Plans onsite at SONGS, and offsite. These reductions could cause potentially devastating unfunded cost impacts for local agencies in surrounding reactor communities in southern California, in multiple counties.

Stakeholders in Southern CA want, deserve, and demand more explicit assurances by Licensee on the License Exemptions requested, to PROVE that Emergency Plan's proposed modifications will still have proven capabilities, funding sources, staffing levels, to ensure that ongoing public health and safety mandates will not be reduced, substantially degraded, or replaced by less reliable systems or lesser funding sources no longer covered by Licensee, or cask designs which may result in ANY LESS than the BEST POSSIBLE WASTE STORAGE CASK CONTROL TECHNOLOGY AND DESIGN (BPCT), as a standard, starting point.

Please don't limit CEP's consideration of alternative cask designs to proposals presented by SCE only, or of cask designs only approved by NRC for application in United States. Expanded Alternatives analysis is necessary to also examine other casks used elsewhere globally. Especially it will be vital to public interest to examine other options, especially applications used globally which are designed with much thicker cask walls, more durable, with real time monitoring capability, for testing, to enable future cask transport capability, and even replacement, if necessary.

Stakeholders are concerned that SCE's proposed cask design (HOLTEC) would allow inner walls of the thin stainless steel casks to become up to 70% penetrated by corrosion, before NRC would consider casks unsuitable. But at THAT POINT, the Licensee is already long gone ! This is an alarmingly unsafe proposal, especially when currently proposed casks have no real time monitoring capability, or early alert, and SCE's Decommissioning Plan has ZERO contingency plan, or early staging (funding or acquisition) for any replacement casks, if and when that 70% penetration

benchmark is reached !!!! Stakeholders note that Licensee has provided ZERO credible proof that the proposed HOLTEC casks selected by SCE for Decommissioning Plan at SONGS 2 & 3 will sufficiently provide mandated levels of protection of public health and safety, or that casks won't be ruptured by over 70% corrosion within the first 25- 30 years, or provides for replacement, funding, or contingencies.

There are many many more important discrepancies, unproven assurances, safety hazards, and significant emergency plan defects that I noticed when all the relevant SCE submittals, and research/consensus by outside independent experts are all examined. In order to submit this letter as early as possible this afternoon, I am unable to complete my list in writing, but request the courtesy of CEP allowing me to finish my summary by next week and submit it by Tuesday, April 21, 2015, if possible?

Conclusion:

I strongly feel that stakeholders have been insulted by Licensee's practices, and how they have chosen these internal-only NRC practices. Practices associated with SCE's proposed License Exemptions for SONGS 2 & 3 have so far been highly inconsistent with SCE's earlier repeated public slide shows, and SCE speaker assurances during all earlier CEP Panel Meetings, about SCE Core Values, Mission statements, CEP Charter, that the public would have authentic opportunity at each stage of Decommissioning Plan processes. SCE went to great effort to build public confidence, or restore confidence that the public would always be included as valued ongoing team partners, in an ongoing partnership between SCE (Licensee) and an extremely large population of very interested southern California stakeholders during the entire DP process, with substantive public safety concerns, and cost concerns.

I hope the CEP Panel tonight is able to fully consider public input, as well as valued input from CEP Panelists, and Licensee.

If there are questions, my phone number is 760 580 7046.

Patricia Borchmann

From: [Patricia Borchmann](#)
To: [Street, Joseph@Coastal](#)
Cc: [Patricia Borchmann](#); [Donna Gilmore](#); [Ray Lutz](#); [Michael Aguirre](#); [Maria Severson](#)
Subject: Fwd: [ShutSanOnofre] Fwd: Re: Radiation Alert Indication Network (RAIN) draft proposal
Date: Friday, November 13, 2015 2:18:51 PM
Attachments: [ATT00001.png](#)
[Radiation Alert Indiction Network \(RAIN\) \(1\).pdf](#)

Joe Street - CA Coastal Commission

Email #5

I am forwarding an email which contains relevant attachments, which were briefly described in prior email today (email #4).

The attachments include the October 19, 2015 news article (by Eschwen Willmiller and Gary Fields), on rad net sensor failures in U.S., and the important letter from County of San Diego Department of Environmental Health).

I believe these 2 attachments should provide relevant new evidence, which may become relevant for consideration by Coastal Commissioners, when they consider my request of Permit Revocation on SCE's proposed onsite ISFSI at San Onofre.

Thank you.

----- Forwarded message -----

From: **Ray Lutz** <raylutz@citizenoversight.org>
Date: Tue, Nov 10, 2015 at 1:13 PM
Subject: [ShutSanOnofre] Fwd: Re: Radiation Alert Indication Network (RAIN) draft proposal
To: "shutsanonofre@citizenoversight.org" <shutsanonofre@citizenoversight.org>

----- Forwarded Message -----

Subject: Re: Radiation Alert Indication Network (RAIN) draft proposal
Date: Mon, 9 Nov 2015 19:25:10 -0800
From: Charles Langley <langleycharles@gmail.com>
To: Lafreniere, Rebecca <Rebecca.Lafreniere@sdcounty.ca.gov>
CC: Amabile, Tom <Tom.Amabile@sdcounty.ca.gov>, Parr, Matthew <Matthew.Parr@sdcounty.ca.gov>

Rebecca,

Thank you so much for the attached letter informing me that the County of San Diego has neither a plan nor adequate training or equipment for responding to a radiation emergency at San Onofre.

It is so very heartening to learn of your full faith and trust in the Federal Government's EPA-funded RAD-NET system.

In the unlikely event that this issue becomes a matter of public concern, you may find the EPA's defense of RAD-NET in the [the WSJ article below](#) to be helpful in making your argument that the health of San Diego voters and the value of their real estate are being adequately protected by your department's faith and

confidence in the EPA.

Sincerely,

Charles Langley

Radiation Sensors in Major U.S. Cities Turned Off Because They Don't Work

Most stations run by EPA can't monitor for beta particles in real time, prompting criticism; agency says monitoring for gamma rays is enough



By [JOHN R. EMSWILLER](#) and [GARY FIELDS](#)
Oct. 19, 2015 1:37 p.m. ET [115 COMMENTS](#)

A national radiation-monitoring system enhanced after the Sept. 11, 2001, terrorist attacks isn't working as intended, with nearly three-quarters of stations not checking for a type of radiation in real time, including ones in New York, Chicago and Los Angeles.

Environmental Protection Agency officials confirmed 99 of 135 beta-radiation sensors in its RadNet system—which monitors in all 50 states, the District of Columbia and Puerto Rico—aren't working and have been turned off. Officials blame electromagnetic interference from sources such as cellphone towers and said efforts to resolve the problem have been unsuccessful.

EPA officials said the beta-detection problem cropped up in 2006 when they started putting the real-time monitors into the field.

The agency can compensate for the lack of real-time beta data, officials said, by relying on each RadNet station's gamma-radiation monitor, which hasn't been affected by the interference. Almost all radionuclides that emit beta particles also emit gamma radiation, they said. Both types of radiation can cause cancer.

Some nuclear experts said that in an emergency, knowing as much as possible about whether beta or gamma emitters are present, and in which amounts, can be crucial for making decisions such as how large an area might need protective measures. In instances where only a beta emitter is present, the lack of a working monitor could leave officials unaware of potentially dangerous levels of contamination, they added.

The beta-monitoring issue could fuel critics who contend the EPA has been pulling back on its radiation-protection mission—an assertion the agency strongly disputes.

Gamma- and beta-emitting radionuclides can be carried by the wind long distances from a nuclear event, such as an explosion or power-plant accident. Gamma rays from those radionuclides can then travel hundreds of feet or more and penetrate objects, including human tissue, according to federal government websites. Beta particles generally travel only several feet from their emission source. While they can penetrate skin, their main health threat comes if inhaled or ingested in tainted food or water.

The EPA upgraded the RadNet system after 9/11 to monitor and transmit data on both types of radiation. While the attacks didn't involve radioactive material, "one of the weaknesses identified in the post-9/11 reassessment of the RadNet air network was that decision makers were not receiving data quickly enough," the EPA said in 2012.

Monitoring America

Detectors to measure beta-particle radiation have been turned off at dozens of federal monitoring stations due to electromagnetic interference, officials say.



Active

Inactive

Wash.

Maine

N.H.

Mont.

Vt.

N.D.

Minn.

Ore.

N.Y.

Wis.

Mass.

Mich.

S.D.

Idaho

Wyo.

R.I.

Iowa

Pa.

Conn.

Neb.
N.J.
Ohio
Nev.
Ind.
Del.
Ill.
W.Va.
Utah
Md.
Colo.
Kan.
Va.
Ky.
Mo.
Calif.
N.C.
Ariz.
Tenn.
Okla.
N.M.
S.C.
Ark.
Miss.
Ga.
Ala.
Texas
La.
Alaska
Fla.
P.R.
Hawaii

Source: U.S. Environmental Protection Agency

Officials said they don't know why some beta monitors still work, including locations in Phoenix, Dallas, Pittsburgh and Washington, D.C.

Real-time information on various types of radiation "is very important to the emergency-response community" because it could help determine the need for ordering evacuations or telling people to stay indoors, said Jim Hardeman, retired manager of the environmental radiation program at the Georgia Department of Natural Resources.

Federal officials said they can still obtain beta data by retrieving the filter from each monitoring station. These filters, which collect particles from air flowing through the machines, are sent to an EPA lab for analysis. The EPA said filters are typically changed once or twice a week.

Even with the beta-detection problem, the RadNet system, along with other government radiological resources, has enough capability to do the job, EPA officials said. "We can confidently say that this system is fully capable now and fully operational now with the current monitors it has to detect fairly minute levels of radiation," said Jonathan Edwards, director of the EPA's radiation protection division.

EPA officials acknowledged that one major radionuclide—strontium-90, which can get into people's bones—emits only beta particles. However, they said, an event releasing a large amount of strontium-90 would also release large amounts of gamma-emitting radionuclides that could be picked up. Even with beta monitors, laboratory filter analyses would be needed to confirm the strontium, they added.

But some experts, inside and outside of government, argue that being able to separately and quickly detect the presence of a beta emitter such as strontium-90 could influence evacuation or other emergency plans. The 2012 EPA report also said gamma monitoring wasn't sufficient to deal with the threat from strontium-90, which could "cause large-scale public health impacts."

"If real-time beta measurements were unnecessary, why did the government spend money installing the capability in the first place?" asked Daniel Hirsch, a lecturer on nuclear policy at the University of California, Santa Cruz, and a longtime critic of federal radiation-protection efforts who has studied the RadNet system. The EPA's explanation "seems like an after-the-fact rationalization when they discovered the monitors didn't work."

EPA officials said the beta detectors are considered much less important than the gamma monitors. "Not having the beta monitor is absolutely not a concern of ours," said John Griggs, director of the EPA's National Analytical Radiation Environmental Laboratory.

Each RadNet monitoring station is a roughly 5-foot-tall metal box with an attached pole to hold additional equipment. There is at least one at a fixed location in every state. The devices on average cost about \$52,000 each, according to the EPA. The annual cost of up to \$2 million to operate the fixed monitoring system is a fraction of the EPA's 2015 budget of \$8.1 billion.

A separate 2012 report by the EPA's inspector general criticized the condition of the RadNet system at the time of the March 2011 accident at the Fukushima nuclear complex in Japan. Radiation from Japan reached the U.S., though not at high-enough levels to pose a public-health threat, federal officials said.

Even though the RadNet system was designated as "critical infrastructure" for protecting the public, 25 RadNet monitors had been out of service for an average of 130 days at the time of the Fukushima accident and weren't providing any usable real-time data, beta or gamma, the inspector general's report said.

"Because EPA did not manage RadNet as a high-priority program, parts shortages and insufficient contract oversight contributed to the extensive delay in fixing broken monitors," the report concluded. Repairs were completed by early April 2011, as monitoring of the Fukushima accident continued.

Responding to the report when it was released, the EPA said the RadNet system had nonetheless been able to adequately monitor Fukushima radiation. A follow-up inspector general's report last year found the EPA had taken recommended corrective actions.

The inspector general's reports didn't mention the beta-monitoring problem, though it existed at the time of the Fukushima accident. A spokeswoman for the inspector general's office said that examining the beta-monitoring system wasn't part of its RadNet investigation.

Two other EPA actions have raised concerns about the agency's radiation-monitoring activities.

Earlier this year, the EPA combined its two mobile radiation-analysis labs into one, scrapping a location in Las Vegas and beefing up one in Montgomery, Ala. The mobile lab can be sent to investigate suspected radiation events.

California Gov. Jerry Brown's Office of Emergency Services warned in a May letter that "leaving the western U.S. without this critical resource will increase response time to our state, jeopardizing our combined ability to adequately protect the public."

The EPA said the move was a cost-saving measure and that remaining radiological resources in Western states are sufficient to deal with emergencies.

In addition, the EPA last year discontinued a part of its RadNet system that tested milk from dairies for radiation. The agency said the task would be handled by the Food and Drug Administration, which for years has also had a milk-sampling program.

Moving the mobile lab and dropping the milk monitoring are “part of a pattern of retreat” by the EPA on its radiation-protection work, said Jeff Ruch, executive director of Public Employees for Environmental Responsibility, a Washington, D.C.-based advocacy group.

The EPA, in a response, said it remains “dedicated to protecting public health and the environment through the use of sound radiation science.”

Write to John R. Emshwiller at john.emshwiller@wsj.com and Gary Fields at gary.fields@wsj.com

On Mon, Nov 9, 2015 at 4:52 PM, Lafreniere, Rebecca <Rebecca.Lafreniere@sdcounty.ca.gov> wrote:

Dear Mr. Langley,

We are responding at the request of Supervisor Dianne Jacob regarding a draft proposal you shared on a radiation alert indication network. Staff with the Department of Environmental Health, Office of Emergency Services and the Air Pollution Control District have reviewed your draft proposal and comments are offered in the response letter attached.

Sincerely,

Rebecca Lafreniere, Deputy Director

County of San Diego

Department of Environmental Health

5570 Overland Avenue, Suite 102

San Diego, CA 92123-1215

[\(858\) 694-3595](tel:(858)694-3595)

fax [\(858\) 571-4268](tel:(858)571-4268)

Shutsanonofre mailing list

Shutsanonofre@citizenoversight.org

<http://lists.citizenoversight.org/mailman/listinfo/shutsanonofre>



County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
Phone: (858) 505-6700 or (800) 253-9933 Fax: (858) 505-6786
www.sdcdeh.org

AMY HARBERT
ASSISTANT DIRECTOR

November 9, 2015

Mr. Charles Langley
langleycharles@gmail.com

RADIATION ALERT INDICATION NETWORK (RAIN)

Dear Mr. Langley:

I am responding at the request of Supervisor Dianne Jacob to your follow up email on the RAIN concept discussed with her staff on October 7, 2015, which included an attached draft resolution. Thank you for the opportunity to review the proposed draft resolution. Staff with the Department of Environmental Health (DEH), Air Pollution Control District (APCD), and Office of Emergency Services has reviewed these materials and offer the following comments:

1. "The EPA has refused to measure Radiation Releases at San Onofre."

The State does have an air monitoring system near San Onofre. This is part of the state-wide air monitoring system that was used to monitor the radioactivity after the Fukushima incident. The air monitoring system collects air continuously through a cartridge which is then analyzed by the California Department of Public Health Radiologic Health Branch (CDPH-RHB) lab. A staff member from CDPH-RHB assigned to Orange County collects and sends to the State Lab in Richmond, California. There is also a monitoring station in downtown San Diego for which our team member from DEH Radiation Health Program collects the filters and sends to the State laboratory.

2. "The EPA reporting system is useless to First Responders."

First responders from the San Diego County Hazardous Incident Response Team (HIRT) have radiation monitors/pagers that alarm at very low radiation levels. In place are radiation monitoring teams from Orange County, Camp Pendleton and Oceanside Fire that are trained to respond to an incident at the San Onofre Nuclear Generating Station. The monitoring teams have equipment to monitor radiation levels, radioactive contamination levels and airborne radioactivity levels.

There were radiation level monitors around San Onofre at varying distances from the power plant that were required by the Nuclear Regulatory Commission (NRC) for an operating nuclear power plant. It is our understanding that the NRC has deemed the state of operations at San Onofre does not warrant the system on radiation monitors around the plant.

The APCD does not monitor radiation levels because the EPA operates a nationwide system of radiation monitors known as RADNET. For reference, the following links to the EPA nationwide network and the San Diego monitor are provided:

- The link to the US map is: <http://www2.epa.gov/radnet>
- The link to the San Diego gamma ray data is: <http://www2.epa.gov/radnet/radnet-near-real-time-air-monitoring-results-san-diego-ca>

The APCD does assist the EPA with the RADNET monitor in San Diego County. Its role is limited to very minor maintenance of the radiation monitor and the collection and submission of air filter samples for analyses. The San Diego monitor measures alpha, beta and gamma radiation in airborne particulate matter. The alpha and beta particles are caught on filters that APCD sends to the EPA for analysis. Any gamma rays are reported in near real-time because the instrument employs a sensor that directly detects the gamma rays and gives off an electronic signal; no filters are used. The types of radiation emitted are at various energy levels and this helps the EPA figure out what is in the air because each radioisotope has a unique radiation fingerprint.

Other resources that may be able to contribute to your research and/or draft resolution include:

- Steve Hsu, CDPH Radiological Health Branch, Supervising Health Physicist, (916) 440-7940, Steve.Hsu@cdph.ca.gov. Mr. Hsu is a Certified Health Physicist with expertise in air monitoring; he recently replaced Mr. Jerry Hensley who has since left RHB. Mr. Hensley was involved with air monitoring concerns during the Fukushima incident.
- Public Information Officer, Nuclear Regulatory Commission, (301) 415-8200 or Public Affairs (800) 368-5642

Please contact Mr. Tom Amabile, Sr. Emergency Services Coordinator with the Office of Emergency Services, at Tom.Amabile@sdcounty.ca.gov if you have questions.

Sincerely,



Rebecca Lafreniere, Deputy Director

cc: Tom Amabile, OES

9-15-0228-REV-3

**Revocation Request by
Verna Rollinger**

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



December 7, 2015

Verna Rollinger
825 Park Ave.
Laguna Beach, CA 92651

Re: Request for Revocation of Coastal Development Permit No. 9-15-0228

Dear Ms. Rollinger,

Coastal Commission staff has received your November 1, 2015 request for the revocation of Coastal Development Permit (CDP) 9-15-0228 (Southern California Edison (SCE)), approved by the Commission on October 6, 2015. CDP 9-15-0228 authorizes the installation and operation of a new independent spent fuel storage installation (ISFSI) at San Onofre Nuclear Generating Station. Your request for revocation provides a number of statements, attributed to Ed Avella, a representative of SCE, regarding the presence of subsurface structures at the SONGS site and possible difficulties related to removing these structures during plant decommissioning. Your letter goes on to contend that “more investigation is in order” prior to letting SCE “bury anything else on the site”, and concludes with the assertion that “the recently approved permit should be revoked until we are sure that everything on the site can be safely moved away from the coast and the ten million residents who live within a fifty mile radius.”

The grounds for revocation of a CDP are set forth in 14 Cal. Code of Regulations Section 13105 and provide, in relevant part, as follows:

- a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;*

Commission regulations (14 CCR 13106) grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit.

I have reviewed the grounds for revocation stated in your revocation request and decline to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR § 13106), that your November 1, 2015 revocation request is patently frivolous and without merit because you neither assert nor provide evidence that the Applicant, Southern California Edison, intentionally included inaccurate, erroneous or incomplete information in connection with their coastal development permit application. In addition, to the extent that the statements you attribute to Mr. Avella deal with future plant decommissioning rather than the

development authorized under CDP # 9-15-0228, such statements do not comprise grounds for revocation of the permit that is the subject of your revocation request.

If you have questions about this matter, please contact Alison Dettmer, Deputy Director, or Joseph Street, Environmental Scientist, in the Energy and Ocean Resources and Federal Consistency Division, at (415) 904-5240.

Sincerely,

A handwritten signature in blue ink that reads "Alison Dettmer for". The signature is written in a cursive style.

CHARLES F. LESTER
Executive Director

cc: Kim Anthony, SCE

Verna Rollinger - 949-494-9878

825 Park Avenue, Laguna Beach, CA 92651

November 1, 2015

California Coastal Commission

45 Fremont Street, Suite 2000, San Francisco, CA 94105

RECEIVED

NOV 10 2015

CALIFORNIA
COASTAL COMMISSION

RE: San Onofre Nuclear Generating Station Lease

Dear Commissioners,

Perhaps you know this already but I just discovered, according to Ed Avella, The SONGS facility is located on federal land that is maintained by the Navy. As part of the terms of the lease that enable SONGS to operate on the land, SCE must remove everything in order to terminate the lease. "We have a quirk in our lease with the federal government that says all subsurface improvements need to be removed for us to surrender our lease. So if you think about what our decommissioning process is going to be, it's not just removing what you would think is a normal decommissioning project, but it's everything including the grout."

Avila has said, "The facility is located next to the ocean, and some underground improvements are located below sea level. During construction, SCE used a pad that hovered over the ocean to enable better access, but new environmental laws prevent the use of another pad to help remove the material. This creates another problem in which the de-watered area below sea level could lead to ocean water exposure."

I don't know what else is buried on the site. I've heard that Unit 1 was buried there because it couldn't be moved.

Before you let SCE bury anything else on the site, I think more investigation is in order. The recently approved permit should be revoked until we are sure that everything on the site can be safely moved away from the coast and the ten million residents who live within a fifty mile radius.

Respectfully submitted,



Verna L. Rollinger

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



W8

DATE: December 4, 2015

TO: Coastal Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Alison Dettmer, Deputy Director
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal
Consistency Division

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	ND-0035-15
APPLICANT:	Bureau of Land Management
LOCATION:	Coastal Dairies Public Lands, Santa Cruz Co.
PROJECT:	Laguna Ridge Trail Construction and Public Access Program
ACTION:	Concur
ACTION DATE:	11/13/2015

PROJECT #:	NE-0009-15
APPLICANT:	Bureau of Safety and Environmental Enforcement/Freeport McMoran Oil and Gas
LOCATION:	Point Arguello OCS Unit, Santa Barbara Channel
PROJECT:	Suspension of offshore oil and gas production pending onshore pipeline repairs and resumption of pipeline availability
ACTION:	No effects
ACTION DATE:	12/4/2015

CALIFORNIA COASTAL COMMISSION

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November 13, 2015

Rick Cooper
Field Manager
Hollister Field Office
Bureau of Land Management
20 Hamilton Court
Hollister, CA 95023-2535

Subject: Negative Determination ND-0035-15 (Laguna Ridge Trail Construction and Public Access Program, Coast Dairies Public Lands, Santa Cruz County)

Dear Mr. Cooper:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Bureau of Land Management (BLM) proposes to construct a recreational trail with regularly scheduled, controlled public access for day use hiking on the BLM's Coast Dairies public lands near Davenport on the north coast of Santa Cruz County. The proposed Laguna Ridge Trail is situated on federal land held in fee title by the BLM. Section 304(1) of the federal Coastal Zone Management Act (CZMA) excludes from its definition of the coastal zone "lands the use of which is by law is subject solely to the discretion of or which is held in trust by the Federal Government." Therefore, the negative determination submitted by the BLM analyzes the potential for the proposed trail project to affect the coastal zone beyond the boundary of the Coast Dairies public lands property.

The proposed project includes the following elements:

- Regularly scheduled controlled public access two days per month (Saturday and one weekday to be determined) on a day use, semi-loop hiking trail approximately three miles in length on Laguna Ridge. From the trail the public would enjoy views west and south to the Pacific Ocean and across marine terraces, forested uplands, and the Laguna and Yellow Bank creek watersheds.
- Vehicle access to the trailhead would be provided from Highway 1 approximately two miles south of Davenport. Visitors would turn east onto an unimproved road, pass through an agricultural field and a range gate, and climb to an unimproved parking area on the marine terrace. Temporary fencing, flagging, or other visible markers will define the boundaries of the parking area for approximately 30 vehicles.
- From the parking area, visitors would walk on existing unimproved ranch roads up Laguna Ridge to a trail junction.

- A one-mile-long, three-foot-wide section of new trail would be constructed using hand tools to connect two existing unimproved ranch roads in order to create a short loop at the upper end of the Laguna Ridge Trail.
- Two existing range gates would be modified: (1) the locked gate adjacent to the agricultural field would be reinforced, and (2) a pedestrian walk-over or walk-through would be installed adjacent to the existing gate on the upper segment of the ranch road portion of the Laguna Ridge Trail to provide convenient ingress and egress for day hikers. The existing gate would remain locked to prevent livestock from wandering outside the grazing allotments.
- A trail map and brochure would be available at the trailhead to maximize visitor education and outreach. Signs would be placed at intersections on the loop trail to keep hikers on the designated trail, and additional signs would be posted to remind visitors to stay on designated open trails to avoid natural hazards and conflicts with livestock.
- On the dates that the trail is scheduled to be open, BLM rangers, staff, and/or volunteers will maintain a presence at the parking area and/or on the trail system to educate visitors, improve compliance with regulations, and enhance public safety. The BLM anticipates opening the Laguna Ridge Trail for scheduled public access in the spring of 2016.

By way of background, on April 12, 2012, the Commission conditionally approved coastal development permit 3-11-035 (Coast Dairies and Land Company) for the division of three of the existing Coast Dairies parcels (at that time owned in fee title by the Coast Dairies and Land Company, a wholly owned subsidiary of the Trust for Public Land (CDLC/TPL)), which would in part facilitate the transfer of most of the property inland of State Highway 1 to the BLM. Under the permit, the seven parcels proposed for transfer to the BLM were to be encumbered by a grant deed with covenants: (1) restricting the use of the properties to open space and recreation in a manner consistent with the protection and preservation of natural habitats, adjacent sustainable agricultural uses, and the rights and interests of the property's current lessees or their successors in interest; (2) prohibiting commercial timber harvest operations; and (3) prohibiting the use of motorized off-road vehicles outside of established or designated roadways, except to the extent necessary for property management, to protect public health and safety, or in response to other emergency situations.

The Commission's adopted findings for CDP 3-11-035 stated that:

In the future, preserving and providing for Coastal Act priority uses and development, including maximum public access and recreational opportunities, will be a key component of any future management plan, as it was in the original Coast Dairies Long-Term Resource Protection and Access Plan. As part of the Commission's federal consistency requirements, the Commission will subsequently weigh in on any BLM interim and long-term management plans and development for the site.

Rick Cooper, BLM
ND-0035-15

The adopted findings also referenced the BLM's proposed *Interim Access Plan* (November 2011) and its goal to quickly allow public access to certain portions of the Coast Dairies property by opening two trails (Liddell Creek and Molina Pasture trails) to the public for general day-use hiking. While the approved coastal development permit did not specifically approve either the *Interim Access Plan* or individual public access projects on the Coast Dairies property, the adopted findings did state that:

During this interim stage, BLM intends to allow limited recreation use of the parcels, consistent with the ability to provide services and infrastructure necessary to ensure public health and safety and the protection of threatened and endangered species. Any interim access measures, as well as any other future management plans or other development, would be reviewed by the Commission under its federal consistency authority [emphasis added]. The Commission expects that the interim access would be provided in the short term just after any acquisition, and that the Commission and BLM would develop a mutually agreeable schedule for development and implementation of a longer-term management plan at that time or earlier (e.g., through any other necessary federal consistency reviews).

CDP 3-11-035 was subsequently issued to CDLC/TPL and in April 2014 the BLM took title to approximately 5,750 acres of the Coast Dairies public lands. In June 2014 the BLM approved an *Interim Management Plan (IMP)* and the associated *Environmental Assessment* for its Coast Dairies public lands; a federal consistency document was not submitted to the Commission for the *IMP*. In August and September 2014 the BLM attended local community meetings in part to obtain public comment on the Liddell Creek and Molino Pasture trails proposed in the *IMP*. The BLM received comments and letters expressing concerns about: (1) the new parking facilities that would be required to support public access at the trail heads; (2) traffic and public safety on Swanton and Bonny Doon roads where trailheads and parking would be sited; and (3) potential adverse impacts to riparian resources from construction of the Liddell Creek Trail. Based on public comments and discussions during site visits with Santa Cruz County Public Works Department staff, the BLM decided to postpone the implementation of the Liddell Creek and Molina Pasture trails in favor of an alternative public access trail project that would avoid potential impacts to traffic, public safety, and riparian resources.

In June 2015 the BLM proposed a public access trail on Laguna Ridge with a trailhead and parking area at the intersection of State Highway 1 and Laguna Road. After evaluating comments received on the project *Environmental Assessment* (focused primarily on potential impacts to native vegetation, scenic views, and cultural resources, trailhead parking capacity and safety, and inadequate alternatives analysis), the BLM modified the Laguna Ridge trail project in part by relocating the trailhead and parking area and reducing the length of new trail construction. It is the modified Laguna Ridge Trail (described in detail, above) which is the subject of this negative determination.

The proposed unimproved parking area, the vehicles parked at this location, and the proposed segment of new trail at the upper end of Laguna Ridge would not be visible from

Highway 1, the shoreline, or other public lands in the vicinity of the project area. The BLM states that while large recreational vehicles at the parking area would also not be visible from public areas, such vehicles would not be able to safely negotiate the existing two-track ranch road, and that the public will be advised of this access limitation. The parking area and existing ranch road will be periodically mowed when necessary to ensure safe vehicle access, but as the road is currently maintained and the parking area will not be visible from Highway 1 or the shoreline, this action will not affect scenic views from the coastal zone.

The marine terraces in project area which once supported coastal prairie habitat were long ago developed for row-crop agriculture and are now used for livestock grazing of annual grasses that dominate the terraces. While no sensitive native plant species are found in the proposed unimproved parking area on the lower terrace, this site will be surveyed for such species prior to mowing. The proposed new trail segment will cross annual grassland, patches of poison oak, and chaparral, but no environmentally sensitive maritime chaparral is found in the project area. The trail segment will be constructed using hand tools and will incorporate best management practices to minimize the potential for erosion along the trail corridor during and after construction. If trail construction cannot occur completely outside the February 1 through August 15 bird breeding season, then pre-construction surveys for active nests within 1,200 feet of the construction zone will be conducted by a qualified biologist no more than seven days before the initiation of construction. Protective measures (e.g., buffer zones around nests) will be implemented if breeding birds with active nests are located. Lastly, there are no streams or ponds in the project area and users walking on the existing ranch roads and the new trail segment would not adversely affect wildlife that use such riparian habitats.

The fundamental purpose of the acquisition of this property was to facilitate a transition to maximized public use (in a manner consistent with resource protection). As noted previously in this letter, when the Commission conditionally approved CDP 3-11-035 in April 2012 there was an expectation that public access to the BLM's Coast Dairies property would *quickly* occur by the opening of two trails (Liddell Creek and Molino Pasture) to the public for general day-use hiking after the BLM acquired the property. This did not occur. The Commission's findings in that permit action made clear both the Commission's expectations for relatively immediate interim public access, as well as the timely preparation of a long-term access management plan. The Commission's findings also made clear that BLM has sufficient funding and other resources to meet these expectations. The Commission found:

BLM indicates that monies and staff resources have been allotted to undertake this process in a timely manner, and that any such efforts will provide for recreation, restoration, enhancement, and public access, and for general management and protection of the acquired property as open space in perpetuity... [Page 12]

The Commission expects that interim access would be provided in the short term just after any acquisition, and that the Commission and BLM would develop a mutually agreeable schedule for development and implementation of a longer-term management

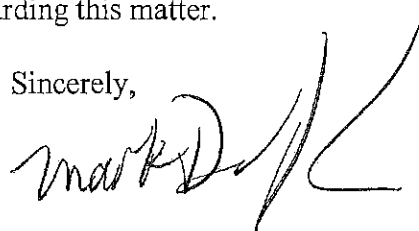
plan at that time or earlier (e.g., through any other necessary federal consistency reviews). ... [Page 15]

While the Commission understood that specific interim and long-term access measures would all need to undergo federal consistency review, the Commission staff is nevertheless disappointed that, three and a half years after approval of CDP 3-11-035 and one and a half years after the BLM took title to the Coast Dairies property, the only interim access being proposed at this time is to open a single trail on Laguna Ridge two days per month for public day use hiking. Such interim access is significantly smaller in scope than what the Commission anticipated in 2012, and while we support the proposal as at least a first step in providing public access to Coast Dairies, the Commission staff believes the BLM has not fulfilled the commitments it made to maximize interim public access in a timely manner.

Thus, given that the Liddell Creek and Molino Pasture trails were not opened for public day use hiking as envisioned in the BLM's *Interim Access Plan*, the Commission staff strongly urges that the BLM, after completing the Laguna Ridge project, make every possible effort to: (1) increase the number of days per month that this trail is open to public use, and (2) identify and/or construct a second trail that could be opened to public use prior to completion of the Coast Dairies long-term management plan. The BLM is developing the long-term management plan, including provisions for enhanced public access and recreational opportunities at Coast Dairies, and will submit a consistency determination to the Commission for the management plan. The BLM currently anticipates completing this plan in approximately two years. During the interim time period the BLM has committed to coordinating with Commission staff to determine the level of federal consistency review required for future management actions at Coast Dairies, including but not limited to public access and recreation projects or changes to the Laguna Ridge project (e.g., expansion or modification of the parking area or access road). We appreciate this commitment, but, as stated above, note that fulfillment of the BLM's obligation needs to be accelerated in a more timely manner than has occurred to date.

In conclusion, the Commission staff **agrees** that the proposed Laguna Ridge trail and public access project would enhance public access and recreation opportunities on the Coast Dairies public lands, is located and designed to not adversely affect visual resources, environmentally sensitive habitat, or existing public access, and will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR §930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for) CHARLES LESTER
Executive Director

Rick Cooper, BLM
ND-0035-15

cc: CCC – Central Coast District
Jonathon Wittwer
Rural Bonny Doon Association

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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December 4, 2015

Drew Mayerson
Regional Supervisor
Office of Production and Development
Bureau of Safety and Environmental Enforcement
Pacific OCS Region
760 Paseo Camarillo, Suite 102
Camarillo, CA 93010-6064

Re: **NE-0009-15**, No Effects Determination, Freeport McMoran Oil and Gas, 180 day Lease Suspension, Point Arguello Unit, Santa Barbara Channel

Dear Mr. Mayerson:

The Coastal Commission staff has received the above-referenced "no effects" determination for the request by Freeport McMoran Oil and Gas to be granted permission for additional time to resume oil and gas operations at the Point Arguello Unit. The operations ceased after the U.S. Dept. of Transportation's Office of Pipeline Safety ordered corrections to onshore pipelines Line 901 and 903 in March, 2015, following the Plains All American pipeline spill on Line 901. We **agree** with your assessment that this suspension of active oil and gas operations would have no effect on any coastal zone resources, and we therefore **concur** with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Lester".

(for) CHARLES LESTER
Executive Director

cc: Ventura District Office
Freeport McMoran Oil and Gas