



Public Watchdogs

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October 11, 2019

Application No. 9-19-0194

California Coastal Commission
Energy, Ocean Resources & Federal Consistency Division
45 Fremont, Suite 2000
San Francisco CA 94105-2219

RE: Request to postpone the vote on application for the Onshore portion of the SONGS Units 2 and 3 Decommissioning Project including the decontamination and dismantlement of above-grade structures

Dear Coastal Commissioner:

This is a request to postpone your upcoming vote on Application No. 9-19-0194 (Southern California Edison, San Diego County) for the following valid and disconcerting reasons:

1. Applicant failed to provide the ‘Exclusion Area Plan’ for Commission and public review

The ‘Exclusion Area Plan’ was not inserted into the application. Nor was it attached to the application as an exhibit. When Public Watchdogs requested the Plan, we received only one illegible page. Upon review, we realized we were looking at only part of the Plan. Public Watchdogs then insisted staff provide the complete ‘Exclusion Area Plan’.

When Public Watchdogs requested a copy of the ‘Exclusion Area Plan’, we did not receive it. Instead, we received only one of 60 pages (see page identified as “Exhibit 3).” Exhibit 3 is obviously out of context, incomplete, difficult to read, and lacking the standard industry stamp of a licensed engineer or architect. This response prompted us to once again request the entire Plan.

We received the Plan fewer than 24 hours prior to the Coastal Commission’s deadline for comments for inclusion in the Commissioner’s packets. As a result, the Commission and the Public have been denied access to the actual ‘Exclusion Area Plan’. Without an opportunity to review the Plan, in relation to where it has been referenced in the context of Special Condition 3 it is impossible for the Commissioners or the public to make an informed response.

We implore you to postpone your vote on this permit application until both the Commissioners and the public have had an opportunity to review the Exclusion Area Plan. In the spirit of public

advocacy, we are providing the Exclusion Area Plan for your review.¹

2. Southern California Edison's (SCE) State Lands Commission FEIR is in active litigation

Edison's permit application was only eligible to be put on your agenda today due to the State Lands Commission's (SLC's) approved vote of the Final Environmental Impact Report (FEIR). However, as recently as October 4, 2019 this item is not only still under litigation between Public Watchdogs and the State Lands Commission (represented by the California Attorney General's Office) but with an outcome yet undetermined. On April 22, 2019 Public Watchdogs filed suit in protest of the SLC's vote to approve the FEIR² on the grounds that it had been inappropriately classified as a "Project" Environmental Impact Report (EIR) when environmental circumstances dictated a "Program" EIR should have been conducted in order to engage those federal agencies with the jurisdiction to evaluate the environmental impacts of a radioactive nuclear waste site. Additionally, the SLC Draft EIR Public Input period, which ran from June 28th to August 30th 2018, was circumvented by the now infamous August 3, 2018 "near-miss" drop of nearly 100,000 pound container of radioactive spent nuclear fuel due to Edison's own violations of Federal Laws originally passed to protect the public's safety. Common sense and fairness should have prevailed halting the on-going Public Input period until the special inspection by the Nuclear Regulatory Commission (NRC) delivered its conclusive final report of fines and corrective actions. Subsequently, public review and comment of the FEIR, was also conducted during an ongoing NRC inspection. The premature vote by SLC occurred 4 days prior to the release of the NRC's final inspection report, depriving the public and the SLC of critical information that could have effected the outcome of the vote.

3. Demolition of the Spent Fuel Pools Building eliminates a vital public safety function.

Due to the "near-miss" incident, subsequent NRC inspection and the 11-month long delay in the nuclear waste burial, the buildings within the permit you consider voting on today currently contain roughly 60% of the radioactive nuclear waste. At this time, only 40% of the spent fuel has been removed from the spent fuel pools. Your approval of SCE's permit application will enable the destruction of the Spent Fuel Pools, which serve a vital safety function in the event of a nuclear release due to a damaged, corroded or broken canister. In the event of a cracked canister and the inevitable release of radiation at the site, the spent fuel pool or a yet unfunded 'hot cell' may be the only viable alternative means for protecting the public from radiation exposure. Therefore, a delay of this permit application is prudent and responsible.

4. Public access and recreational opportunities inadequately addressed

Within 'Special Condition 3' of the permit application the 'Exclusion Area Plan' is referenced

¹ The original Exclusion Area Plan is on Public Watchdogs web site at <https://bit.ly/33rZvnl>

² See [Public Watchdogs lawsuit](https://bit.ly/2kmX19g) against the California State Lands Commission at <https://bit.ly/2kmX19g>

in several places; all relevant to ‘public access and recreational opportunities’. Yet the course of action for the Coastal Commission and the NRC are so poorly planned - as proposed - that any short-term ‘adverse effects on coastal access and recreation’ and long-term loss of public access and recreational opportunities’ are only mitigated via retroactive permit amendment. *‘Special Condition 3 requires the applicant to submit information on potential NRC action related to the existing **Exclusion Area** in its annual report, followed by an Executive Director determination of the need for a permit amendment.’*

5. The Applicant’s assumption of extraordinary risks requires public liability assessment

Special Condition 5 requires the applicant to assume the risks of geological hazards, underlying uncertainties and risks associated with inherently hazardous oceanfront property while concurrently absolving ‘the Commission of any liability for damage as a result of approving the permit’. Therefore, the public is entitled to further scrutiny of the applicant’s ability to assume such risk. Public Watchdogs requests that the following requirements be imposed on Southern California Edison prior to the Commission to vote to accept **Special Condition 5**:

- A risk assessment be conducted by an independent, non-partisan professional entity
- An insurance actuary engaged to determine amount of insurance required by the applicant to cover risk as identified by the Coastal Commission
- NRC reinstatement of the ‘On-Site Insurance’ previously exempted SCE in January 2018
- Proof of insurance provided by the applicant in the amount of risk assessed

Any claims by the applicant to ‘Self-insure’, must require that the applicant provide a source for the funds and/or the collateral assets used to underwrite the assessed risk.

The waste inside these containers is deadly to all human life for thousands of generations,³ and although the Coastal Commission’s power to regulate radiation safety are limited, it does have the power to assess the risks and to impose special conditions that minimize those risks.

For these reasons, we urge the Commission to postpone this vote.

Cordially



Charles Langley

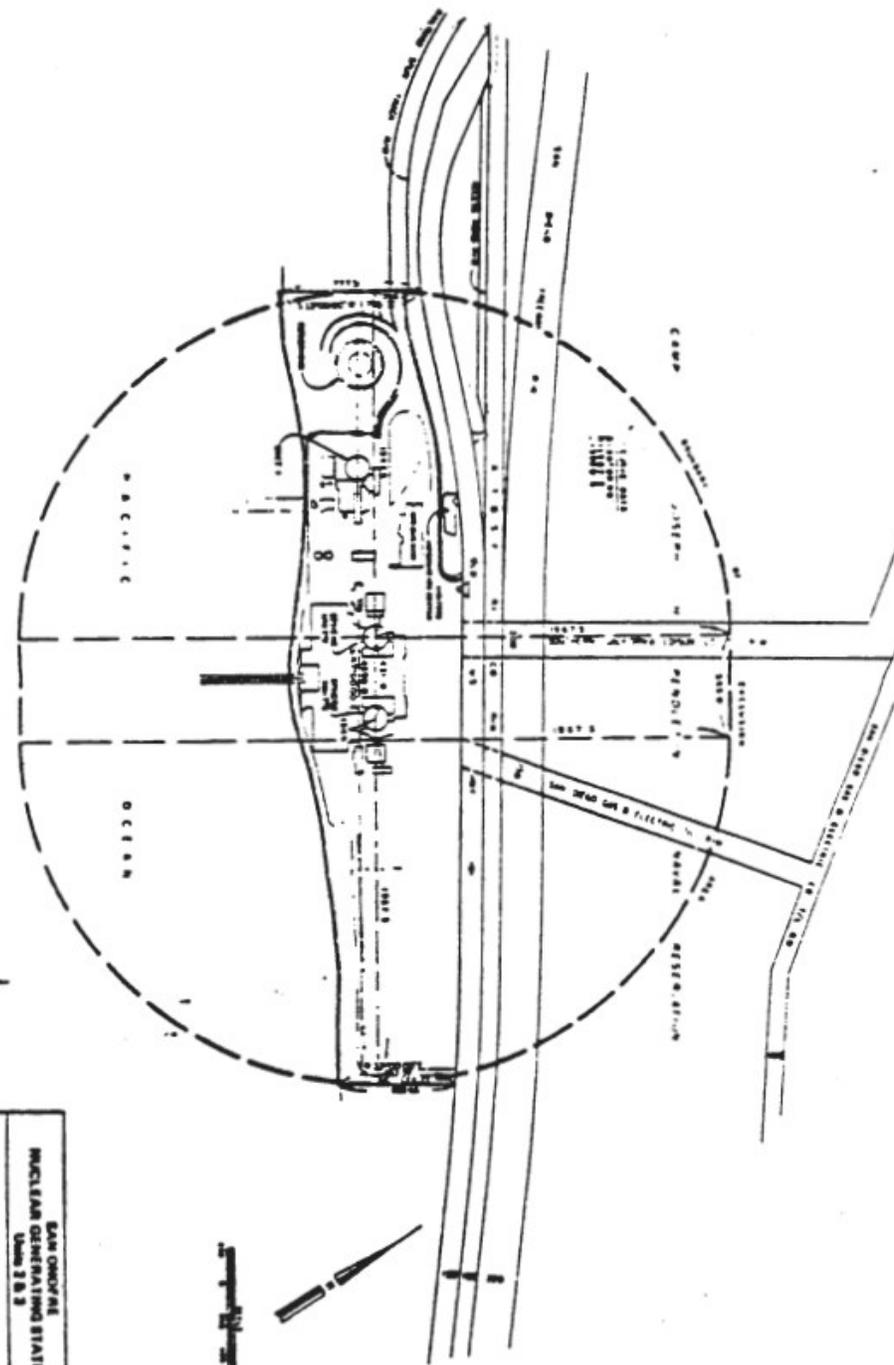
Executive Director, Public Watchdogs

Enc: Exclusion Area Plan “Exhibit 3”

³ See [Scientific American](https://bit.ly/2ltUkg8), *Spent Nuclear Fuel: a Trash Heap Deadly for 250,000 years*, Jan 28, 2009, <https://bit.ly/2ltUkg8>

Public Watchdogs presents this "Exclusion Area Plan" to demonstrate the fact that it is unreadable and lacks a licensed engineer or architectural stamp.

Scale 1:1000
Date 10/11/88



SAN ONOFRE NUCLEAR GENERATING STATION Units 1 & 2
EXCLUSION AREA BOUNDARY
Figure 2-1-3

Exclusion Area Plan
Exhibit 3, Page 1