

## **CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

455 MARKET STREET, SUITE 300

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# Th12a

**E-00-014-A2**

**SOUTHERN CALIFORNIA EDISON**

**OCTOBER 13, 2022**

**EX PARTE FORMS**

Received on: 10/3/22

## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project: Item Th12a - Application No. E-00-014-A2

2) Date and time of receipt of communication: September 26 at 11:00 am

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Steve Kinsey

5) Identity of person(s) on whose behalf communication was made: Southern California Edison (applicants)

6) Identity of persons(s) receiving communication: Commissioner Carole Groom

7) Identity of all person(s) present during the communication: Steve Kinsey, Carole Groom, Gina Quiney

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Southern California Edison seeks to extend the expiration date of decommissioning of the NUHOMS waste storage facility to 2035 because there are no feasible storage facilities and the condition of the facility has been inspected to continue. They will report back every two years on the condition. The attached information sheet was provided.

October 3, 2022

Date

Carole Groom

Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

NUHOMS ISFSI CDP Amendment Application  
October 12-14, 2022 (exact date forthcoming)  
California Coastal Commission Meeting – San Diego, CA

Background Information

1) The NUHOMS ISFSI

In 2001, the Coastal Commission issued CDP E-00-014 to SCE and its co-participants to construct the NUHOMS ISFSI to store SONGS spent fuel (the Existing CDP). In 2003, the ISFSI was completed and the first spent fuel canister was installed.



2) SCE Seeks to Amend the Existing CDP to Extend the Expiration Date

The Existing CDP authorizes the NUHOMS ISFSI through November 2022 unless it is extended by further action of the Coastal Commission.

Due to the lack of any offsite storage locations, onsite storage of spent nuclear fuel at SONGS continues to be necessary. Therefore, SCE has submitted a CDP amendment application proposing to retain the NUHOMS ISFSI in its current location and to extend the permit term for the Existing CDP by 13 years, to November 15, 2035. Extending the CDP's permit term to 2035 will align the Existing CDP's expiration to the expiration of the Holtec ISFSI CDP, which is in 2035.

Extending the Existing CDP permit term to 2035 will allow SCE to return to the Coastal Commission in 2035 to provide updated information and request permit amendments to retain, remove or relocate the two ISFSIs.

3) SCE's Application Discusses the Condition of the ISFSI and the Appropriateness of the ISFSI Site

In support of its application, SCE has provided information to the Coastal Commission showing that the condition of the NUHOMS ISFSI is sound and the location remains appropriate.

The physical condition of the NUHOMS ISFSI was thoroughly inspected in 2021 and 2022, and the ISFSI is continuously monitored and routinely inspected by an onsite security team, radiation protection technicians, engineering support personnel, and others at SONGS. The NUHOMS ISFSI is performing as expected, and meets all NRC requirements.

The location also remains appropriate. During the Coastal Commission's review of the NUHOMS ISFSI CDP application in 2001, Coastal Commission staff conducted an extensive evaluation of coastal hazards at the ISFSI site, drawing on the information available at the time (through early 2001). Coastal Commission staff evaluated the ISFSI site again in 2015 in connection with the permitting for the Holtec ISFSI, which is located adjacent to the NUHOMS ISFSI. In both cases, the Coastal Commission concluded that the ISFSI site is appropriate and complies with Coastal Act policies regarding geological hazards, the protection of marine and visual resources, and public access and recreation.

Current information based on the best available science that has emerged since the 2001 and 2015 application regarding coastal hazards confirms that the ISFSI site remains appropriate for the NUHOMS ISFSI. In 2022, SCE performed a thorough evaluation of the additional information that has become available since the Coastal Commission's earlier decisions on the topics of seismic hazards, sea level rise, tsunamis, and coastal erosion and bluff retreat and confirmed that the continued presence of the NUHOMS ISFSI at the SONGS ISFSI site remains appropriate.

**EX PARTE COMMUNICATION DISCLOSURE FORM**

Th 12a

Filed by Commissioner: Steve Padilla

1) Name or description of project: Southern California Edison (E-00-014-AZ)

2) Date and time of receipt of communication: 9/27/22 at 12:00pm

3) Location of communication: Steve Padilla's office, Chula Vista City Hall

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Dave Neish

5) Identity of person(s) on whose behalf communication was made: \_\_\_\_\_

Southern California Edison (SCE)- David Asti, Ron Poutes

6) Identity of persons(s) receiving communication: Steve Padilla, Ian Fregosi

7) Identity of all person(s) present during the communication: Steve Padilla,  
Ian Fregosi, Dave Neish

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Applicant's agent Dave Neish discussed applicant's agreement with  
Coastal Commission staff's recommended approval with 5 special  
conditions, 7 standard conditions, and 5 modified conditions of CDP.

Agent presented background information on the CDP Amendment  
(attached).

Agent described the SONGS Federal Spent Fuel Management Program,  
and made a request for Coastal Commission participation.

9/27/22  
Date

[Signature]  
Signature of Commissioner

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# Federal Spent Fuel Management Program: Advancing Off-site Solutions

Manuel Camargo  
Southern California Edison  
August 2022



Decommissioning  
**San Onofre**  
Nuclear Generating Station  
Safety | Stewardship | Engagement

Safety | Stewardship | Engagement



# Goal

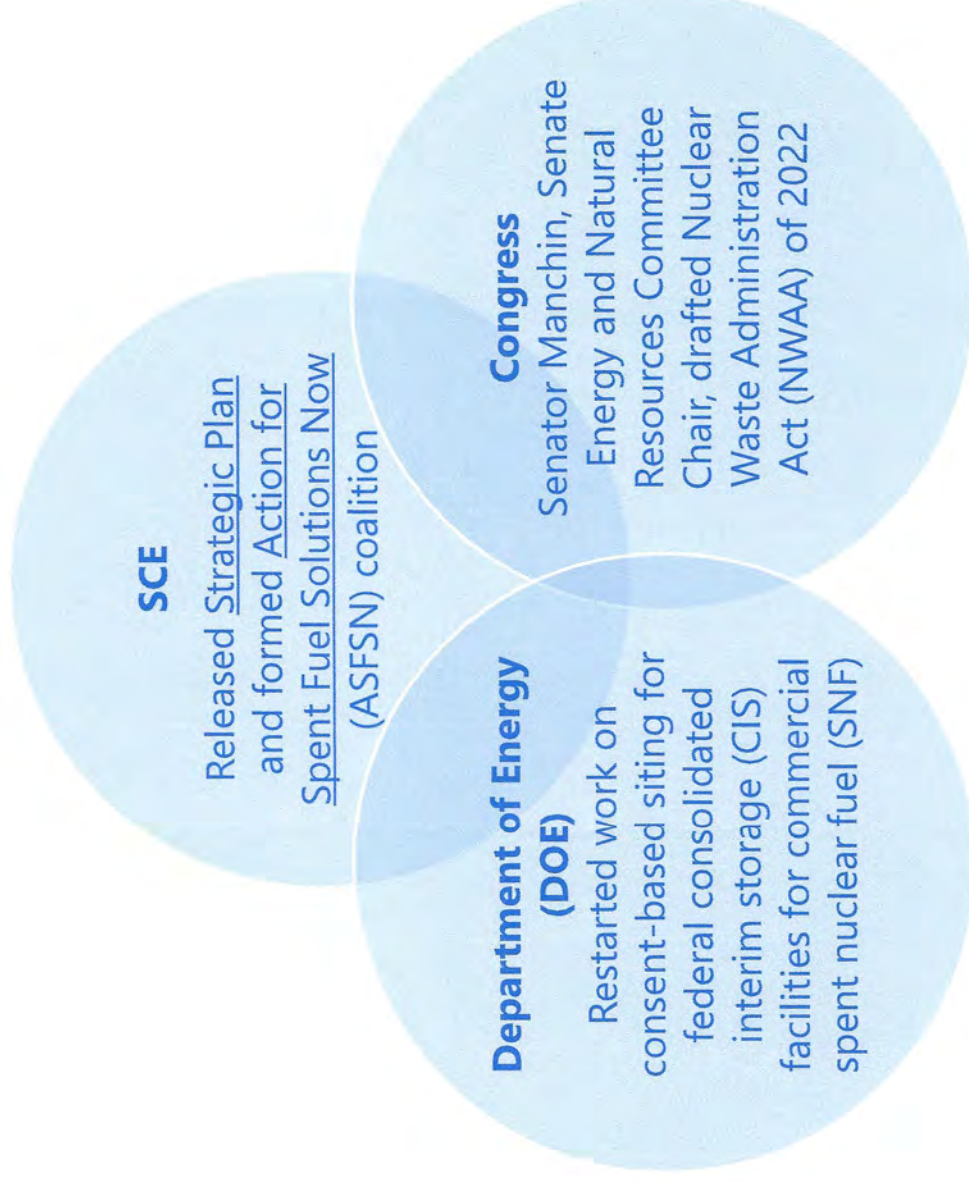
Facilitate off-site interim storage and/or permanent disposal of spent nuclear fuel stored at SONGS



Decommissioning  
San Onofre  
Nuclear Generating Station  
Safety | Stewardship | Engagement

Safety | Stewardship | Engagement

# Situation has improved in the past few years





Grown a diverse coalition of 200+ members



- Representation includes:
  - Organized labor
  - Business
  - Tribes
  - Environmental groups
  - Elected officials
  - Utilities
- Strategically expanding footprint to state and national levels
- Engaged with senior DOE staff
- Preparing to engage on federal legislation



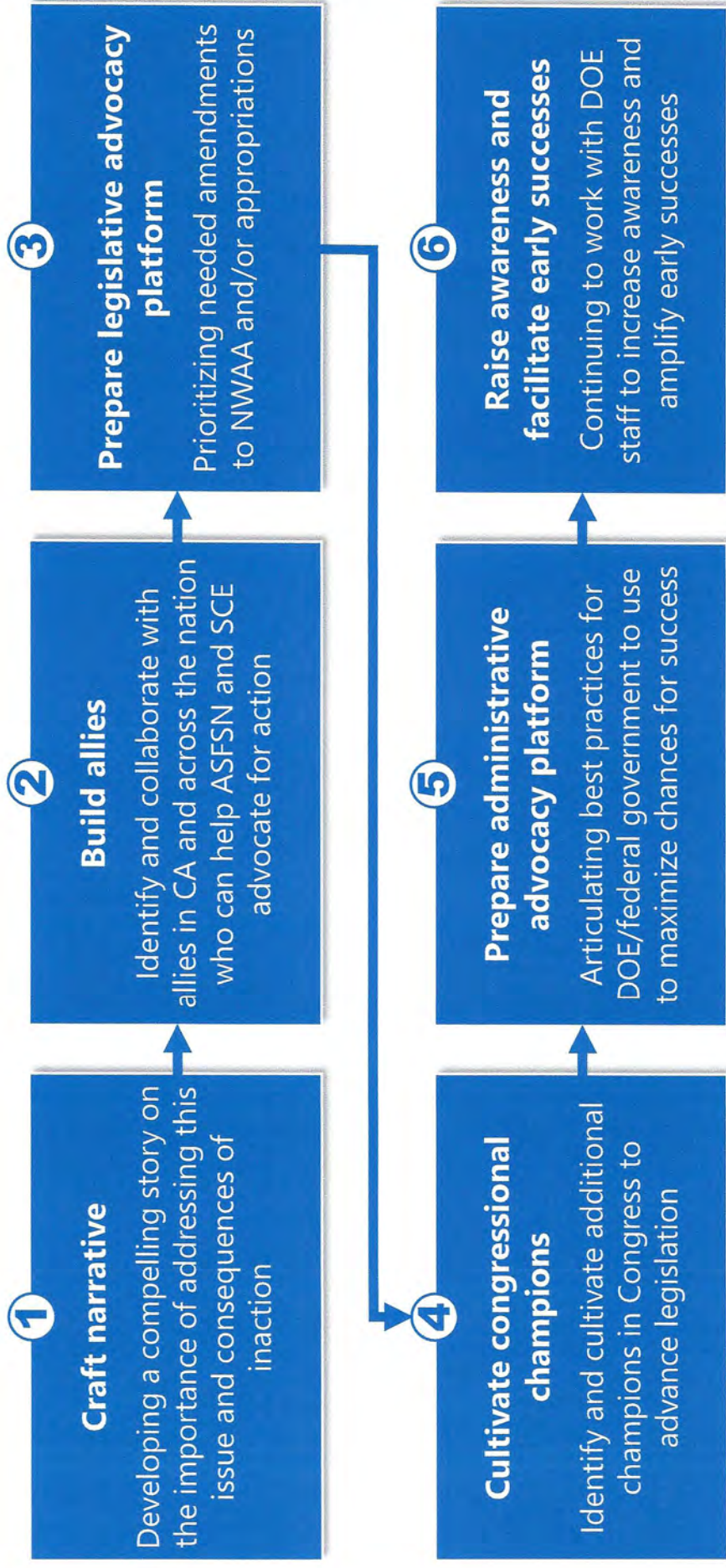
# DOE demonstrated willingness to engage with SCE

- SCE has demonstrated it is **willing and able to assist DOE**
- **Secretary Jennifer Granholm** visited SONGS in April 2022
- Assistant Secretary for Nuclear Energy **Dr. Katy Huff** visited SONGS in January 2022
- SCE and David Victor met with Acting Deputy Assistant Secretary **Dr. Kim Petry** in January 2022
- New Deputy Assistant Secretary **Sam Brinton** will meet with SCE, ASFSN, and CEP in September





# Preparing for commencement of advocacy





# Policy priorities will inform engagement over time

- **Near-term priorities**
  - Authorize DOE to pursue a repository in addition to Yucca Mountain
  - Revise the linkage between CIS and permanent disposal to allow for near-term federal CIS (before a repository is licensed)
  - Consider requiring DOE to take title and liability for SNF for private CIS (some stakeholders are less receptive to private storage)
  - Appropriations to expand the DOE/PNNL waste management team
- **Mid-term priorities**
  - For continuity:
    - Authorize formation of a single-purpose, autonomous federal organization to assume the spent fuel program from DOE
    - Provide unfettered access to NWF (reliable funding)
  - Broaden support to jurisdictions including states, tribes, and local entities affected by transportation beyond the NWPAs's scope by adding:
    - Public information program and support for acquisition of equipment to respond to transportation incidents
- **Long-term priorities**
  - Prioritize spent fuel stranded at decommissioning plants

# Appendix



Decommissioning  
**San Onofre**  
Nuclear Generating Station  
Safety | Stewardship | Engagement

Safety | Stewardship | Engagement



# Broaden ASFSN's Footprint and Collaborate with Allies who Have a Shared Interest in Spent Fuel

- ASFSN already has 200+ members representing labor, business, tribes, environmental groups, elected officials, utilities, and others
- Strategically expand ASFSN to the state and national levels in phases; check and adjust as needed
  - Yankee Atomic decommissioned plants in Connecticut, Maine, and Massachusetts
  - Xcel Energy operating plants in Minnesota
  - Dominion's merchant plants operating in Connecticut, Virginia, and South Carolina
  - California communities around nuclear sites in Humboldt Bay, San Luis Obispo, and Sacramento
  - Communities with other high-level waste, including the Hanford Site in Washington, Savannah River Site in South Carolina, and Naval Reactors Facility in Idaho
  - Decommissioning Plant Coalition, Nuclear Waste Strategy Coalition, Tribal Radioactive Materials Transportation Committee
  - Nuclear Energy Institute, Nuclear Matters, North American Young Generation in Nuclear
  - Academic institutions such as Harvard and MIT



Decommissioning  
**San Onofre**  
Nuclear Generating Station  
Safety | Stewardship | Engagement

# Leverage Compelling Narrative in Outreach

## *(High Points Outlined Here)*

- Delivering solutions is urgent
  - Failure to deliver offsite solutions has resulted in \$9B in additional cost to US taxpayers (continuing inaction costs \$2M/day)
  - Nuclear utility customers pre-paid more than \$40B for disposal
  - We should not defer this challenge to the next generation
  - SNF can be safely stored onsite for decades but the land cannot be restored for other uses until the SNF is removed
  - Clean nuclear power plays an important role in addressing climate change and we must address the back end of the fuel cycle, now
- There is general international consensus that a deep geologic repository is best for safe, isolation of spent fuel from biosphere
- Federally-supported consolidated interim storage is the best near-term solution for aggregating SNF from sites such as SONGS
- Consent-based siting is a best practice and the most reliable path
  - Canadians, Finns, and Swedes offer encouraging case studies



Decommissioning  
**San Onofre**  
Nuclear Generating Station  
Safe Stewardship | Engagement



# Identify and Cultivate Bipartisan, Bicameral Champions

- Continue to collaborate with Congressional members active in this space
  - Senator Manchin (Senate Energy and Natural Resources Committee)
  - Rep. Levin (Spent Nuclear Fuel Solutions Caucus)
- Identify and cultivate potential champions who serve on committees of jurisdiction in the House and Senate
- Consider familiarization trip(s) to Finland, Canada, and/or Waste Isolation Pilot Plant in NM to underscore consent can be attained





# Use Effective Communications to Increase Awareness and Amplify Early DOE Successes

- Help create awareness of the spent fuel challenge and the need for solutions through media relations and virtual ASFSN events
- Amplify DOE's attainment of milestones and activities such as upcoming summary RFI responses and funding opportunity announcement
- Serve as an echo chamber for DOE announcements
- Provide a platform for DOE officials to articulate strategy and progress
- Position ASFSN as a trusted advisor and convener
- Target American Nuclear Society and Nuclear Energy Institute conferences
  - Include Canadian Nuclear Waste Management Organization to amplify practicality of consent
- Leverage CEP to enable ASFSN to provide annual public updates
- Highlight international progress on repositories

## Ex Parte Communication Disclosure

**Filed by:** Katie Rice

**Re:** SONGS ISFSI CDP Amendment/permit term extension

**Day/Time:** Monday, Sept 26, 2022 1 p.m. – 1:15 p.m.

**Type of Communication:** Telephone call

**Initiator of Communication:** Steve Kinsey, representative for SCE

**Participants:** Katie Rice, Steve Kinsey

### Comprehensive Description of Communication Content:

Mr. Kinsey provided brief historical review of commission action re the NUHMOMS ISFSI (see background info two-pager attached). He then reviewed SCE's argument for time extension of existing CDP to 2035 (see "Nuclear Horizontal Modular Storage (NUHOMS) Facility Amendment" two pager attached). He also discussed Special Conditions #6, #7, and #8 as included in staff report, expressing support and importance of those conditions.

Date:

Sept 27, 2022

Signature:

Katie Rice

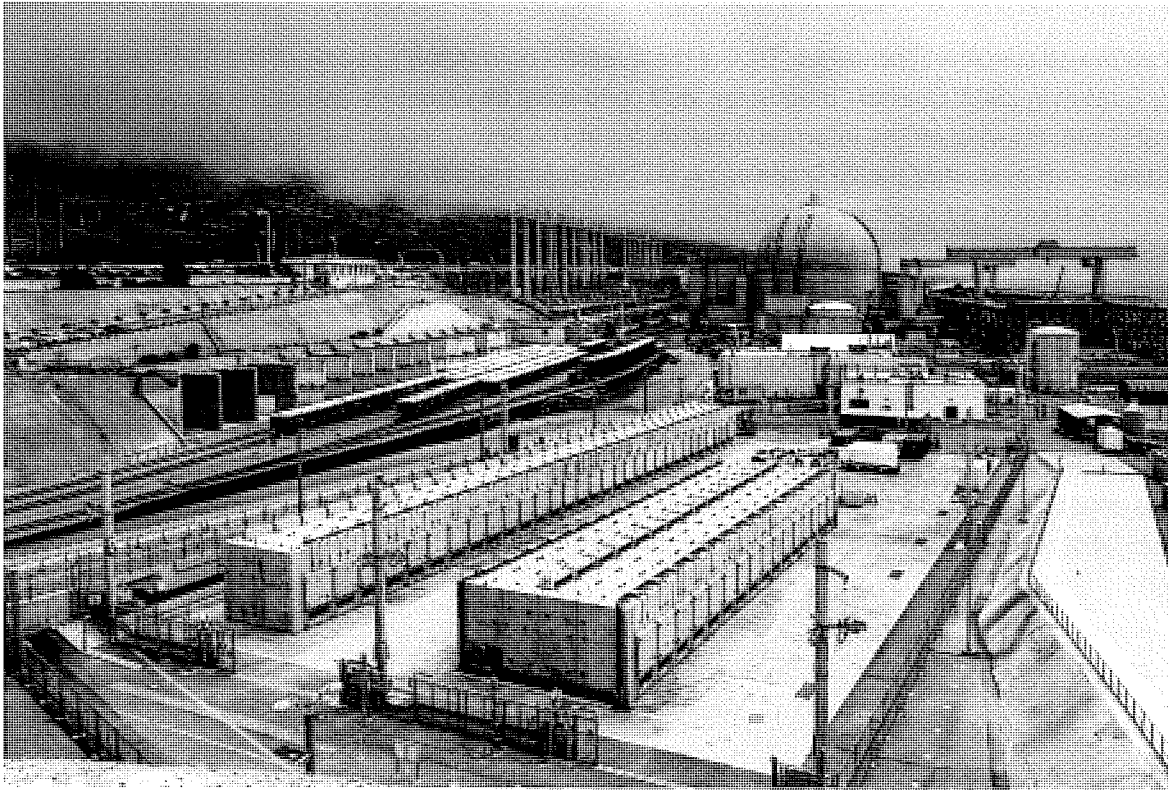


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# Nuclear Horizontal Modular Storage (NUHOMS) Facility Amendment

## CDP E-00-014-A2

### Application Overview

The Nuclear Horizontal Modular Storage (NUHOMS) waste storage facility is located on a heavily modified coastal bluff, located approximately 20 ft above the mean lower low water (MLLW) and a minimum of 325 ft away from the existing seawall. It was approved by the Coastal Commission in 2001 and began operation in 2003. As of September 2022, the NUHOMS waste storage facility holds 50 canisters containing spent fuel and three canisters containing greater-than-class-C material, below its authorized limit of 104 total waste canisters.

This ISFSI is sound, performing as expected, and meets all NRC requirements. It was thoroughly inspected in 2021 and 2022, is continuously monitored and routinely inspected by an onsite security team, radiation protection technicians, and engineering support personnel. The NRC granted a license extension in 2021.

- SCE Seeks to amend the Existing CDP to extend the Expiration Date for the NUHOMS from 2022 to November 15, 2035, closely aligning it with the subsequent ISFSI, approved in 2015.
- Under this permit, SCE will be required to return to the Coastal Commission in 2035 to provide updated information and request permit amendments to retain, remove or relocate both ISFSIs.
- The extension allows SCE to install 10 additional canisters of greater-than-class-C material.

### Key Points

- No feasible offsite alternatives for storing spent nuclear fuel currently exist in the U.S.
- The NRC has exclusive jurisdiction over radiological aspects of SONGS. The state is preempted from imposing any regulatory requirements concerning radiation hazards and nuclear safety.
- Development of a permanent spent fuel disposal facility is the responsibility of the United States Department of Energy (DOE). When the Coastal Commission approved this ISFSI in 2001, DOE was expected to accept spent nuclear fuel from SONGS by 2010.
- The Coastal Commission may impose requirements related to risks associated with geologic and coastal hazards, including earthquakes, tsunamis, coastal flooding, and bluff erosion.
- In 2022, SCE performed a thorough evaluation of additional Hazards information that has become available since previous Coastal Commission decisions.
- **Special Condition 6** would require an independent review of SCE's existing Aging Management Program (AMP) by July 1, 2024; the same type of condition as was included in the 2019 CDP for SCE's decommissioning (CDP No. 9-19-0914). It also requires inspections and report on aging of the ISFSI and spent fuel canisters no less frequently than once every five years, starting in 2026.
- **Special Condition 7** requires SCE to report on federal and private efforts to permit and construct Alternative Waste Storage Facilities every two years. A non-profit, *Action for Spent Fuel Solutions Now*, has been created to advocate for federal action.
- **Special Condition 8** requires SCE to submit an application for a new or amended CDP supported by an evaluation of the effects on visual resources of retaining the project, an analysis of available project alternatives and proposed mitigation measures to minimize adverse impacts to coastal views.

### Summary of Hazards Analyses

#### Tsunami

In 2022, SCE prepared an updated tsunami hazard report. In a worst-case scenario, from a M9.5 earthquake in the eastern Aleutians, including 2.8 ft of sea level rise (H++ projection for 2050), the maximum potential water elevation at the waste storage facility would be 9.1 ft around the NUHOMS facility, well below its 50 foot water submergence design depth. The worst-case scenario was modeled without the seawall present in order to demonstrate that the waste storage facility was not reliant on existing shoreline protection devices.

#### Earthquake

As part of its current CDP amendment application submittal, SCE provided a supplementary ground-shaking hazard analysis that addresses the potential for the large multi-fault ruptures and potential offshore fault linkages postulated by recent research. The new analysis relies on modeling several potential earthquake events, including a M 7.62

**Sea Level Rise**

In 2022, the extreme still water level expected near SONGS in 2050 has been calculated to be 10.4 ft MLLW. The NUHOMS waste storage facility is located at 20 ft MLLW, making it high enough to not be inundated by extreme ocean water levels.

**Liquefaction**

In 2015, a geotechnical study reaffirmed earlier findings that the geologic substrate underlying the site was at very low risk of liquefaction. SCE's 2022 geologic hazards analysis also concluded that liquefaction is not a significant hazard at this site.

**Slope failure**

Conservative cut bank studies have concluded that any slope failures from the north bluff would remain more than 20 ft away from the NUHOMS waste storage facility and that any failures from the east bluff would be even further away.