

MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

QLN CONFERENCE CENTER  
EXHIBIT HALL  
1938 AVENIDA DEL ORO  
OCEANSIDE, CALIFORNIA

THURSDAY, MARCH 21, 2019  
9:10 A.M.

JAMES F. PETERS, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

A P P E A R A N C E S

COMMISSION MEMBERS:

Ms. Eleni Kounalakis, Lieutenant Governor, Chairperson

Ms. Betty T. Yee, State Controller

Ms. Keely Bosler, Director of Department of Finance,  
represented by Ms. Karen Finn

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Colin Connor, Assistant Executive Officer

Mr. Mark Meier, Chief Counsel

Ms. Cynthia Herzog, Senior Environmental Scientist

Ms. Cheryl Hudson, Public Land Management Specialist

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

ALSO PRESENT:

Mr. Javier Alvarado, Local 89

Ms. Nina Babiarz, Board Member, Public Watchdogs

Ms. Sarah Brady, Environmental Research Associate and  
Community Organizer, Committee to Bridge the Gap

Mr. Fred Briggs, community member

Ms. Danika Carson, Advocate, Public Watchdogs

Mr. Robert Estrella

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Amy Foo, Legal Fellow, Surfrider Foundation

Ms. Daryl Gale

Mr. John Geesman, Attorney, Alliance for Nuclear  
Responsibility

Ms. Donna Gilmore, representing SanOnofreSafety.Org and  
Samuel Lawrence Foundation

Ms. Christine Gorman

Ms. Christa Gostenhofer

Ms. Shawna Hunt, Community Outreach Director, San Clemente  
Chamber of Commerce

Mr. Torgen Johnson, Samuel Lawrence Foundation

Dr. Vojin Joksimovich, General Atomic Retirees Association

Mr. Charles Langley, Executive Director, Public Watchdogs

Mr. Ray Lutz, Executive, Citizens' Oversight

Ms. Alison Madden, representing self and Director, San  
Francisco Bay Marinas for All

Mr. Val Macedo, Business Manager, Local 89

Ms. Martha McNicholas, Trustee/Board Member, Capistrano  
Unified School District

Dr. Gene Nelson, Legal Assistant, Californians for Green  
Nuclear Power, Inc.

Ms. Katherine Partain, Chair, American Nuclear Society,  
San Diego Section

Mr. Ted Quinn, President, Technology Resources, American  
Nuclear Society

Mr Ron Rodarte, resident of San Clemente

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Cori Schumacher, Councilwoman, Carlsbad

Mr. Jeff Steinmetz

Mr. Daniel Stetson, Executive Director, The Nicholas Endowment

Mr. Gene Stone, Founder, Residents Organized for a Safe Environment (ROSE)

Mr. Eric Syverson, Imperial Beach resident

Mr. John Taylor, San Juan Capistrano City Councilman

Ms. Madge Torres, Board Member, Citizens' Oversight

Mr. Mel Vernon, Captain, San Luis Rey Band of Mission Indians

Mr. Brian Woolley, Boat Captain, Dana Wharf Sportfishing

I N D E X

	PAGE
I 9:00 A.M. - OPEN SESSION	1
II REGULAR CALENDAR	
01 SOUTHERN CALIFORNIA EDISON COMPANY, SAN DIEGO GAS AND ELECTRIC COMPANY, AND THE CITY OF RIVERSIDE (APPLICANT/LESSEE): Consider certification of a Final Environmental Impact Report (State Clearinghouse No. 2016071025); adoption of a Mitigation Monitoring Program, Statement of Findings, and Statement of Overriding Considerations; termination of Lease No. PRC 6785.1, a General Lease - Industrial Use; and an application for a General Lease - Industrial Use, of sovereign land located in the Pacific Ocean, San Onofre, San Diego County; for the use, maintenance, and decommissioning of existing offshore improvements associated with the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3, consisting of two offshore intake conduits and two offshore discharge conduits, five navigational and environmental monitoring buoys, one fish return conduit, four large organism exclusion devices, and riprap. (PRC 6785.1; RA# 26215) (A 76; S 36) (Staff: C. Hudson, C. Herzog, L. Calvo)	3
Staff Report and Exhibit A-1 revised 03/18/19	
Staff Report and Exhibit E-1 revised 03/20/19	
III PUBLIC COMMENT	127
IV COMMISSIONERS' COMMENTS	142
Adjournment	142
Reporter's Certificate	143

## P R O C E E D I N G S

CHAIRPERSON KOUNALAKIS: Good morning, everyone.  
Can I ask you please to take talk your seats.

I call this special meeting of the State Lands Commission to order. All the representatives of the Commission are present -- present. I am the Lieutenant Governor, Eleni Kounalakis. I am joined today by State Controller Betty Yee, and Karen Finn Representing the Department of Finance.

For the benefit of those in the audience, the State Lands Commission manages State property interests in over five million acres of land, including mineral interests. The Commission also has responsibility for the prevention of oil spills at marine oil terminals and offshore oil platforms, and for preventing the introduction of marine invasive species into California's marine waters.

Today, we will hear requests and presentations involving the lands and resources within the Commission's jurisdiction. We recognize that the lands we manage have been inhabited for thousands of years by California's native people, and take seriously our trust relationship with these sovereign governments. Today, our gratitude goes to the Luiseño and Kumeyaay people who have inhabited the Oceanside area for countless generations.

1           The next order of business will be the regular  
2 calendar. Jennifer, are there any housekeeping items you  
3 would like to address before we get started?

4           EXECUTIVE OFFICER LUCCHESI: Yes. Thank you so  
5 much Chair, Commissioners. Good morning.

6           First, I wanted to let members in the audience  
7 know that if they have parked in the Kingdom Hall of the  
8 Jehovah Witness parking lot, that they should move their  
9 car, because we have been informed that they will be towed  
10 and cited for parking in that parking lot. So I just  
11 wanted to make that public service announcement.

12           Second, I want to remind those in the audience  
13 that we are here to receive testimony on the application  
14 in front of the Commission relating to the decommissioning  
15 of units 2 and 3 at the San Onofre Nuclear Generating  
16 Station, and to please be courteous and respectful of all  
17 the speakers and the deliberation by the Commission. So  
18 towards that end, there will be no booing or cheering. If  
19 members of the audience want to express their support or  
20 their opposition to any statements made, they can wave  
21 their hands or show a thumbs down. But we do want to  
22 ensure that this is a courteous public meeting and  
23 respectful of all perspectives.

24           And finally, I also wanted to let the members in  
25 the audience and those watching the webcast that there

1 have been some changes to the proposed lease that's in  
2 front of the Commission today. Those changes are  
3 reflected in track change format, and can be accessed on  
4 our website. It's Exhibit E of our staff report. And  
5 there also should be hard copies on the table as you walk  
6 into the room.

7 And with that said, I can turn that right --  
8 well, oh, I'm sorry. I have one other thing to mention in  
9 terms of public testimony. Due to the number of public  
10 speakers that we have and the length of time that we have  
11 today, I recommend that we limit public speaking and the  
12 testimony time to 2 minutes each.

13 CHAIRPERSON KOUNALAKIS: Okay. Item 1 is to  
14 consider certification of a Final Environmental Impact  
15 Report and an application for a general lease of sovereign  
16 involving the decommissioning of units 2 and 3 at San  
17 Onofre Nuclear Generating Station in San Diego County.

18 May we have the presentation, please?

19 (Thereupon an overhead presentation was  
20 presented as follows.)

21 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: Good  
22 morning. Good morning, Madam Chair and members of the  
23 Commission. My name is Cheryl Hudson, and I'm a Public  
24 Land Management Specialist with the Commission's Land  
25 Management Division.



1 I'm here to present Item 1. Item 1 involves an  
2 application submitted by Southern California Edison  
3 Company, San Diego Gas & Electric Company, and the City of  
4 Riverside, collectively applicant.

5 --o0o--

6 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: The  
7 application is for termination of an existing lease,  
8 issuance of a new 16-year lease. The proposed lease is  
9 for the use and maintenance and decommissioning of the  
10 existing offshore improvements associated with the San  
11 Onofre Nuclear Generating station.

12 Sorry, it's echoing.

13 --o0o--

14 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: The  
15 CSLC lease facilities consist of two existing offshore  
16 conduits -- intake conduits, two offshore discharge  
17 conduits, five navigational and environmental monitoring  
18 buoys, one fish return conduit, four large organism  
19 exclusion devices, which we call LOEDs, and riprap.

20 The large organism exclusion device is a net-like  
21 device installed around the primary auxiliary offshore  
22 intake structures. LOEDs are in place to prevent the  
23 entrapment of large marine organisms.

24 --o0o--

25 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: SONGS

1 is located approximately 50 miles northwest of the City of  
2 San Diego in San Diego County along Interstate 5, and on  
3 and adjacent to the Camp Pendleton Marine Corps Base, and  
4 approximately 2 miles south of the City of San Clemente.

5 --o0o--

6 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: The  
7 onshore components of SONGS lie landward of the ordinary  
8 high water mark on two parcels entirely within the  
9 boundaries of Camp Pendleton Marine Corps Base on land  
10 owned by the U.S. Navy and outside the Commission's  
11 jurisdiction. This includes the walkway and the upland  
12 portion of the riprap.

13 The CSLC lease facilities are located in the  
14 Pacific Ocean offshore, waterward of the ordinary  
15 high-water mark.

16 --o0o--

17 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: The  
18 proposed project activities would occur both onshore,  
19 outside of Commission's jurisdiction, and offshore.  
20 Onshore, the applicant's proposed project involves  
21 de-contamination, dismantlement, and the removal of the  
22 above- and below-grad structures at SONGS.

23 The CSLC offshore activities involves units 2 and  
24 3 intake and discharge conduits and associated structures,  
25 and removal of navigational and environmental monitoring

1 buoys and anchors.

2           The proposed project would take place from 2019  
3 through 2028. The restoration of SONGS site would be  
4 performed in accordance with the Nuclear Regulatory  
5 Commission requirements.

6   --o0o--

7           PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: The  
8 overall SONGS decommissioning plan, of which the proposed  
9 project is a part, has three components. The first  
10 component approved independent spent fuel storage  
11 installation, approved ISFSI.

12           Operation maintenance from 2015 through 2035.  
13 This portion of the plan is located onshore in the upland  
14 area on federal property outside Commission's  
15 jurisdiction. In its separate already-approved project  
16 allowing for installation operation and maintenance of the  
17 approved ISFSI, this portion of the project was approved  
18 in 2015 by the NRC and Coastal Commission.

19           The second component is the proposed project from  
20 2019 through 2028. This is the project analyzed in the  
21 Final EIR under consideration as part of the staff report.

22           The third is future activities, which are  
23 anticipated to begin 2035 and continue through the  
24 scheduled completion in 2051. The full extent of the  
25 future activities is currently unknown. And those

1 activities under land -- under the Commission -- I'm sorry  
2 excuse me. Those activities on lands under the Commission  
3 jurisdiction would not be subject to -- would be subject  
4 to future -- would be subject to future activities.  
5 Excuse me. Sorry about that.

6 --o0o--

7 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: The  
8 proposed project activity is occurring within the  
9 Commission jurisdiction to defined as the CSLC lease  
10 offshore activities. And they are -- primarily consist of  
11 removing the structures above the seafloor.

12 The intake and discharge conduit are buried  
13 beneath the surface and will not be removed during this  
14 project phase. This will be subject to future  
15 consideration and analysis under future activities.

16 The structures to be removed under the current  
17 projects are two primary offshore intake structures, and  
18 that's the POIS for units 2 and 3 intake conduits, two  
19 auxiliary offshore intake structures, which is the AOIS  
20 for units 2 and 3 intake conduits.

21 --o0o--

22 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON:  
23 Twenty-three manhole access port structures,  
24 which is the MAPS, 12 from unit 2, and 11 from unit 3  
25 intake and discharge conduits; 12 diffuser structures, six

1 for each units 2 and 3 discharge conduits; one fish return  
2 terminal rising above the seafloor; and three  
3 environmental monitoring buoys, which measure air and  
4 water temperature, and two navigational buoys and anchors.

5 The CSLC lease offshore activities would require  
6 dredging during construction adjacent to the vertical  
7 conduit structure to remove the structures and install the  
8 mammal exclusion barriers.

9 The offshore structures would be removed using  
10 underwater divers, barges, tugboats, and would require  
11 anchoring and temporary seafloor laydown areas for the  
12 vertical structures during the de- -- de- -- construction  
13 equipment would vary -- can be --

14 CHAIRPERSON KOUNALAKIS: You know, this is really  
15 complicated. Just slow down and take --

16 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: I'm  
17 sorry. I lost it.

18 CHAIRPERSON KOUNALAKIS: It's okay. Just slow  
19 down and take your time so everyone can follow along.  
20 It's fine.

21 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: Okay.  
22 I'm done.

23 CHAIRPERSON KOUNALAKIS: We have plenty of time.

24 PUBLIC LAND MANAGEMENT SPECIALIST HUDSON: So the  
25 construction equipment would vary depending on specific

1 activities being performed.

2 Cindy Herzog with the Commission's Environmental  
3 Planning and Management Division will now discuss the  
4 project's environmental settings.

5 Thank you.

6 --o0o--

7 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Thank you  
8 Cheryl. Madam Chair, Commissioners, my name is Cynthia  
9 Herzog. I'm a Senior Environmental Scientist with the  
10 Commission.

11 The timeline for the proposed project EIR is  
12 shown on this slide. The Draft EIR was released for  
13 public review on June 27th, 2018 followed by public  
14 meetings on August 7th and 8th. The Final EIR was  
15 released on February 11th, 2019.

16 For some reason, I'm having trouble with the  
17 clicker.

18 --o0o--

19 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: There we  
20 go. Okay. We got it.

21 There are 14 resource areas analyzed in the EIR.

22 --o0o--

23 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Out of  
24 those resource areas, impacts associated with both  
25 radiological impacts and air pollution emissions within

1 the South Coast Air Quality Management District were found  
2 to be significant and unavoidable.

3 --o0o--

4 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: In July  
5 2016, the Commission's Tribal Liaison issued an invitation  
6 to consult under AB 52 to two tribes requesting  
7 notification. The San Luis San Luis Rey Band of Luiseño  
8 Mission Indians and Torres Martinez Desert Cahuilla  
9 Indians.

10 In addition, notifications were sent to 24 tribes  
11 identified on the Native American Heritage Commission  
12 contact list to ensure those tribes would have an  
13 opportunity to provide meaningful input on the proposed  
14 project.

15 Responses were received from three tribes. The  
16 Pala Band of Mission Indians Tribal Historic Preservation  
17 Office, the Rincon Band of Luiseño Indians, and the  
18 Laposta Band of Mission Indians.

19 --o0o--

20 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The  
21 responses indicated that there was at least one sensitive  
22 tribal cultural resource existing outside the proposed  
23 project area, that the presence of ethno-historic village  
24 suggests the possibility of a traditional cultural  
25 resource within the proposed project area, and that the

1 area is situated within holocene sediments, which  
2 represent a geological time that human occupation is known  
3 to have occurred in the area.

4 Therefore, both applicant proposed and mitigation  
5 measures have been included to ensure that impacts to  
6 tribal cultural resources would be minimized.

7 --o0o--

8 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: There's  
9 been considerable public interest in the proposed project.  
10 Staff received comments on the Draft EIR from the  
11 applicant, elected officials, tribes, and tribal  
12 organizations, State and federal agencies, various other  
13 organizations and individuals, as well as over 5,400 form  
14 comment letters and 70 speakers at the two public meetings  
15 on the Draft EIR.

16 Since release of the Final EIR, staff has  
17 received over 400 -- oh, excuse me, 4,935 comments,  
18 approximately 400 -- excuse me, 4,900 of which were form  
19 letters.

20 --o0o--

21 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: For the  
22 most part, the comments on the Draft EIR focused on 10  
23 issue areas that were addressed in the 10 master responses  
24 provided in the Final EIR.

25 These areas included: Project definition.





1 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: Retention  
2 of spent fuel pools and canister incidents. Commenters  
3 requested the spent fuel pools be retained on the  
4 rationale that the pools would be used to facilitate the  
5 transfer of damaged canisters into new canisters for  
6 ultimate transfer off site;

7 Emergency preparedness plans. Commenters  
8 expressed concerns regarding emergency preparedness, and  
9 the need for effective emergency preparedness plans;

10 Federal preemption. Commenters expressed  
11 disagreement with the Draft EIR's discussion of federal  
12 preemption, particularly related to the spent nuclear fuel  
13 storage and handling;

14 Commission jurisdiction and scope of approval.  
15 Commenters expressed concern over the scope and limits of  
16 CSLC's jurisdiction over the proposed project and the  
17 larger SONGS decommissioning plan, including spent nuclear  
18 fuel storage and handling at the SONGS site;

19 Compensation for leaving the conduits in place.  
20 Commenters requested additional mitigation for leaving the  
21 conduits buried beneath the seafloor.

22 --o0o--

23 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: The  
24 alternatives analyzed in detail in the EIR included:

25 The proposed project, which was found to be the

1 environmentally superior alternative; the no project  
2 alternative; the full removal of offshore conduits, which  
3 was analyzed to the same level of detail as the proposed  
4 project; partial removal of offshore conduits, which  
5 differs from the proposed project, in that it also  
6 includes full removal of the offshore intake and discharge  
7 conduits from the seawall to approximately 300 feet  
8 offshore; leaving the remaining portions of the conduit  
9 and the fish return conduit in place; and removal of all  
10 the diffuser reports on the discharge conduits, which are  
11 126 in total; full or partial removal of onshore  
12 subsurface structures, which would include additional  
13 removal of onshore structures below 3 feet of local grade  
14 to no more than 21 feet below local grade.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST HERZOG: As  
17 presented in the staff report, staff recommends that the  
18 Commission certify the Environmental Impact Report; adopt  
19 the Mitigation Monitoring Program, Exhibit C and the CEQA  
20 findings and Statement of Overriding Considerations,  
21 Exhibit D; authorize termination of the existing lease;  
22 authorize a new lease for the CSLC lease facilities;  
23 confirm that the ultimate disposition of the units 2 and 3  
24 conduits and any structures remaining with Commission  
25 jurisdiction, after implementation of the proposed

1 project, will be considered at the time of lease  
2 expiration in 2035 or when future activities are proposed  
3 and have undergone additional environmental review; and,  
4 authorize the Commission and staff to advocate for the  
5 acceleration of the nation's efforts to identify and  
6 develop a safe, secure, long-term storage facility for the  
7 spent nuclear fuel currently stored at nuclear power plant  
8 sites around the country, including sending a letter to  
9 the Nuclear Regulatory Commission, the Department of  
10 Energy, and Congress.

11 This concludes staff's presentation. Thank you.

12 EXECUTIVE OFFICER LUCCHESI: Next, we would like  
13 to invite the applicant up to provide their presentation  
14 to the Commission.

15 MR. BAUDER: Good morning, Commissioners. I'm  
16 Doug Bauder, the Chief Nuclear Officer at San Onofre  
17 Nuclear Station, and the Vice President of  
18 Decommissioning. I've been working at Edison for about 10  
19 years, and I have almost 25 years of nuclear experience.

20 I'm here for the four SONGS owners who are  
21 Southern California Edison, San Diego Gas & Electric, and  
22 both the cities of Anaheim and Riverside.

23 First, I'd like to start by thanking the  
24 Commission and its staff for its hard work in overseeing  
25 the environmental review and -- of the SONGS



1 plan. The overall plan is a long-term effort that  
2 involves these three key components.

3 First, the bulk of the work will occur during  
4 decontamination and dismantlement, called D&D, which is  
5 the proposed project. The proposed project will be  
6 reviewed in detail, and has been reviewed by California  
7 State Lands as part of the EIR. The D&D component  
8 involves removal of a majority of above-ground structures  
9 on the site and removal of certain below-grade structures  
10 as well.

11 The work is required to meet NRC regulations for  
12 radiological decontamination. In addition, the proposed  
13 project will include disposition of the offshore conduits.  
14 This work will be carried out under our NRC license and  
15 federal regulation.

16 In terms of State approvals to move forward with  
17 the work, we need a certified EIR and approved lease for  
18 the offshore portions of the work, and then we will be  
19 seeking approvals for the Coastal Commission for both the  
20 onshore and offshore work.

21 The second component of the overall  
22 decommissioning plan involves the storage of nuclear fuel  
23 onsite. Our fuel storage operations are governed and  
24 approved with NRC licenses, with the NRC exercising  
25 ongoing oversight.

1           We've already obtained the State approvals  
2 required for our existing dry storage facilities, from the  
3 Coastal Commission in 2001, and then in 2015. And we will  
4 return to the Coastal Commission to extend those permits  
5 as needed.

6           We are prepared to safely store fuel onsite as  
7 long as necessary. However, our goal is to remove the  
8 fuel from this facility to a federally approved offsite  
9 storage location as soon as practical.

10           The final component of the decommissioning plan  
11 will occur down the road, once all the spent fuel has been  
12 removed from the site. During this final period, we would  
13 seek to terminate our NRC license, and restore the site to  
14 standards set by the landowners, the Navy for the onshore  
15 portion, and the State Lands Commission for the offshore  
16 facilities.

17                           --o0o--

18           MR. BAUDER: In terms of the D&D work, we will  
19 have both onshore and offshore facilities. The onshore  
20 portion shown here on this slide, this entire area falls  
21 within the Camp Pendleton Marine Base. Basically, we will  
22 be removing all structures associated with the operating  
23 plant. After we complete the work, the only remaining  
24 structures will be what you see highlighted here. And if  
25 you could -- you can barely see the pointer, that would be

1 switch yard, the dry fuel storage facility, the beach  
2 walkway and associated supporting structure for that  
3 walkway.

4 All the above-ground structures shaded in gray on  
5 this slide will be removed. We will backfill and compact  
6 these areas into a condition that will allow the site to  
7 be stable and secure until the fuel is moved and we're  
8 ready to complete our final site restoration work.

9 --o0o--

10 MR. BAUDER: Next, the offshore activities. And  
11 I realize that the staff presentation showed more detail  
12 here, so I won't dive into too much detail. I just wanted  
13 to show primarily a larger depiction of the components.  
14 So as for the offshore activities, the figure shows these  
15 that are included within the State Lands lease area. The  
16 conduits shown here were used for cooling the plant while  
17 it was operating and are no longer needed for this  
18 purpose.

19 Some of these structures extend offshore over  
20 8,000 feet. The conduits you see here are actually buried  
21 below the seafloor by about 5 feet. The structures that  
22 protrude above the seafloor are intake structures, which  
23 would be these. And I will note that there's also  
24 auxiliary intake structures that were in the staff's  
25 presentation. And diffuser ports, this is an example of a



1 diffuser port. There's many of these. And the diffuser  
2 ports were used during operation to return water back to  
3 the ocean.

4           So we have two sets of conduits, one for each  
5 unit, unit 2 and 3. We successfully completed the unit 1  
6 offshore work in 2015, and we're proposing a similar  
7 approach for units 2 and 3.

8           In terms of the proposed project, we would remove  
9 the intake structures for both conduits. These are the  
10 largest components above the seafloor. We would remove  
11 some of the diffuser reports on each of the discharge  
12 conduits and replace them with barriers that contain holes  
13 to allow sand to infill those conduits.

14           The actual buried conduits would stay in place at  
15 least until 2035 when State Lands will make a final  
16 determination regarding their ultimate disposition. We  
17 think this carefully engineered approach makes sense,  
18 because it will minimize disturbances to seafloor and the  
19 impact on the existing marine habitat.

20                           --o0o--

21           MR. BAUDER: Now, moving over to our principles,  
22 to return to these three guiding principles I mentioned  
23 earlier: safety, stewardship, and engagement.

24           The proposed project will be carried out in a  
25 manner that adheres to each of these. Our first priority

1 is to protect public and worker safety. To that end,  
2 we're going to decontaminate to levels lower than the  
3 actual NRC requirements. As discussed in the Final EIR,  
4 we will be implementing a number of plans, programs, and  
5 procedures to ensure that the work will be performed  
6 safely, and in compliance with all regulatory  
7 requirements, especially those related to the proper  
8 handling and disposal of hazardous materials.

9 We have a number of plans to address various  
10 contingencies that could occur as in any large industrial  
11 demolition. We will coordinate with California State  
12 Parks to protect the safety of recreationalists. We will  
13 provide advanced notice of deconstruction activities,  
14 including notifying the public and emergency responders of  
15 planned lane closures. Our workers will also receive  
16 extensive training on the proper handling of hazardous  
17 materials.

18 --o0o--

19 MR. BAUDER: Moving on to stewardship. We're  
20 committed to leaving the community better off as a result  
21 of having been home to San Onofre and many of its  
22 employees for more than 50 years. While the Marine Corps  
23 and local communities have graciously hosted us, we also  
24 recommend the stakeholder's desire to see the land  
25 restored and returned to the U.S. Navy. Therefore, we are

1 committed to completing the radiological decommissioning  
2 as expeditiously as possible. We have already retained a  
3 contractor to complete this work.

4 As stewards of the environment, we're committed  
5 to working with federal and State agencies including the  
6 Lands Commission and the Coastal Commission to ensure that  
7 impacts to the environment and surrounding areas are  
8 addressed throughout the decommissioning process.

9 The Final EIR incorporates a number of measures  
10 that involve extensive surveys and monitoring to protect  
11 resources, including habitat, biological species, tribal  
12 and cultural resources. We will also employ specialized  
13 procedures during the offshore work to protect marine  
14 species. For example, acoustic monitoring will be used to  
15 protect marine mammals. As good stewards of the nuclear  
16 decommissioning trust, we will spend the funds wisely, and  
17 will work to be safe and efficient.

18 --o0o--

19 MR. BAUDER: Engagement. We're committed to  
20 managing the decommissioning process in an inclusive,  
21 forward-thinking, and responsive way. Therefore, we will  
22 continue to focus on engagement as a key priority as we  
23 have since the plant ceased operating.

24 The Community Engagement Panel was created in  
25 2014 to serve as open conduit between the public and

1 Southern California Edison. Our goal with the CEP has  
2 been to keep the public informed about the status of the  
3 site and our plans for decommissioning, as well as to  
4 listen the public's concerns. We've been offering public  
5 tours of the plant and will continue to do so.

6 We're also taking several steps to provide  
7 greater transparency and information to the public  
8 throughout the D&D process. We will publish quarterly  
9 updates on our website that include the locations, types,  
10 and durations of planned activities for the next three  
11 months.

12 We've committed to providing advanced notice of  
13 planned NRC regulated releases to the ocean. These  
14 releases will be significantly lower than amounts actually  
15 discharged during plant operations, and will be well below  
16 any federal limits.

17 We currently conduct sampling of the ocean water,  
18 shoreline and ocean-bottom sediments, kelp, and other  
19 marine species. We have agreed to report on these  
20 parameters more frequently than actually required under  
21 our NRC license.

22 Importantly, although spent fuel storage is not  
23 part of the proposed project, we are voluntarily  
24 committing to install a radiation monitoring system around  
25 our spent fuel storage facility. This is something we

1 specifically offered in response to public concerns.

2 We will designate a liaison to keep the community  
3 informed about the decommissioning process. And we have a  
4 toll free number to respond to all project-related  
5 questions and concerns within 72 hours.

6 Finally, we have a wealth of information on our  
7 website, the SONGS community website, which we will  
8 continue to update.

9 --o0o--

10 MR. BAUDER: Again, although spent fuel storage  
11 is not part of the proposed project, we understand this is  
12 an area of great interest to the public and Commissioners,  
13 so I would like to spend a few minutes discussing it.

14 SONGS has safely stored fuel onsite for nearly 50  
15 years. And we will continue to safely and secure the fuel  
16 onsite until and offsite storage location does become  
17 available. Our goal is safely managing and storing spent  
18 nuclear fuel and protecting our workers, the public, and  
19 the environment. Therefore, we're continuing the movement  
20 of fuel from the spent fuel pools to robust concrete  
21 structures. This is referred to as dry storage.

22 Our system at SONGS exceeds California earthquake  
23 requirements and is designed to withstand extreme  
24 conditions, such as fires, projectiles, flooding, and  
25 tsunamis. We are subject to strict oversight from the

1 Nuclear Regulatory Commission, and are actively working  
2 with the agency to address recent events related to our  
3 fuel transfer operations.

4 We are taking steps to expedite the development  
5 of NRC and Coastal Commission required inspections and  
6 monitoring programs by next year in October.

7 The commercial nuclear industry has proven  
8 experience in spent fuel canister inspections, using  
9 various technologies, including robots. As we proceed  
10 with decommissioning, we will ensure that these activities  
11 do not impact the spent fuel storage facility.

12 Although, the federal government is ultimately  
13 responsible for removing the fuel from SONGS and other  
14 commercial plants around the country, there is not yet an  
15 approved location. Therefore, SCE is being proactive in  
16 exploring options for the relocation of fuel offsite. We  
17 have retained a team of respected experts and are  
18 preparing a strategic plan to explore offsite options.

19 Importantly, we are taking the first step  
20 necessary to -- for transporting fuel offsite by placing  
21 it into dry cask storage. Most of our fuel will be ready  
22 to ship by the end of 2020. And so placing it into  
23 canisters, ensures it is packaged for transport when an  
24 offsite facility becomes available.

25 We appreciate the staff's recommendation for the

1 Commission to send letters to the federal government to  
2 encourage action on the development of a long-term storage  
3 facility. We encourage others who are passionate about  
4 finding a solution to also take actions to support this  
5 effort.

6 --o0o--

7 MR. BAUDER: In conclusion, the prompt  
8 commencement of decommissioning really is in the best  
9 interest of our stakeholders. It begins the process of  
10 restoring the local environment by removing prominent  
11 structures. It removes radiological material from the  
12 site. It eliminates potential industrial hazards. And  
13 finally, it starts a process to restore the property and  
14 return it to the landowners as soon as reasonably  
15 practical.

16 We're grateful for the communities that have  
17 hosted SONGS for all these years, and are committed to  
18 doing the right thing for our region throughout the  
19 process. I've already touched on the numerous commitments  
20 and voluntary measures SCE has taken or agreed to to  
21 provide greater transparency and to protect our  
22 environment.

23 To get us started on this important project, we  
24 respectfully ask the question to certify the Final EIR and  
25 to approve the offshore conduits lease today.

1 I'd be happy to answer any questions.

2 Thank you, Commissioners.

3 CHAIRPERSON KOUNALAKIS: Thank you very much.

4 Commissioner Yee, you have questions?

5 COMMISSIONER YEE: I do. Thank you for the  
6 presentation. I had a question I thought I might pose  
7 now, since I think we've gotten many communications with  
8 respect to the expected NRC decision or action on March  
9 25th. Can you just describe what's anticipated? I think  
10 they're issuing a final decision with respect to the  
11 canister transfer.

12 MR. BAUDER: Okay. So you're referring to the  
13 canister transfer incident from August 23rd of last year?

14 COMMISSIONER YEE: Yes.

15 MR. BAUDER: Uh-huh. So --

16 COMMISSIONER YEE: And what's expected on March  
17 25th. I know that's a date that many of the interested  
18 parties have raised with respect to possibly delaying our  
19 action today until after that time.

20 MR. BAUDER: Right the -- so the Nuclear  
21 Regulatory Commission has informed us that they will be  
22 holding -- and notified the public, that there will be a  
23 public webinar on Monday the 25th. During that public  
24 webinar, the NRC will relay their decisions on enforcement  
25 for us, based on the August 3rd incident. They will also



1 summarize their inspection findings at the station during  
2 two key inspection weeks, the week of January 28th and the  
3 week of February 11th.

4 I'm not in a position to be able to say whether  
5 or not the NRC will make a final decision on fuel transfer  
6 at that time. I will tell you that we will not start fuel  
7 transfer until the NRC is satisfied with our corrective  
8 actions and we're fully ready.

9 CHAIRPERSON KOUNALAKIS: Commissioner Finn.

10 ACTING COMMISSIONER FINN: Sorry. I wanted to go  
11 back to your presentation on your safety notes. The very  
12 first bullet you said the radio -- you expect the  
13 radiological decontamination to levels lower than the NRC  
14 mandated thresholds. Can you give us a sense of what that  
15 means and how you will do that?

16 MR. BAUDER: Right. So the NRC has a mandated  
17 threshold for decommissioning a nuclear station. And I'm  
18 going to throw out a few numbers. But the mandated  
19 threshold is roughly a radiation reading of 20 -- less  
20 than 25 millirem per hour, below 3 feet below grade.

21 We're going to a lower threshold, which is -- and  
22 once again, I'm speaking without notes in front of me on  
23 this, but 15 -- lower than 15 millirem per hour at that 3  
24 feet below grade point, which I believe in NRC terminology  
25 is called resident farmer. So it's a -- it's a higher

1 level of decontamination or it's a removal of more  
2 radiological material than would be required under the  
3 standard regulation.

4 ACTING COMMISSIONER FINN: Okay. That was my --  
5 so you will remove more than required.

6 MR. BAUDER: More. Uh-huh.

7 ACTING COMMISSIONER FINN: And then, I'm sorry,  
8 one more question. You mentioned that you currently have  
9 been storing the dry fuel onsite for over 50 years. Does  
10 that mean you've never moved any offsite, or it's --

11 MR. BAUDER: So the comment was -- in looking  
12 back at my notes, I think I -- I mentioned we had been  
13 storing fuel safely onsite for 50 years or thereabouts.

14 ACTING COMMISSIONER FINN: Okay.

15 MR. BAUDER: That would be fuel in our spent fuel  
16 pools, as well as fuel in dry storage.

17 ACTING COMMISSIONER FINN: Okay.

18 MR. BAUDER: We were originally licensed in the  
19 year 2000 for dry storage of unit 1 fuel, and then again  
20 in 2001 from the Coastal Commission for unit 1, and then  
21 units 2 and 3 fuel, and then once again, in 2015, received  
22 another licence from the Coastal Commission to continue  
23 with the current facility and store additional fuel. So  
24 it's the entire time frame from spent fuel pole storage up  
25 through dry fuel storage.

1           ACTING COMMISSIONER FINN:   Okay.   Okay.   Thank  
2   you.

3           CHAIRPERSON KOUNALAKIS:   Okay.   I think we're  
4   going to go ahead and move to public comment.   I'm sure  
5   Commissioner may have more questions later.   But we will  
6   start -- we have an elected official here.   So I want to  
7   give him preference to come on up first.   John Taylor, San  
8   Juan Capistrano City councilman.

9           Good morning.

10          SAN JUAN CAPISTRANO COUNCILMAN TAYLOR:   Good  
11   morning, Commissioners.   As a neighboring city, we -- we  
12   are very concerned about the process, but we are ready and  
13   we would like to ask the Commission to approve the EIR and  
14   get started with this removal of the plant, with public  
15   safety being the number one -- the number one issue that  
16   we have.   And that concerns all of us in this San Clemente  
17   and the neighboring cities.

18          As we can see, it's far easier to build one of  
19   these than it is to remove it.   And that's the part that  
20   we're all learning.   And I think it's time -- it's going  
21   to make many, many years, but it's time to start the  
22   removal.

23          Public safety again being number one.   And I  
24   would ask that the Commission or that the -- that our city  
25   managers and our city staff be made aware prior to any

1 kind of risky or dangerous activities that might, you  
2 know, require just advanced notice that we're -- that  
3 we're -- our staff is -- at our cities are made aware of  
4 those things.

5 Thank you very much.

6 CHAIRPERSON KOUNALAKIS: Thank you very much.

7 We also have City Councilwoman Cori Schumacher  
8 from Carlsbad.

9 CARLSBAD COUNCILWOMAN SCHUMACHER: Thank you very  
10 much, Commissioners. My name is Cori Schumacher, City  
11 Council Member from the City of Carlsbad. Although, I am  
12 here on my own speaking on my own behalf.

13 The -- this issue has been on the minds of folks  
14 for quite a long time. I think especially starting in  
15 2012 when there was a real push to decommission the plant,  
16 because of the safety concerns. And we continue to have  
17 those same safety concerns as we're moving into  
18 decommissionings, as we've seen some of the incidents that  
19 have occurred onsite with the canisters.

20 I'm going to be neutral on this item, but I do  
21 want to strongly suggest that the mitigation measure  
22 regarding communications is only five miles in radius, but  
23 the impacts, would something happen, are far larger than  
24 that. Similar to the councilman who spoke before me, I  
25 think it's incredibly important for cities in -- at the

1 very least a 40 to 45 mile radius be notified when any  
2 deconstruction updates or anything dangerous to the public  
3 health and safety occurs on this site.

4 We need to be included in the conversation. And  
5 so I would -- I would strongly request that the  
6 communication measures, the mitigation measure be expanded  
7 beyond the 5-mile radius to include our neighboring  
8 cities.

9 Thank you very much.

10 CHAIRPERSON KOUNALAKIS: Thank you very much.

11 Our next speaker is Martha McNicholas. And if  
12 you could also tell us which group you're representing.  
13 Thank you.

14 MS. McNICHOLAS: Good morning, My name is Martha  
15 McNicholas. I'm a trustee on the Capistrano Unified  
16 School District School Board, which is in southern Orange  
17 County.

18 I am an engineer, and I am very familiar with  
19 decommissioning and dry casks storage, having lived in the  
20 Humboldt Bay Area most of my life. I also serve on the  
21 SONGS Community Engagement Panel. But today, I do not  
22 speak for the school district, but I speak as a  
23 knowledgeable and involved citizen of south Orange County.

24 The school district's primary concern is for the  
25 safety of students and staff at our schools, which are the

1 closest to the project site and to the transport routes  
2 for the removal of the demolition debris.

3 In the Final EIR, I appreciate the addition of  
4 all the clarifying information regarding emergency  
5 preparedness plans, especially those involving our schools  
6 and our school safety plans coordinated with other public  
7 agencies.

8 I also appreciate the continued explanation of  
9 what the Lands Commission jurisdiction is and what it is  
10 not, the explanation of what the project includes, and  
11 what the project does not include, and what this EIR  
12 covers and what it does not cover.

13 I support the staff recommendations that -- to  
14 certify the Final EIR and approve the lease changes.

15 Thank you.

16 CHAIRPERSON KOUNALAKIS: Thank you very much.

17 Next speaker, and maybe I will just call the next  
18 few, so you know the order, Daniel Stetson, and then Fred  
19 Briggs, and then Katherine Partain.

20 MR. STETSON: Good morning. My name is Daniel  
21 Stetson, and I'm the President Emeritus of the Ocean  
22 Institute in Dana Point, currently serving as the  
23 Executive Director of The Nicholas Endowment, and I'm the  
24 Vice Chair of the Community Engagement Panel for the  
25 decommissioning of SONGS.

1           Today, however, I speak to you as a concerned  
2 private citizen. I want to thank you for the opportunity  
3 to address you today, and I also wanted to thank the staff  
4 for their comprehensive Environmental Impact Report.

5           I recommend approval and certification of the  
6 EIR. However, I do have some suggestions and comments  
7 with reference to the offshore conduits.

8           As stated in the -- in section 2-44, the report  
9 says put simply, CEQA simply analyzes the impacts of new  
10 activities and facilities not the impacts of existing  
11 ones. As a result, CEQA does not provide a basis to  
12 require mitigation for leaving the offshore conduits in  
13 place, because the conduits are part of existing  
14 conditions. While there is no authority under CEQA to  
15 acquire mitigation for leaving the conduits in place,  
16 opportunities may exist for the -- may exist for  
17 compensation through the State Lands Commission's  
18 authority as landowner, acting on behalf of the State  
19 trustee, a sovereign trust public land or other authority  
20 outside of the CEQA context.

21           As such, while not specifically authorized under  
22 CEQA, I, along with many other environmental  
23 organizations, earnestly request the State Lands  
24 Commission exercise their authority and trust as landowner  
25 acting on behalf of the citizens of the State of

1 California to require mitigation for the abandonment of  
2 the offshore conduits.

3           When the conduits for units 2 and 3 were  
4 conducted, SCE agreed to remove everything, including the  
5 offshore conduits during decommissioning. While it now  
6 makes environmental sense to abandon them in place, this  
7 does not relieve SCE of their ethical responsibility to  
8 live up to the intent if not the letter of the agreement.

9           Abandoning the conduits in place will save \$100  
10 million. Many of us support refunding 50 percent of this  
11 back to the ratepayer, which they would never even notice  
12 on their bills, and then putting the other 50 percent, or  
13 \$50 million into a fund perhaps administered by the  
14 California Coastal -- California Coastal Conservancy, or  
15 other like agency, where environmental organizations, such  
16 as Surfrider and others, could apply for grants and be  
17 awarded those based on the merit of their application.

18           Thank you very much in advance for your  
19 consideration.

20           CHAIRPERSON KOUNALAKIS: Thank you.

21           Fred Briggs.

22           MR. BRIGGS: Good morning, Commissioners. My  
23 name is Fred Briggs. I've been a resident of this  
24 community for over 40 years. I'm a graduate nuclear  
25 engineer. And I spent the majority of my professional



1 life working at San Onofre. I participated in the design,  
2 the construction, and the operation of all three units  
3 there. And I am currently and happily retired and  
4 represent only myself this aft -- this morning.

5 The focus of my career was the overall safety of  
6 the units, the workers and employees, and the population  
7 at San Onofre. Was San Onofre safe?

8 Absolutely. I raised my family in the shadow and  
9 on occasion inside the site of San Onofre. No human  
10 process is perfect. Final disposition of spent nuclear  
11 fuel is a political, not a technical issue. The NRC has  
12 reviewed, approved, and will monitor the interim storage  
13 of the spent fuel onsite.

14 The nuclear oversight in this country is the best  
15 in the entire world. I believe in the integrity of the  
16 process and its ability to achieve safety. I am confident  
17 in the professionalism of the people and the organizations  
18 involved, because I helped to create them.

19 I urge the Committee to approve the final  
20 Environmental Impact Statement and let's get on with the  
21 work of the decommissioning.

22 Thank you.

23 CHAIRPERSON KOUNALAKIS: Thank you very much.

24 So next we have Katherine Partain. After that,  
25 Ted Quinn, and then Gene Stone.

1 MS. PARTAIN: Thank you, Commissioners. My name  
2 is Katherine Partain. I am the President of the American  
3 Nuclear Society, San Diego Section in this area. For my  
4 day job I work at General Atomics in San Diego,  
5 California. I am a nuclear quality engineer. And for 25  
6 years, I have worked on the technical aspects of making  
7 testing nuclear fuel, and for the past 12 years in quality  
8 assurance. I have been involved in decommissioning  
9 activities for several buildings, including our own hot  
10 cell, which I was the last principal investigator. And  
11 I've been working in decommissioning for about 20 years.

12 I'm here for two reasons today. I took time off  
13 to be here, because of my concern about misinformation in  
14 the public domain that relates to nuclear and SONGS  
15 decommissioning. Second, I support the EIR for SONGS  
16 decommissioning, and I respectfully encourage the  
17 Commissioners to approve the EIR. It's a solid piece of  
18 work, and there is a lot of good points to it.

19 On the first point, I'd like to speak to set the  
20 report straight on a few things I believe are a  
21 distraction, which has been promoted here at San Onofre.  
22 There is some misconception about the possibility of like  
23 nuclear meltdown in relationship to what happened a  
24 Chernobyl or Fukushima.

25 It's not going to happen here. The fuel is

1 stored. It is in solid ceramic form. It's not  
2 radioactive goo. It is highly protected. And it is  
3 removed from reactor. There's no core meltdown here.  
4 There's no core at all. It's totally removed. It's cold,  
5 isolated, and nothing is going to happen.

6 So as far as the decommissioning is concerned, we  
7 should get on with the project. There is a lot of  
8 oversight to be done by NRC and by the State. There are  
9 certainly regulatory limits that are going to have to be  
10 made to do that both by the State and by NRC.

11 And we should just get on with it. Just do it,  
12 because the longer you wait, the more expensive it's going  
13 to get and the more difficult it is going to be.

14 Thank you.

15 CHAIRPERSON KOUNALAKIS: Thank you.

16 Ted Quinn.

17 MR. QUINN: Good morning. My name is Ted Quinn,  
18 and I'm a resident of Dana Point, located 13 miles from  
19 SONGS for 38 years.

20 I'm Past President of the American Nuclear  
21 Society, a society of engineers and scientists with over  
22 12,000 members around the world, and in the U.S. I'm also  
23 a volunteer for the SONGS Community Engagement Panel since  
24 it started. And I'm not speaking for the Panel today, but  
25 for myself.

1 I have 44 years of Naval and commercial nuclear  
2 experience and 3 years I worked directly for the Nuclear  
3 Regulatory Commission. I support the EIR for SONGS  
4 decommissioning and respectfully encourage the  
5 Commissioners to approve the EIR. This is an important  
6 step for SONGS, but more importantly for the community,  
7 and we shouldn't lose site of that.

8 Environmentally speaking, decommissioning and  
9 dismantling the plant and removing the material that there  
10 is is a strong benefit. As you know, unit 1 was  
11 decommissioned over 10 years ago. It's the only site in  
12 the U.S. that was decommissioned at the time there were  
13 operating units on the site, and it was done on schedule  
14 and on cost.

15 You know the National Academy has stated,  
16 speaking about spent nuclear fuel, that the safest storage  
17 method is in -- is in dry cask storage. The NRC stated in  
18 January that there is no credible event that can lead to  
19 the release of radiation outside the site fence due to --  
20 due to the age of the fuel.

21 The spent fuel should be moved to a permanent  
22 federal repository on a consolidate -- or a consolidated  
23 interim storage site as soon as it's available. We can  
24 and should work to make this happen.

25 I want to thank the Commission and its staff for

1 its work on the EIR, and again encourage its approval  
2 today. Thank you.

3 CHAIRPERSON KOUNALAKIS: Thank you.

4 Next, we have Gene Stone, then Ron Rodarte, and  
5 then Laurenn Barker.

6 MR. STONE: Good morning, Commissioners. Thank  
7 you for holding this meeting. Thank you to the public who  
8 comes to speak up for safety in all regards. Thank you  
9 for California Edison. And thank you to the Union members  
10 who we will rely on to speak up for safety as has happened  
11 in reference to August 3rd.

12 My name is Gene Stone. And this is the bGeigie.  
13 This the geiger counter that was used at SONGS a few  
14 months ago September 6th to discover that there are  
15 radiation levels coming out that Edison has also spoken  
16 very concisely about. There's nothing leaking at San  
17 Onofre. But they never, ever admitted that the canisters  
18 are emitting radiation all day long, all night long.

19 Edison here stated this morning that they're  
20 prepared to safely store nuclear waste for a long period  
21 of time. But yet, they are not providing defense and  
22 depth in a way that's meaningful. To not have a fuel pool  
23 or not to have a hot box, and/or transportation cask as an  
24 emergency way to deal with a damaged canister, of which we  
25 may have several already.

1 I hope that this Commission will not find itself  
2 in the same position that the FAA has just found  
3 themselves in, in relationship to the plane crashes --  
4 recent plane crashes where they've -- are now being called  
5 a captured agency. And the NRC has long been called a  
6 captured agency by the nuclear industry. So I submit that  
7 please do not rush into this. Give those of us in the  
8 opposition a chance to meet with you directly, have  
9 another meeting where you can hear us out, give us time to  
10 read the updated report. And I'd ask you to postpone your  
11 vote today.

12 Thank you very much.

13 CHAIRPERSON KOUNALAKIS: All right. Next, we  
14 have Ron Rodarte.

15 MR. RODARTE: Hello. Good morning. My name is  
16 Ron Rodarte. I live in San Clemente, approximately 9  
17 miles from the San Onofre Nuclear Generating Station and  
18 waste disposal site. I'd like to thank Mr. Stone for  
19 bringing up something pretty obvious this morning, that  
20 the systems of confirmation of FAA approval and other  
21 departmental approvals in this nation have become somewhat  
22 questionable because of the interaction between the  
23 corporation and other bodies and inspections that need to  
24 be made.

25 In fact, even to the university level of

1 schooling, it's questionable that many of our top  
2 individuals have actual certification to be where they're  
3 at.

4           A confirmation today of the Final EIR is  
5 premature. There are system risks outstanding in the  
6 cooperating agencies that are studying their results at  
7 this moment. As Gene mentioned, a recent aircraft  
8 catastrophe, failures are today suspected by invalid FAA  
9 certification because of information that was not included  
10 or overlooked on the systems redundancies that did not  
11 exist.

12           The EIR must not be confirmed today. We have  
13 ongoing studies that must be looked at. In addition,  
14 there is an unanswered public demand and need for public  
15 information paved with real-time radiation monitoring.  
16 Any EIR must be inclusive of this need. My final comment  
17 is this EIR must not be approved today while cooperating  
18 agencies are in the process of rendering a report on the  
19 integrity of the Holtec system, which is different from  
20 the initial Holtec system put in for unit 1 and 2 storage.  
21 It is a whole different unit, and it is possibly  
22 defective.

23           Thank you.

24           CHAIRPERSON KOUNALAKIS: Thank you.

25           Laurenn Barker.

1           Then we will call Matt[SIC] Brady, and then Becky  
2 Mendoza, and then Helga Brown.

3           MS. BRADY: Hello, Commissioner. My name is  
4 Sarah Brady and Becky and Matt and Helga have allotted  
5 their time to me, as a back-up, in case I couldn't use the  
6 15-minute time slot that organizations usually get to read  
7 off their comments.

8           CHAIRPERSON KOUNALAKIS: I'm sorry, what is your  
9 name then?

10          MS. BRADY: My name is Sarah Brady.

11          CHAIRPERSON KOUNALAKIS: Sarah Brady. Okay. I  
12 have you here. Go ahead. So you're speaking for the four  
13 of you, is that right?

14          MS. BRADY: I'm speaking on behalf of Committee  
15 to Bridge the Gap, a nuclear safety and research  
16 organization that exposed crucial information about steam  
17 generator tubes, which lead to the shutdown of San Onofre  
18 in 2012. I am environmental research associate and  
19 community organizer for the Committee to Bridge the Gap.  
20 I was grew -- I grew up in Encinitas, and I am also a  
21 third-generation member of the San Onofre Surfing Club,  
22 and my dad here today is the President of the San Onofre  
23 Surfing Club.

24          Committee to Bridge the Gap submitted a joint  
25 comment with the National[SIC] Resource Defense Council,



1 Southern California Federation of Scientists, and  
2 Physicians for Social Responsibility, Los Angeles on this  
3 EIR to the California State Lands Commission on Monday. I  
4 will read off this joint comment. And since it is  
5 lengthy, I will use the time that --

6 CHAIRPERSON KOUNALAKIS: That's fine. Take your  
7 time.

8 MS. BRADY: Okay. And I've also provided the  
9 Commissioners with copies of -- and as well as some images  
10 for reference.

11 CHAIRPERSON KOUNALAKIS: Yes. We have those,  
12 yes.

13 MS. BRADY: Okay. We write regarding the  
14 decision pending before the State Lands Commission whether  
15 to certify the San Onofre decommissioning project Final  
16 Environmental Impact Report and approve the new lease.  
17 The pending action is one of the more consequential that  
18 the State Lands Commission has to face -- has had to face.

19 It is important -- it has important ramifications  
20 for controversial plans to continue storing large  
21 quantities of highly irradiated nuclear fuel 100 feet from  
22 the ocean and just a few feet above the water table.

23 These plans have generated substantial public  
24 concern and desire that more appropriate alternatives be  
25 put in place. The State Lands Commission has the ability

1 to help induce implementation of a better alternative, and  
2 it should take advantage of the opportunity to do so  
3 rather than unconditionally agree to the FEIR and lease.

4 We recognize that the State Lands Commission may  
5 feel that the storage matter is federally preempted and/or  
6 outside its jurisdiction. We wish to propose a path  
7 forward for your consideration, however, whereby the State  
8 Lands Commission can be responsive to the legitimate  
9 issues about the spent fuel storage plans while not facing  
10 preemption issues and remaining within your jurisdiction.

11 The State Lands Commission can utilize its  
12 land-use authority, which the U.S. Supreme Court has  
13 recognized as not preempted by federal law, to demand the  
14 spent fuel be moved off the beach and up to the safer Mesa  
15 site before the State Lands Commission will certify the  
16 FEIR or issue the license.

17 The Atomic Energy Act generally reserves to the  
18 federal government the power to regulate nuclear safety.  
19 We have long been critical of this restriction of State  
20 power to protect its residents, especially in contrast to  
21 how environmental law works in every other context. And  
22 we have long supported proposed legislative fixes to this  
23 problem.

24 We welcome State Lands Commission support in  
25 these efforts to address federal preemption of nuclear

1 safety matters. Nonetheless, that is the situation at  
2 present.

3           With the above caution in mind, we remind the  
4 State Lands Commission that full preemption of State's  
5 roles in regulating nuclear plants within their borders is  
6 by no means absolute. Indeed, the kind of authority that  
7 rests within the State Lands Commission's jurisdiction -  
8 land use - is precisely one of the areas of authority over  
9 nuclear plants and high level waste long recognized by the  
10 courts.

11           The seminal case on preemption arose out of a  
12 challenge to a California law, the law prohibited, and to  
13 this day still does, new nuclear power plants in  
14 California, unless California -- the California Energy  
15 Commission determined that there would be adequate storage  
16 space for spent nuclear fuel and approved means for  
17 permanent disposal. PG&E sued, arguing federal preemption  
18 barred the California law. The U.S. Supreme Court found  
19 that while there is federal preemption of purely safety  
20 matters related to nuclear plants, the states exercise  
21 their traditional authority over the need for additional  
22 generating capacity, the type of generating facilities to  
23 be licensed, land use, rate making, and the like.

24           On that basis, the Supreme Court upheld the  
25 California law, even though it dealt with high level

1 nuclear waste and the conditions underwhich new nuclear  
2 plants would be allowed in California. Put simply,  
3 federal law does not absolutely preempt land-use decisions  
4 affecting nuclear facilities.

5           In at least two prior high-visibility nuclear  
6 matters, the State Lands Commission has exercised its  
7 land-use powers in ways that limit nuclear power and waste  
8 storage protect -- to protect Californians. The first  
9 occurred during two years ago when the State Lands  
10 Commission employed its power over leases for  
11 State-controlled submerged lands offshore from the Diablo  
12 Canyon Nuclear power plant. State Lands Commission's role  
13 in the Diablo Canyon nuclear plant matter rests on the  
14 fact that it is responsible for State lands offshore, the  
15 same role the State Lands Commission plays at San Onofre.

16           The nuclear plants required leases from the State  
17 for coolant inlets and outfalls placed on those offshore  
18 State Lands. In the Diablo Canyon case, the leases were  
19 expiring and PG&E requested State Lands extend the leases  
20 so that the plant could continue to operate beyond the  
21 expiration dates of the leases.

22           The decision facing State Lands on Diablo was  
23 completely discretionary. The land was State Lands  
24 Commission land and the State Lands Commission was free to  
25 extend or not extend the leases as it chose. Thus, the

1 State Lands Commission decided to use its authority in a  
2 salutary way to facilitate the phase-out of the reactors  
3 and replacement with renewables.

4           The situation is quite analogous to the San  
5 Onofre matter, where State Lands Commission's involvement  
6 comes from State Lands Commission ownership and -- of, and  
7 leases for the submerged lands on which coolant inlets and  
8 outfalls are located.

9           The second example of State Lands Commission's  
10 prior, critical, and successful involvement in nuclear  
11 waste matters was the 1990 controversy over the proposal  
12 to bury waste from California and three other states at  
13 Ward Valley, a few miles from the Colorado River. For the  
14 project to go forward, federal land at Ward Valley had to  
15 be transferred to California. California State Lands  
16 Commission declined to approve the proposal unless serious  
17 safety issues were resolved. Again, State Lands  
18 Commission used its discretionary land-use authority to  
19 protect the State.

20           As discussed, the State Lands Commission has a  
21 history of protecting California on nuclear matters by  
22 exercising its discretionary land-use authority that the  
23 Supreme Court recognizes is not preempted by federal law.  
24 Here, we respectfully suggest State Lands Commission act  
25 similarly on the San Onofre matter by exercising its

1 land-use discretion and declining to grant the pending  
2 request from Edison and its partners regarding the lease  
3 of the State Lands, and alteration of the coolant intakes  
4 and outfalls that are on those lands, unless alternative  
5 action is taken to address the larger nuclear waste  
6 matter.

7           The offshore coolant systems are important for  
8 the operation of the spent fuel pools. Right now, those  
9 pools are the only facility available in case a canister  
10 what a radiated nuclear fuel is damaged and needs to be  
11 repackaged. Dismantling the cooling systems without  
12 having in place an alternative way of repackaging damaged  
13 canisters would not be responsible, and the State Lands  
14 Commission should think twice before approving it.

15           We note that this issue is summarily dismissed in  
16 the FEIR based on speculative assertions that if such  
17 damage occurred, something would be figured out.

18           But in the absence of a functioning spent fuel  
19 pool, or as we suggest below, a hot cell or its  
20 equivalent, there is no realistic way of doing such  
21 repackaging, if needed.

22           The fundamental controversy about the State Lands  
23 Commission certifying the FEIR for decommissioning of San  
24 Onofre Nuclear Generating Station centers on the Southern  
25 California Edison's plans to bury the waste 100 feet from

1 the ocean and just a few feet above the water table.

2           There are obvious risks, for most of which is  
3 rising sea levels. Additionally, this site has  
4 unfortunate vulnerabilities to a terrorist attack, given  
5 access from the sea and exposed nature of the site.

6           Furthermore, issues have been raised about the  
7 corrosive nature of the salt-infused sea air on the  
8 canisters and the lack of any facility for examining,  
9 repairing, and repackaging canisters that might get  
10 damaged, nor for minimizing radioactivity releases --  
11 release.

12           There is a more sensible al -- sorry, one note.  
13 These are, of course, safety matters normally restricted  
14 to the Nuclear Regulatory Commission. However, the NRC  
15 has long been criticized for its regulatory posture with  
16 respect to the industry oversees. Indeed, the troubles of  
17 involving the defense -- the defective replacement steam  
18 generators that resulted in San Onofre's permanent closure  
19 bear no repeating here.

20           Thus, we submit that public concerns are  
21 understandable. There is a more reasonable alternative --  
22 more sensible alternative to this waste storage plan that  
23 State Lands Commission can require of Edison.

24           The irradiated fuel should be moved from the  
25 beach and placed in an atmospherically-controlled building

1 located higher up on Camp Pendleton, for example, at a  
2 location called the Mesa, currently leased from Pendleton  
3 by Edison. It is at a higher elevation, protected from  
4 sea level rise. Access is controlled, unlike the far more  
5 vulnerable position currently employed and can be much  
6 easier protected from terrorist attack.

7           The building would be able to be shut down --  
8 would be able to shut down ventilation in the case of a  
9 radioactivity release and thus prevent that radioactivity  
10 from getting into the environment, which is not the case  
11 with the current outdoor storage near the beach.

12           It could filter out the salt in the air to reduce  
13 the corrosion to canisters, and critically, it could have  
14 a hot cell or a similar feature whereby a damaged canister  
15 could be inspected, repaired, or repackaged.

16           We understand that the United States Marine Corps  
17 will need to be a part of this process, and they should  
18 be. The current San Onofre waste storage location is  
19 currently on land Edison leases from Camp Pendleton, and  
20 we suggest only a minor move on land leased from the camp.  
21 We are aware of the objection that the nuclear waste will  
22 not be departing for good to another site.

23           But there are permanent -- but until there are  
24 permanent national repository options, something unlikely  
25 for decades in any scenario currently under consideration,



1 that fuel realistically will be on Pendleton land.

2 The only question is whether this waste stored in  
3 the interim will be more or less vulnerable to attack,  
4 and more or less vulnerable to sea level rise.

5 We respectfully suggest that the State Lands  
6 Commission decline to unconditionally exercise its  
7 discretion regarding the requested changes to the lease of  
8 State Lands and approval of changes to the cooling inlets  
9 and outfalls. Instead, the State Lands Commission should  
10 condition approval on Edison and its partners moving the  
11 radioactive waste to an atmospherically controlled storage  
12 building higher up, and away from the ocean, and more  
13 capable of being protected where failing canisters could  
14 be repackaged, and radioactive releases, if they were to  
15 occur, kept from the environment.

16 In the alternative, the State Lands Commission  
17 could, at minimum, pass a resolution calling on its sister  
18 agency, the California Coastal Commission, to reconsider  
19 the spent fuel storage issue and take steps to move the  
20 spent fuel to a building on the Mesa or a similar nearby  
21 location away from the beach, and urge the California  
22 senators and the congressional delegation from that area  
23 to undertake steps to facilitate that change.

24 Thank you.

25 CHAIRPERSON KOUNALAKIS: Okay. Thank you, Sarah.

1 Sarah, can I just confirm Helga Brown was also  
2 part of your group?

3 MS. BRADY: Yes.

4 CHAIRPERSON KOUNALAKIS: Okay. Thank you for  
5 reading all of that into the record.

6 MS. BRADY: Thank you for listening to all of it.

7 CHAIRPERSON KOUNALAKIS: Before we continue with  
8 public comment, I'd actually like to ask the applicant  
9 just to respond to one piece of it, if you would. And as  
10 we know much of this is well outside of the jurisdiction  
11 of what we have authority over, and well outside of the  
12 action that we're looking at taking today. But there is  
13 one piece of it that's come up a few times that I'm  
14 thinking that might be helpful to have you answer, which  
15 is this idea that the wet storage facility should somehow  
16 remain there as a plan B or a back-up plan in case  
17 something were to happen to the canisters in dry storage.  
18 Could you just address that for us? And I understand the  
19 NRC has already addressed it. But I think for the benefit  
20 of everyone here, and for my benefit, and the Commission's  
21 benefit, it would be helpful to hear from you about that.

22 MR. BAUDER: Sure. Absolutely.

23 First, I'd like to correct the record,  
24 Commissioner Finn. I believe you were asking about  
25 decontamination levels at the station. And I answered

1 in -- my answer was in terms of millirem per hour. I  
2 meant to say millirem per year.

3 ACTING COMMISSIONER FINN: Okay.

4 MR. BAUDER: And regarding resident farmer, we're  
5 going below those NRC requirements in our decontamination  
6 efforts. And our contract specifies 15 millirem per year,  
7 not hours. So I thought it was pretty important to put  
8 that back on the record.

9 Now, regarding the spent fuel pools. First, I  
10 think we're -- you're aware that there's no regulatory  
11 requirement from the Nuclear Regulatory Commission to  
12 maintain spent fuel pools at a decommissioning station.  
13 Throughout the country, wherever you look, Maine Yankee,  
14 Yankee Rowe, most recently the Zion station, completely  
15 dismantled their spent fuel pool as part of  
16 decommissioning. And the fuel there is in -- is safely  
17 stored in dry fuel storage.

18 So while we maintain the pools during the fuel  
19 transfer operations, following the fuel transfer  
20 operations, there's no requirement to have them. And  
21 that's because, first, there's no credible accident that  
22 could involve a canister that would involve any chance of  
23 the public receiving any dose from a canister incident. A  
24 canister incident is very -- a very slow moving event. We  
25 monitor the dry fuel storage area for radioactivity, and

1 we have time to take actions if we need to.

2           There is no need -- there is no reason to think  
3 that keeping a pool in place would be the remedy for a  
4 situation involving a canister anyway. The canisters are  
5 licensed by the NRC for 20 years at a time. And during  
6 that period, the NRC stipulates an aging management  
7 program, for which we, as a licensee, put in place to  
8 monitor them.

9           And further, the canisters are good for a design  
10 life of 60 years, and technically, as the NRC has stated,  
11 a service life of more than 100 years. So these are  
12 really robust canisters.

13           So if there was in the very, very low chance some  
14 incident that would involve dealing with a canister, there  
15 are ways to do that through technology, first, monitoring,  
16 and then potentially even repairs in place involving weld  
17 overlays or some other techniques, as well as other ways  
18 to deal with it involving specialized vendors.

19           In general, it would not be a good -- a good  
20 assumption to make that putting it back in a wet spent  
21 fuel pool would be a remedy.

22           CHAIRPERSON KOUNALAKIS: Okay. And then can I  
23 just clarify, Mr. Stone held up a geiger counter and said  
24 that the canisters are leaking right now. Is that --  
25 that's what I heard. Is that your --

1 MR. BAUDER: So in listening to Mr. Stone's  
2 comments what I heard was emitting radiation. I may not  
3 be exactly correct. It's what I recall. The canisters  
4 themselves do emit radioactivity in terms of typical  
5 radioactivity from the fuel, which is why they're stored  
6 in the vaults.

7 Over time, the radioactivity emitted from a  
8 canister goes down, as the decay of the fuel and the  
9 fission products in the fuel goes down. But that  
10 radioactivity is, for the large part it, gamma radiation.  
11 It's not leaking radioactive particles. It's just  
12 radioactivity.

13 CHAIRPERSON KOUNALAKIS: Okay.

14 MR. BAUDER: It's very similar to a strong x-ray,  
15 but it's in a vault, so that the radioactivity is very  
16 much minimized to workers and absolutely eliminated as far  
17 as the general public is concerned.

18 CHAIRPERSON KOUNALAKIS: Okay. All right. Thank  
19 you.

20 Commissioner -- Commissioner Yee

21 COMMISSIONER YEE: Yeah. Thank you, Madam Chair.

22 Ms. Brady's testimony with respect to the Mesa  
23 site. I'm not sure how that came to be where the Navy  
24 determined that that would be a disallowed site for the  
25 storage. But was that a formal request of the Navy at the

1 time or how did that to -- how did that determination come  
2 to be?

3 MR. BAUDER: Well, from what I know, the Navy  
4 indicated to us that storing our fuel there was not an  
5 option. That it was the Department of Navy's decision to  
6 recover the facility. And, in fact, we're moving off the  
7 lease there as we speak. And we're working through that  
8 process with the Department of Navy.

9 Additionally, the Mesa site was never, and has  
10 never been, part of the licensed area for our nuclear --  
11 our nuclear plant. So if we were to attempt to move the  
12 fuel there, first, we'd need the Department of Navy's  
13 permission. Second, we would need a separate license for  
14 the facility through the Nuclear Regulatory Commission.  
15 It's called a Part 72 license. And that would take quite  
16 a bit of time, probably several years. And third, moving  
17 the fuel there would be an operation all by itself,  
18 because we would actually technically be shipping the  
19 canisters in, at that time, DOE-approved containers --  
20 Department of Energy approved containers. And, you know,  
21 the way we're licensed now, we're not permitted to ship a  
22 canister, unless it's to a federally licensed repository.  
23 So that would encounter a number of additional obstacles  
24 as well.

25 CHAIRPERSON KOUNALAKIS: And there isn't such a

1 federally licensed permanent location currently available?

2 MR. BAUDER: That's correct.

3 CHAIRPERSON KOUNALAKIS: Okay.

4 COMMISSIONER YEE: Can I ask one more question?

5 CHAIRPERSON KOUNALAKIS: Oh, yes, of course.

6 COMMISSIONER YEE: Thank you, Madam Chair.

7 I think this might be a time -- it just kind of  
8 stirred me, because I was part of the Diablo Canyon  
9 decision. But maybe I could turn to staff now just to  
10 talk about the federal preemption -- or just the  
11 preemption issues, the two matters are different in my  
12 mind because of the role that the State Lands Commission  
13 took in the Diablo Canyon matter, so --

14 EXECUTIVE OFFICER LUCCHESI: Right. I'm happy  
15 to. And I think beyond just the federal preemption  
16 issues, it -- there's different factual circumstances. I  
17 know that that there are some perspectives that think that  
18 there -- this is very analogous to the situation at Diablo  
19 Canyon, but, in fact, very different factual circumstances  
20 that lead to that result.

21 So, first, I just wanted to clarify that the  
22 State Lands Commission actually does not have any land-use  
23 authority over the upland portion of this site. The State  
24 agency with land-use regulatory authority is the Coastal  
25 Commission. As has been mentioned time and time again,

1 our jurisdiction stops at the ordinary high water mark as  
2 measured by the mean high tide line at this location.

3 In terms of the different factual circumstances.  
4 At Diablo Canyon a couple years ago, the two leases that  
5 governed the offshore infrastructure to support the  
6 nuclear power plant onshore were coming -- were expiring.  
7 And those expiration dates did not match up with the NRC's  
8 license for that -- the facility, and so there was a gap.

9 And the Commission was considering a new lease to  
10 essentially bridge that gap between the NRC license  
11 expiration and the termination of the leases. And there  
12 were a number of factors that the Commission was  
13 considering in terms of the compliance with CEQA, and  
14 whether this fell within a categorical exempt -- or --  
15 categorical or statutory exemption or if additional  
16 environmental review was needed. Furthermore, there was  
17 not -- it was not in a decommissioning type of situation  
18 like we are in today.

19 And so there were a lot of different factors that  
20 the Commission had more control over under PG&E than is  
21 what -- than what the circumstances are at this site and  
22 for this particular project.

23 Similar, with the 1990 example, again, there was  
24 an approval needed to cross State property to be able to  
25 facilitate that federal project. Again, a different



1 factual situation. And that is because the proposed  
2 project here, whether -- regardless of what the Commission  
3 decides today in terms of an EIR certification and  
4 approval of the lease, the ISFSI storage will remain where  
5 it is, and the transfers will continue to happen pursuant  
6 to the ultimate determination by the NRC based on their  
7 investigations.

8           And so there -- we -- I will say as a staff and I  
9 think I can speak as -- for the Commission for this part  
10 is we looked very hard at our authority, jurisdiction, and  
11 the factual circumstances of where we are now to see if  
12 there was some opportunity to move the storage issue  
13 down -- you know, further down the field to address the  
14 very real concerns that are out there. And we couldn't  
15 find it, with all due respect to NRDC and others that have  
16 been advocating for the Commission to take a different  
17 view of our jurisdiction.

18           CHAIRPERSON KOUNALAKIS: Okay. Than you,  
19 Jennifer. Thank you very much, Doug.

20           All right. Let's get back to our speakers. We  
21 have John Geesman, Shawna Hunt, and then Charles Langley.

22           MR. GEESMAN: Thank you, Madam Chair and  
23 Commissioners. I had some slides.

24           CHAIRPERSON KOUNALAKIS: Yeah. How many -- how  
25 many minutes do you need?

1 MR. GEESMAN: Five.

2 CHAIRPERSON KOUNALAKIS: All right. Go ahead and  
3 put five on the clock. That's fine.

4 (Thereupon an overhead presentation was  
5 presented as follows.)

6 MR. GEESMAN: I'm John Geesman, a attorney for  
7 the Alliance of Nuclear Responsibility. Our interest is  
8 in the lease portion of your decision today.

9 Our interest is in the lease portion of your  
10 decision today, specifically paragraph 32. We thank your  
11 staff for vigorously standing up for the interests of all  
12 Californians in recreational access to coastal resources.  
13 We also thank Edison and the other plant owners for their  
14 acceptance of the language in paragraph 32, and hope that  
15 this represents an early inkling of awareness of the  
16 public's interest in the future recreational value of this  
17 site.

18 --o0o--

19 MR. GEESMAN: I want to be very clear, our  
20 long-term objective is that once the site is fully  
21 decontaminated and released for unrestricted use by the  
22 NRC that it will eliminate the bifurcation of the San  
23 Onofre State Park. The State Parks Department has  
24 indicated to the Navy its intention of seeking a new  
25 50-year extension of the lease for the San Onofre State

1 Park. It is our belief that the ultimate destination for  
2 this site, when it is fully decontaminated, will be the  
3 absorption by the State Park.

4 The star on the map comes from your EIR when this  
5 plant operated. It was truly the star of the Southern  
6 California electrical system. We engineered the entire  
7 grid around its reliable operation. But it has not  
8 generated electricity for more than 7 years. Its  
9 usefulness has long since passed. It currently represents  
10 a toxic, unsightly, industrial carbuncle, and it appears  
11 to be universally held that it should be promptly and  
12 expeditiously removed as safety permits.

13 --o0o--

14 MR. GEESMAN: There are a bundle of legal rights  
15 associated with the public's recreational interests in  
16 this site. One is the provision in the State Constitution  
17 that guarantees a right to fish on public lands.

18 --o0o--

19 MR. GEESMAN: A second is a court determined  
20 right to swim, which all Californians have an entitlement  
21 to.

22 --o0o--

23 MR. GEESMAN: A third is a constitutional right  
24 to freely navigate navigable waters.

25 --o0o--

1 MR. GEESMAN: And finally, the Public Trust  
2 Doctrine, which assures a right to all members of the  
3 public to access and use Public Trust resources.

4 --o0o--

5 MR. GEESMAN: The current exclusionary boundary,  
6 documented in your EIR, ranges between 600 and 641 meters  
7 from the two domes, because that's where the reactors  
8 were. The requirement stems from NRC regulations of an  
9 operating nuclear power plant. That's no longer the case.  
10 Our recommendation, as reflected in paragraph 32, is that  
11 once the fuel is successfully transferred to dry casks --

12 --o0o--

13 MR. GEESMAN: -- that the exclusion area be  
14 resized to meet NRC requirements for dry storage. I've  
15 drawn yellow dots along the offshore portion of the site,  
16 which would indicate where that exclusion area would  
17 apply.

18 --o0o--

19 MR. GEESMAN: Rightsizing the exclusion area  
20 would significantly increase access to Public Trust  
21 resources. The area in pink is the portion of the  
22 exclusion area that would be freed up when Edison applies  
23 to the NRC for a shrunken exclusion area boundary.

24 --o0o--

25 MR. GEESMAN: It's important to recognize that we

1 face growing needs for access to coastal resources.  
2 Between the time the plant stopped operating and when  
3 Edison currently envisions full site restoration, we'll  
4 have gained roughly a 27 percent increase in our  
5 population.

6 Your action today represents an important first  
7 step in assuring the public is able to access those  
8 resources. We urge your approval of the proposed lease.

9 Thank you.

10 CHAIRPERSON KOUNALAKIS: Thank you very much.

11 Is this -- yeah, I think this is the subject of  
12 the -- one of the changes that --

13 EXECUTIVE OFFICER LUCCHESI: Yes.

14 CHAIRPERSON KOUNALAKIS: Maybe it's a good time  
15 just to quickly address it.

16 EXECUTIVE OFFICER LUCCHESI: Yeah. Of --

17 CHAIRPERSON LUCCHESI: We won't stop at  
18 everything, but I think that -- yeah.

19 EXECUTIVE OFFICER LUCCHESI: Right. Yeah. So in  
20 response to the Alliance for Nuclear Responsibility's  
21 letter, we did -- we were able to negotiate a lease term  
22 with the applicant that addresses the offshore exclusion  
23 boundary issue. And so that is a part of the revised  
24 proposed lease. It is part of the record, and it is part  
25 of staff's recommendation already.

1 CHAIRPERSON KOUNALAKIS: So that's going to then  
2 allow more access off the beach as part of the  
3 decommissioning process?

4 EXECUTIVE OFFICER LUCCHESI: That's the first  
5 step, yes.

6 CHAIRPERSON KOUNALAKIS: Okay. Okay.

7 ACTING COMMISSIONER FINN: On that same issues, I  
8 just wanted to clarify. It's just the offshore exclusion.  
9 We don't have an ability to restrict or -- the onshore  
10 because that's owned by the Navy, right?

11 EXECUTIVE OFFICER LUCCHESI: In terms of what  
12 actually occurs, what the Navy at the conclusion of the  
13 decommissioning, the dismantling and the  
14 decontamination --

15 ACTING COMMISSIONER FINN: Um-hmm.

16 EXECUTIVE OFFICER LUCCHESI: -- and the future  
17 use of the site, that is a decision by the Navy and the  
18 Coastal Commission.

19 ACTING COMMISSIONER FINN: Okay.

20 EXECUTIVE OFFICER LUCCHESI: What the lease  
21 provision 32 provides is that at the conclusion of the  
22 transfer of the spent nuclear fuel to the ISFSI, the  
23 lessee shall seek approval from the Nuclear Regulatory  
24 Commission to decrease the size of the exclusion area  
25 boundary to the minimum required by law. So that would,

1 in theory, apply to the upland too.

2 ACTING COMMISSIONER FINN: Oh, it would. Okay.

3 EXECUTIVE OFFICER LUCCHESI: But -- and then in  
4 addition to that, the lease provision also requires that  
5 the lessee, the applicant, and the State Lands Commission  
6 jointly consult with the Coastal Commission to ensure that  
7 the Coastal Commission's permit conditions are complied  
8 with towards that end.

9 Because, if I may one more statement, and this  
10 might address some other issues associated with the ISFSI  
11 is in 2035, consistent with the Coastal Commission's CDP,  
12 the Coastal Commission will be reevaluating the ISFSI  
13 location.

14 CHAIRPERSON KOUNALAKIS: Okay. Thank you very  
15 much.

16 Shawna Hunt

17 MS. HUNTER: Good morning. My name is Shawna  
18 Hunt. And I am here on behalf of the San Clemente Chamber  
19 of Commerce. The San Clemente Chamber of Commerce is in  
20 support of the California State Lands Commission's Final  
21 Environmental Impact Report and encourage its approval.

22 This CSLC has done a thorough job on February's  
23 Final EIR, and the Chamber is confident that Edison will  
24 implement appropriate safe mitigations in response. The  
25 Chamber supports the certification of this EIR, thus

1 leading to the prompt commencement of dismantlement  
2 activities at SONGS. The Chamber understands that  
3 dismantlement work will be up to a 10-year process, and  
4 are hopeful the approval of this EIR will begin that  
5 process quickly.

6           During the course of this dismantlement, the  
7 Chamber is expecting local businesses such as San Clemente  
8 hotels, restaurants, and other organizations to actually  
9 see a positive impact as a result of the influx of workers  
10 the dismantlement will require.

11           SONGS is permanently closed. It's time to move  
12 on with safely dismantling the plant and removing the  
13 domes.

14           Thank you.

15           CHAIRPERSON KOUNALAKIS: All right. Thank you  
16 very much.

17           Next, we have Charles Langley, then Nina Babiarz,  
18 and then Ray Lutz.

19           MR. LANGLEY: Greetings, Madam Chair, Honorable  
20 Commissioners. My name is Charles Langley. I'm the  
21 Executive Director of Public Watchdogs. We're 501(c)(3)  
22 nonprofit.

23           And this is the first of two volumes of the  
24 original Environmental Impact Report. Now, what I'd like  
25 to do is show you these other three volumes of the new



1 Final Environmental Impact Report, which was released on  
2 February 11th. It's more than 2,000 pages of material  
3 that the public was only given 40 days to review. We  
4 don't believe it's appropriate to ask the public to go  
5 through 2,000 pages of material in 40 days.

6 We're very concerned about the process that is  
7 occurring here or when the public gets up and makes a  
8 statement that Southern California Edison is allowed to  
9 come back and rebut. We're very uncomfortable with that.  
10 We'd like to have an opportunity to rebut some of Southern  
11 California Edison's statements.

12 One of the things that is not in this report, and  
13 there's a lot that isn't in it, is that these canisters  
14 are actually quite fragile. They're made out of 5/8th  
15 inch thick stainless steel. Proportionally, if you broke  
16 them down and reduced them to the size of an egg, they'd  
17 be egg-shell thin. They're in an earthquake area, in a  
18 tsunami zone.

19 They are only guaranteed to last 25 years. Now,  
20 you've heard already that they're -- they have a design  
21 life of 60 years, but the guarantee is only 25 years.

22 We'd really like the opportunity to have more  
23 time to look at this. And we think the most powerful  
24 thing the Commission could do right now and the most  
25 effective thing is to delay a vote on this issue, and

1 postpone it until the full story has been told.

2 Thank you.

3 CHAIRPERSON KOUNALAKIS: All right. Next, we  
4 have Nina Babiarz also from Public Watchdogs.

5 MS. BABIARZ: Actually, my name is Nina Babiarz.

6 CHAIRPERSON KOUNALAKIS: Oh.

7 MS. BABIARZ: I'm a board member of Public  
8 Watchdogs.

9 CHAIRPERSON KOUNALAKIS: My apologies, as someone  
10 who gets their name mangled quite often. I'm sympathetic.

11 (Laughter.)

12 MS. BABIARZ: My name is Nina Babiarz. I'm a  
13 board member of Public Watchdogs. And our mantra is that  
14 the public has a right to know.

15 The public has -- unlike the State Lands  
16 Commission, did not have the luxury of receiving inside  
17 information when the NRC prematurely released its  
18 corrective action of Edison's violation of federal  
19 regulations on March 18th.

20 The public is entitled to the NRC's promised  
21 public briefing of March the 25th. And we feel very  
22 strongly that the State Lands Commission should postpone  
23 the vote to approve the SONGS EIR so that the public's  
24 required for this upcoming NRC public release is not  
25 preempted.

1           Otherwise, the very CEQA laws that were passed to  
2 protect California's public lands, waterways, and  
3 resources will have been used to craft the loopholes to do  
4 Edison's bidding. I respectfully request that someone who  
5 has a vote to approve will instead have the courage this  
6 morning to postpone that vote and ensure that the State  
7 Lands Commission remains true to its mission to provide  
8 the people of California with effective stewardship of our  
9 land and water.

10           Anything else would be disingenuous to the  
11 public. I think it's a common courtesy to the public to  
12 postpone this vote, because after all, the public is  
13 paying for everything and every agency that Mr. Bauder  
14 outlined in this project.

15           Thank you.

16           CHAIRPERSON KOUNALAKIS: Thank you.

17           Next, we have Ray Lutz, and then Madge Torres,  
18 and then Christa Gostenhofer.

19           MR. LUTZ: Thank you. Ray Lutz with Citizens'  
20 Oversight. I'm a trained engineer. I'd like to first get  
21 in the record that I object to the limitation of time to  
22 only 2 minutes for each public speaker. Make sure that  
23 that -- we really need to discuss this, and it should not  
24 be -- belittled by only 2 minutes.

25           Now, I'm happy to see this plant close. I'm -- I

1 want to see it demolished in good and short order. But  
2 there's no reason to rush it. There's no reason. It can  
3 sit there for 60 years by law with nothing happening. In  
4 fact, it's better. The radiation goes down the longer we  
5 wait. So there's no reason to rush.

6           The process. I've already complained that this  
7 should have been handled entirely by one governmental  
8 organization. The Coastal Commission is responsible for  
9 the coastal area not the State Lands Commission. You guys  
10 keep saying, oh, that's not in our jurisdiction. But you  
11 are the leading agency. You're taking over everything  
12 that the Coastal Commission would have been responsible  
13 for. You've taken over the entire project, so that's bunk  
14 that we just heard. Oh, that's out of our jurisdiction.

15           Why are you doing the decommissioning project at  
16 all, if it's out of your jurisdiction? Your offshore  
17 area, not onshore. That's what I understand. And now you  
18 say that some of these things are out of your  
19 jurisdiction. Well, then why are you doing it at all, if  
20 those things are out of your jurisdiction? So I think  
21 it's been inappropriately split and you're continuing to  
22 do this in a very deceitful manner.

23           Why are you doing it?

24           Hey, guess what, they rush through the approval  
25 through the Coastal Commission of that ISFSI. Why?

1 Right under it is the unit 1 old reactor toxic  
2 waste that they wanted to cover up with this new facility  
3 that was approved before, so we can't talk about it now.  
4 That was wrong to break that up. So please don't continue  
5 this approach.

6 SCE says the first step of any long-term storage  
7 is to put them into dry storage in the type of canisters  
8 that they have. Wrong. That is not actually the --  
9 always the -- the required first step.

10 For example, there's a deep bore hole storage  
11 that's been coming out now, where they go down and dig a  
12 small hole very deep, and they put one fuel assembly in at  
13 a time in its own canister. Much smaller, easier to  
14 handle.

15 So when he says this is the first step, why are  
16 they saying this stuff that isn't -- doesn't have anything  
17 to support it?

18 I'm worried about their ability to handle this  
19 project safely. They just almost dropped a canister.  
20 Only had to move it a few hundred yards. Mr. Bauder of  
21 SCE just said there's no credible accident that could  
22 happen. We just saw an accident that almost happened, and  
23 that happens when they're moving these canisters around.  
24 They're eventually going to take them back out hopefully  
25 and move them somewhere else.

1 Well, guess what could happen when you're moving  
2 them out?

3 Drop it 18 feet into the thing, the thing breaks  
4 open, and then we'd have a big problem with no fuel pools.  
5 Those fuel pools should stay until the waste has left the  
6 area.

7 Now, due to the recent mishap and the ongoing  
8 investigation into it, this body should not approve  
9 anything until we get -- know what the hell is going on.  
10 So please, don't rush into this. Please, delay this. I'd  
11 say delay it for a year just so that we can see what's  
12 happening. There's no need to rush. If you said delay it  
13 for 60 years, that's still fine, according to the law.

14 So please, delay it. Thank you.

15 CHAIRPERSON KOUNALAKIS: Okay. We're going to be  
16 somewhat flexible with the time, but we want to make sure  
17 that everyone can be heard. That is a top priority for  
18 me, so if you can stay within the two minutes, that would  
19 be great.

20 Are you Madge?

21 MS. TORRES: Madge Torres, Citizens' Oversight.

22 CHAIRPERSON KOUNALAKIS: Yes. Okay. Madge  
23 Torres. Thank you.

24 MS. TORRES: We learned that as well as a  
25 canister almost dropping and being unreported, that

1 another problem with San Onofre was a lack of culture of  
2 safety. And there were many incidents where that was  
3 demonstrated and reported, including the fact that during  
4 the incident that while there were additional safety  
5 methods available and intended to be used, such as an  
6 additional strap in case the -- the canister were to drop,  
7 that they were completely unattached. They didn't even  
8 bother to hook up the additional strapping.

9           So what we know is that there's a lack of culture  
10 of safety. And Southern California Edison said, well, we  
11 were letting Holtec manage it, but we'll start paying more  
12 attention now. That's crazy. This is nuclear waste.

13           In addition, San Onofre, during the time when it  
14 was operating, was -- had the most incidences of  
15 infractions and the most retaliation against employees who  
16 did report those.

17           So we can't count on Southern California Edison  
18 doing anything right. There was nobody even watching when  
19 the canister was left dangling.

20           Please, if there were, for example, a child that  
21 accidentally ingested a balloon and it covered their  
22 trachea, you would -- you wouldn't say, well, I'm just a  
23 licensed veterinarian, and say I can't perform a  
24 tracheotomy, you're our last resort. Act as a mother  
25 would, perform the tracheotomy, do not allow this permit

1 to be given. They don't deserve it, and you're saving our  
2 lives, if you do this, if you reject their request.

3 CHAIRPERSON KOUNALAKIS: Next speaker Christa  
4 Gostenhofer.

5 MS. GOSTENHOFER: Hello

6 CHAIRPERSON KOUNALAKIS: Hello.

7 MS. GOSTENHOFER: When I was saw the State Lands  
8 document and saw that it was as huge as it was, I glanced  
9 through and realized that State Lands was basically  
10 deferring all the nuclear waste safety issues to the NRC.

11 And so I'm here basically to ask you, as State  
12 Lands, to help us oversee the NRC and hold them  
13 accountable. We had, you know, the really serious near  
14 miss. And something that was discovered in the process  
15 of -- the process of that investigation is that the  
16 canisters are damaged as they're put down into the holes.  
17 And this was unexpected and it's really serious, because  
18 this could shorten the lifespan of these cans, and it  
19 really puts us at jeopardy. And there's no way to inspect  
20 the gouges and scrapes of those cans.

21 And on Monday, they're going to be reporting --  
22 the NRC is going to be reporting to the public on a  
23 webcast about the latest of the investigation. And it  
24 doesn't seem like they're really putting enough attention  
25 on that really serious problem that the Holtec system is



1 basically flawed, and it's really not an adequate way for  
2 us to store the waste, even short term, never mind to  
3 transport.

4           So I really hope that someone in the State Lands  
5 can be looking into this and helping us who are really  
6 concerned about it. I'd look deeply into the NRC  
7 documents, the Holtec documents. And the further I look,  
8 the more concerning it is. The beach site storage got my  
9 attention, and I haven't been able to stop looking into  
10 it. It's really concerning.

11           And so we have a new governor. And we're kind of  
12 hopeful that there can be a new look at this really  
13 significant situation on our coast.

14           Thank you.

15           CHAIRPERSON KOUNALAKIS: Thank you. Gene Nelson,  
16 and then Donna Gilmore.

17           DR. NELSON: Good morning. My name is Dr. Gene  
18 Nelson. I served in a volunteer capacity as a legal  
19 assistant of Californians for Green Nuclear Power. Could  
20 you please reschedule me, like to the next speaker,  
21 because I was -- I -- you've given everybody else time to  
22 boot up the computer, if they need to. I need to do that.  
23 So thank you.

24           CHAIRPERSON KOUNALAKIS: Sure. Sure. You can  
25 come back up. All right. Donna Gilmore.

1 MS. GILMORE: Hi. Thank you for having this  
2 meeting locally. We really appreciate that. We wish the  
3 NRC would do that.

4 I used to work at the State Controller's Office.  
5 I supported the executive office. And so I'm very  
6 familiar with what's going on through three different  
7 Controllers, so...

8 I have been -- my background is a systems  
9 analyst, and I've been studying very closely what's going  
10 on at San Onofre. After the almost drop of a canister,  
11 what I learned is that the NRC approved a bad design.  
12 Michael Layton, NRC Director of Spent Fuel Management, he  
13 admitted to me -- this to me, that they didn't realize  
14 that that system, because of an imprecise downloading  
15 system, was going to damage the walls of the canister all  
16 the way down the side.

17 Edison told the NRC, yeah, the damage is going to  
18 go from the -- all top of the canister all the way down to  
19 the bottom. And once you -- once you scratch or gouge  
20 stainless steel, you've just shortened the life of the  
21 system.

22 I was an intervenor at the Public Utility  
23 Commission. This was not part of what got approved. We  
24 were told these containers were going to last. They'd  
25 never be -- need to be replaced or have any problems. So

1 what the Public Utility approved is not what we got.

2           There's no money to replace the canisters in the  
3 PUC. There is no money to replace the pool. The only two  
4 methods to replace a canister is with a pool or a hot  
5 cell. There is no third option. And if they destroy the  
6 pool, the NRC says, well, they can just build another one  
7 if they need it. Do you know what those things cost?  
8 There's no money for that. That's a State responsibility.

9           The Coastal Commission. I'm heavily involved  
10 with the Coastal Commission staff. A lot of my  
11 information made it into the staff report.

12           They promise -- they promised the Coastal  
13 Commission they could move this thing because of sea rise  
14 issues. So there's a transort -- transportability  
15 requirement. You can't transport cracking canisters. You  
16 can't do it. They need to be replaced. They need the  
17 pool to do that.

18           They promised they would find a way to inspect  
19 these canisters. The NR -- the Coastal Commission didn't  
20 know they were going to damage canisters as soon as they  
21 put them in the ground. This -- rather than an EIR, we  
22 need to go back -- and I'm so happy we have a new Governor  
23 that said he's going to do things different. He doesn't  
24 trust PG&E because of their history. He shouldn't trust  
25 the -- Edison either.

1 I'm only spending my retirement on this, because  
2 the NRC is not doing their job, and Edison is not doing  
3 their job. I have a website San Onofre Safety, where I  
4 put all the facts that Edison is not going to tell you.  
5 And I'm more than happy to work with you. I'm used to  
6 working in government between different agencies. I was  
7 like who you would go to if you had a problem you didn't  
8 know how to fix. They would always call me. And I'm more  
9 than happy to give up some of my retirement and just come  
10 back for free and give you the information you need to  
11 protect California.

12 I mean, the 5th largest economy in the world, and  
13 we're letting a company with this reputation, you know,  
14 risk that. Financially, where's the money coming? We've  
15 got another billion dollar boondoggle and then some with  
16 this system.

17 So please, let me help you, you know, help the  
18 rest of us help the -- they got -- you've got a -- you  
19 know, you've got a new CEC Chairman. Probably doesn't  
20 know all about this stuff. I used to work with, you know,  
21 previous people.

22 And so please, you know, take a pause. There's  
23 no rush here. This stuff is going to be here forever. So  
24 I would like to work with your staff or whoever to help  
25 solve this problem.

1 Thank you.

2 CHAIRPERSON KOUNALAKIS: Thank you, Donna.

3 Next, we have Torgen Johnson and Marilee McLean.  
4 And I believe that they are presenting together or your  
5 ceding your time to him.

6 All right.

7 MS. GILMORE: Well, just one more thing. Nobody  
8 understands the techy stuff. But be -- these are all  
9 lemons. Everyone of these cans they put in are lemons,  
10 every single one. And they've loaded 29, and we don't  
11 want to green light 43 more, because everyone of those are  
12 going to have to be replaced. And we haven't got the  
13 money for -- we haven't spent the money for that.

14 So these are -- these systems are a lemon, and we  
15 should not forget that. Thank you.

16 MR. JOHNSON: Hello. My name is Torgen Johnson.  
17 I represent the Samuel Lawrence Foundation today.

18 I'm a Harvard trained urban planner and a father  
19 of four living downwind of San Onofre. I want to say that  
20 this Final EIR certification is premature. This  
21 discussion is premature. And the reason why I say that is  
22 there's an interconnectedness between the regulatory  
23 agencies overseeing this decommissioning process and that  
24 have jurisdiction on various portions of this project.

25 And from a planner's perspective really what I

1 try to do is I try to bring all these parties together  
2 when we propose a development. And we want to look at the  
3 interconnectedness -- jurisdictional interconnectedness  
4 and how one jurisdiction might have insight into something  
5 like cost, and another have jurisdiction into something  
6 like safety, or environmental protection.

7           And if you bifurcate a project the way this  
8 project -- this decommissioning project has been  
9 bifurcated, you create an institutional blind spot, which  
10 allows an entity, like Southern California Edison, to slip  
11 past the review and slip past the scrutiny that a project  
12 of this magnitude deserves.

13           I want to say that the Samuel Lawrence Foundation  
14 provided a lengthy comment to the Draft EIR. And that  
15 comment gave you the technical information that you would  
16 need to understand the interconnectedness of a canister  
17 loading system that was approved by the California Coastal  
18 Commission before it understood the shortcomings of that  
19 system, which will leave the fuel stranded onsite.

20           The people that I work with are a former head of  
21 the U.S. Nuclear Regulatory Commission, previous NRC  
22 Commissioners, high level radioactive waste policy experts  
23 that have advised Presidential administrations, and  
24 National Academy of Science Nuclear physicists that are  
25 independent of this industry. They don't receive paycheck

1 from this industry anymore, and they're speaking out quite  
2 clearly against this process.

3           And one of them said that attending a recent  
4 nuclear waste symposium in Arizona, that people in the  
5 industry are wary of what's happening at San Onofre. And  
6 they say that this process is extremely dangerous and  
7 dirty. And it should be taken extremely seriously and  
8 done carefully and slowly, not rushed the way this process  
9 is being rushed.

10           Now, I want to say that the comments that we  
11 submitted, I saw the responses in the draft -- in the  
12 staff report. And the concern that I have is that you've  
13 accepted at face value the word of Edison and their  
14 consultants, like MPR Associates, who have absolutely  
15 misinformed the public, and we've stated that in our  
16 comment. But also Holtec International has demonstrated  
17 that safety is not number one.

18           And damaging the canisters was never mentioned.  
19 The NRC didn't even about this issue about damage to the  
20 canisters, and what's called chloride-induced stress  
21 corrosion cracking, which renders these canisters  
22 structurally unsound after a certain amount of time, a  
23 time frame within what we're talking about leaving these  
24 canisters in place, because there's no place to send these  
25 canisters.

1           So I want to say the NRC has a track record of  
2 being arguably the most industry-captured regulatory  
3 agency in the U.S. And you're taking their word at face  
4 value. Their staff and their Commissioners disagree all  
5 the time. In fact, there's whistleblowers inside the NRC  
6 at the risk assessment level that are blowing the whistle  
7 on the NRC. I can provide you those letters too. And I  
8 want to say that Southern California Edison's judgment has  
9 been proven to be faulty.

10           The recent fires, the Woolsey Fires, were started  
11 with Southern California Edison's infrastructure. Half of  
12 my hometown burned to the ground, 25 percent of the  
13 population was displaced, and a close personal friend and  
14 his mother were burned to death.

15           Their judgment is a personal issue for me. And I  
16 think it would be wise to not certify this EIR today, give  
17 the public more time to go through all the documents that  
18 Public Watchdogs has shown you, the thousands of pages.  
19 This is unrealistic for the public, who has full-time jobs  
20 and families, to go through and scrutinize this. This is  
21 really something that should be done at the State level.  
22 It should be done by agencies like your own, coordinated  
23 with the Coastal Commission, looking -- revisiting their  
24 approval of this dry canister waste storage system, so  
25 that we don't make a mistake that costs ratepayers, when



1 we have to replace these canisters over and over again  
2 with money that we don't have, that's not in the  
3 decommissioning process.

4 That is within your jurisdiction. That's within  
5 the State's jurisdiction, the CPUC's jurisdiction. And  
6 you should be talking with these agencies. That's the  
7 prudent thing to do on a decision as large as leaving this  
8 amount of nuclear waste stranded on a beach right next to  
9 your jurisdiction.

10 I ask that you don't certify that today, and that  
11 you give the public the chance to inform you on the  
12 jurisdictional handle that you do have to ensure that the  
13 environment is not impacted, and the State is not burdened  
14 with billions of dollars of cost to replace and secure  
15 this waste to keep us safe and keep the environment clean.

16 Thank you.

17 CHAIRPERSON KOUNALAKIS: All right. Gary  
18 Hendrick. After that, I have Jeff Steinberg[SIC] and  
19 Brian, either Woolley or Woolsey, I think.

20 Gary Hendrick. No

21 Okay. Then --

22 (Member of the audience spoke from the floor.)

23 CHAIRPERSON KOUNALAKIS: I'm sorry, if you could  
24 sign a speaker's slip.

25 (Member of the audience spoke from the floor.)

1 CHAIRPERSON KOUNALAKIS: Oh, sorry. Okay. So  
2 next. All right. We'll move to the next person, Jeff  
3 Steinberg[SIC]. Thank you.

4 MR. STEINMETZ: Steinmetz, please.

5 CHAIRPERSON KOUNALAKIS: Stein -- what is it?

6 MR. STEINMETZ: Metz. S-t-e-i-n-m-e-t-z.  
7 Steinmetz.

8 CHAIRPERSON KOUNALAKIS: I'm sorry, say it one  
9 more time. S-t-e-i-n --

10 MR. STEINMETZ: S-t-e-i-n-m-e-t-z, Steinmetz.

11 CHAIRPERSON KOUNALAKIS: Okay. That's different  
12 than what I have, so thank you.

13 Okay. Go ahead.

14 MR. STEINMETZ: My name also gets massacred.

15 So thank you very much for having this meeting.  
16 I appreciate the opportunity to stand up and speak.

17 You know, we're running out of hope anymore now,  
18 because the utilities basically and their huge economic  
19 power are dominating the decisions that are made across  
20 our state. The Utilities, both Southern California Edison  
21 and PG&E are burning people out of their homes and killing  
22 them with impunity and without financial consequence.

23 The State has recently said that it's okay to  
24 continue burning people and killing them. When you get  
25 sued, we're just going to bill the ratepayers and they'll

1 pay for it.

2 I don't know what has to happen before some  
3 governmental entity stands up and says, enough. This is  
4 just ridiculous. The papers that we read, your own  
5 documents, right, were obviously written by Southern  
6 California Edison. And they're actually littered with  
7 mistakes. Canister 30 never was actually downloaded, but  
8 in your own document it says that it was. 29 was the one  
9 that had the accident, and you confused this.

10 In addition, with the -- the shims issue,  
11 Southern California Edison claims that they actually sent  
12 all those things back, but that information isn't in your  
13 own documents. You're documents are wrong. And you're  
14 basing your decisions on lies. Southern California Edison  
15 repeatedly lies. They're making our communities look like  
16 a war zone.

17 Why do you trust what they say? The -- what is  
18 it -- the -- the engineering and consulting organization  
19 that you reference in your documents that was firmly  
20 discredited, actually said that one of their back-up plans  
21 was going to be a hot cell in Idaho. That they were going  
22 to ship a leaking canister across multiple state lines and  
23 throughout different communities and have that fixed, or  
24 handled basically, in Idaho with a hot cell.

25 Yet, they neglected to tell you that in 2007 that

1 hot cell got blown up. And you still take this  
2 organization as a credible organization. Their plan  
3 basically is to have a hot cell that was blown up. That's  
4 their back-up plan.

5 Torgen came, who came up here earlier, has a  
6 video of it, and he's shown it to you, and you've been  
7 provided the links to it. What does it take for you to do  
8 the right thing?

9 The pools have to stay up. There is no solution  
10 for after they go down. You're stuck with it. Right now,  
11 Southern California Edison has before the Nuclear  
12 Regulatory Commission a request asking to move the  
13 radiation monitoring capability to the inlet air flow  
14 instead of the exhaust air flow. Essentially, what they  
15 want to measure is the fresh ocean breeze instead of the  
16 area that's coming out of the exhaust, which is going to  
17 be more littered with radiation.

18 So what do you think they're hiding, and why  
19 won't the Nuclear Regulatory Commission nor Southern  
20 California Edison provide the radiation readings from the  
21 outflow, from the exhaust? It's ridiculous.

22 You're being lied to left and right by this  
23 economically very powerful organization, and you're just  
24 laying down and going with it.

25 I'm urging you to do not permit this. You will

1 regret it. They have a very good reason for measuring the  
2 intake air flow rather than the exhaust air flow. And  
3 that reason is because they know those canisters are  
4 leaking. What's going to happen to your careers when that  
5 information gets out and these videos get out?

6 Thank you.

7 CHAIRPERSON KOUNALAKIS: Next is Brian, I believe  
8 its, Woolsey or Woolley.

9 No. Okay.

10 Gene Nelson, Dr. Nelson, if you'd like to come  
11 now.

12 DR. NELSON: Good morning. My name is Dr. Gene  
13 Nelson. I have a Ph.D. in radiation biophysics. I'm a  
14 member of the American Nuclear Society and spent many  
15 years of my youth in Encinitas.

16 And our group was founded in 2013. That's  
17 Californians for Green Nuclear Power, Incorporated. We  
18 were incorporated in 2016, and we advocated for the  
19 interests of the rate -- environment and ratepayers in  
20 PG&E's A1608006, which was a filed with the CPUC on August  
21 the 11th, 2016.

22 The CPUC recognized the quality of CGNP's  
23 contributions by awarding it approximately one quarter  
24 million dollars in adverse intervenor compensation.  
25 However, we were disadvantaged by not being able to expend

1 the huge sums lobbying the PUC that the applicant lavished  
2 on the Commission -- that Commission. During just the  
3 third quarter of of 2016, prior to the October 6, 2016  
4 prehearing conference and approximate to the date of  
5 filing of A1608006, PG&E spent one -- about \$1 million  
6 lobbying the CPUC. Of course, not too surprisingly, the  
7 CPUC approved their controversial application on January  
8 the 11th, 2018.

9           The -- now, we're going to flip to this  
10 particular proceeding. The core issue that CGNP objects  
11 in the so called Final EIR is the improper  
12 characterization of greenhouse gases associated with a  
13 project as less than significant, on page 82 of 149. The  
14 consequence of the loss of 18 billion kilowatt hours per  
15 year of zero carbon dispatchable generation from SONGS as  
16 of January 2016 is the requirement that fossil-fired  
17 generation replace SONGS.

18           CGNP already Explained in the documents we  
19 submitted to you why non-dispatchable solar and wind can't  
20 replace SONGS.

21           CGNP estimates the environment is burdened with  
22 an annual increase of about nine million metric tons of  
23 greenhouse gas emissions from the replacement generation  
24 per our documents.

25           While the natural gas supplier Sempra, also part

1 owner of SONGS, is bad news for the environment and also  
2 burdens local ratepayers with some of the highest electric  
3 power rates in the lower 48 states.

4 California's energy source diversity is also  
5 suffering as the SONGS power source was self-contained  
6 within the reactor core, which was refueled every 18 to 20  
7 months during periods of lower system demand. SONGS  
8 supplied approximately 10 percent of California's in-state  
9 generation at a cost that undercut in-state fossil-fired  
10 generation.

11 SONGS operated independently of California's  
12 aging natural gas bulk transmission and storage system,  
13 which explosively failed on September the 10th, 2010  
14 killing eight residents of San Bruno. SONGS reliability  
15 benefited California military bases and hospitals, among  
16 other critical loads.

17 CGNP believes the loss of SONGS was a causal  
18 factor in the world's worst methane leak at Sempra's Aliso  
19 Canyon storage field, between October 2015 and February  
20 2016. Both PG&E and Sempra have disclosed significant  
21 natural gas transmission system impairments which will  
22 likely cause significant increases in the cost of natural  
23 gas in our service territories during the third quarter of  
24 2019.

25 CGNP was improperly excluded as a CPU intervenor

1 in the final phase of SONGS onerous cost allocation of the  
2 \$4.7 billion in capital cost recovery by the actions of  
3 the applicant SCE in the summer of 2016. CGNP continues  
4 to hold that recommissioning of SONGS is the most cost  
5 effective alternative both for the ratepayers and for the  
6 environmental benefits.

7 I look forward to any questions you may have.  
8 Thank you.

9 CHAIRPERSON KOUNALAKIS: Thank you very much,  
10 Doctor.

11 Next, we have Vojin Joksimovich. And please  
12 correct me if I have that incorrect. Then Mel Vernon,  
13 Daryl Gale, and Robert Estrella.

14 DR. JOKSIMOVICH: My name is Vojin Joksimovich.  
15 I'm a Vice President of the General Atomics Retirees  
16 Association, a membership of --

17 CHAIRPERSON KOUNALAKIS: Can you say that again,  
18 Vice President of the?

19 DR. JOKSIMOVICH: General Atomics Retirees  
20 Association.

21 CHAIRPERSON KOUNALAKIS: Retirees?

22 DR. JOKSIMOVICH: Retirees.

23 CHAIRPERSON KOUNALAKIS: Thank you.

24 DR. JOKSIMOVICH: And our membership consists of  
25 175 nuclear engineers and scientists. My personal



1 experience is in nuclear safety.

2 We urge the certification of the EIR and prompt  
3 initiation of decommissioning efforts. Regarding the  
4 spent fuel, it should be transported to permanent nuclear  
5 waste repository whenever it becomes available. Now, our  
6 government has done a lousy job.

7 And I will illustrate this using the example of  
8 Finland, which has only four nuclear reactors operating.  
9 The 5th one is going to come online next year. And then  
10 there's a 6th one, which is only in the early stages.  
11 Now, with this small inventory of nuclear power plants,  
12 they have a nuclear waste repository.

13 Now, we -- on the other hand, we have 135  
14 reactors either shutdown or they're operating, and we  
15 don't have a nuclear waste repositories yet. Now, that  
16 doesn't mean that the storage of the site is not safe. It  
17 is. So we are comfortable with the safety of spent fuel  
18 on the site.

19 Thank you for your attention.

20 CHAIRPERSON KOUNALAKIS: Thank you very much.  
21 Thank you for coming today.

22 All right. Mel Vernon.

23 MR. VERNON: Good morning, Commissioners. My  
24 name is Mel Vernon. I'm the Captain of the San Luis Rey  
25 Band of Mission Indians, and also sit on the Community

1 Engagement Panel for SONGS.

2           What I'm talking about is the traditional  
3 territories of the Acjachemen and the Luiseños in this  
4 area. We also do cultural interaction with the Camp  
5 Pendleton and -- for cultural issues that come up with the  
6 construction.

7           We -- we're -- we've looked at the documents that  
8 you've -- we've submitted a document for ourself for the  
9 cultural items. And though all these other issues that  
10 I've been hearing today, this might seem -- you know, it's  
11 not radioactivity, but it's important for the culture to  
12 be acknowledged that's there, their sites, and taken care  
13 of, and done in a respectful manner. And we support  
14 pretty much the document, and done in a safe way, and  
15 including the environment, and addressing all the other  
16 people's concerns of course. Looking forward to a  
17 brighter future. Thank you.

18           CHAIRPERSON KOUNALAKIS: Thank you very much.

19           All right. Daryl Gale, Robert Estrella or  
20 Estrella, and then Val Macedo or Macedo.

21           MS. GALE: Good morning. Thank you. I am going  
22 to ask you to please postpone.

23           CHAIRPERSON KOUNALAKIS: I'm sorry, are you  
24 Daryl?

25           MS. GALE: Yes, I am.

1 CHAIRPERSON KOUNALAKIS: Okay. Thank you.

2 MS. GALE: Please postpone this decision. And  
3 the reason I'm basically asking you for it is I just came  
4 back from Sacramento where we had California Ocean Day.  
5 And over 200 environmentalists came up there to network,  
6 to lobby, to train, and talk to various legislators about  
7 the health of our coast, in terms of drilling, in terms of  
8 plastic, just general terms.

9 While I was there, I talked to and networked with  
10 many environmentalists and found out that none of them,  
11 not one person that I talked to be it a legislator, be it  
12 a staff person, be it other environmental groups that were  
13 there knew anything about nuclear waste on the beach at  
14 San Onofre or Diablo Canyon. Zilch.

15 So I would like us to buy some time and educate  
16 the public, so that we can make a better informed decision  
17 and have more hearings and more information.

18 I would really like for the people around San  
19 Onofre and Diablo Canyon to know that they -- there would  
20 be a requirement for a cooling pool and a hot cell or  
21 back-up, if there is a problem.

22 And people seem to think that the NRC knows  
23 everything, and you've been -- people have cited the NRC.  
24 But I was on two recent NRC community zoom calls, and it  
25 seemed that the NRC engineers didn't know anything about

1 tsunamis, or earthquakes, or even sea level rise from the  
2 arctic or the Antarctic, which is incipient.

3 So I would really like to buy some time and we  
4 need to discuss it more and investigate more.

5 Thank you.

6 CHAIRPERSON KOUNALAKIS: Thank you for coming.

7 Robert Estrella.

8 MR. ESTRELLA: Good morning. My name is Robert  
9 Estrella a resident here in oceanside. I also would like  
10 to go ahead and have you guys postpone this, because it  
11 seems like you would think at 9:00 o'clock, it would be a  
12 lot fuller.

13 (Microphone.)

14 MR. ESTRELLA: Sorry. I would like to have this  
15 postponed to some place in the near future. But my point  
16 is that by 9:00 o'clock you would think a lot more people  
17 would be here. But, yet there's not -- the public is not  
18 informed of this. And yet, at the same time, all the  
19 people informed are the ones making a proposal to go ahead  
20 and tear it down, knock it down, and bury it.

21 We're not ready for that. You guys have seen the  
22 results. And I would request that you go ahead and take  
23 time to go ahead and study. And this is -- you're doing  
24 it too fast. And the people who are -- there's many  
25 people that are going to be hurt.

1           Basically, that's my statement. Thank you.

2           CHAIRPERSON KOUNALAKIS: Thank you very much for  
3 coming.

4           Javier Alvarado.

5           MR. ALVARADO: Good morning, Commissioners. My  
6 name is Javier Alvarado, and I'm a labor with LIUNA Local  
7 89. LIUNA 89 -- LIUNA Local 89 has always and will  
8 continue to serve as a source for local jobs during the  
9 decommission of SONGS. Laborers are ready to do their  
10 part to safely dismantle the SONGS plant, but Local 89 can  
11 started until you take action.

12           There are -- I started with the laborers as an  
13 apprentice, finished the program to become a certified  
14 journeyman. And I was also fortunate enough to work at  
15 the San Onofre Nuclear Power Plant multiple times. With  
16 the training I received through the LIUNA training center,  
17 and the extra safety training SONGS provided when they  
18 would hire us, and the work, the way it was conducted, the  
19 process it took to do work there, it literally was the  
20 safest job site I've ever worked at.

21           There are several LIUNA members here today, and  
22 more at home waiting for the opportunity to put on their  
23 hard hats and get to work. With that, I urge you to  
24 please approve the EIR.

25           Thank you.

1 CHAIRPERSON KOUNALAKIS: Thank you very much.

2 (Applause.)

3 CHAIRPERSON KOUNALAKIS: I skipped over Val  
4 Macedo. Is Val Macedo here?

5 Yes. My apologies.

6 MR. MACEDO: I think it's still morning. Good  
7 morning, Commissioners. Respectfully, my name is  
8 Valentine Macedo, not Macedo.

9 CHAIRPERSON KOUNALAKIS: Macedo.

10 MR. MACEDO: And I'll be safe -- I'll be careful  
11 in how I do your name -- say your name.

12 (Laughter.)

13 MR. MACEDO: My name is Valentine Macedo. I am  
14 the business manager for Laborers Local 89, that is the  
15 Laborers International Union of North America serving over  
16 3,000 members here in San Diego County.

17 I also volunteer on the SONGS Community  
18 Engagement Panel. But today, I'm here to represent labor.  
19 In my role as business manager, one of my primary jobs is  
20 fighting for work opportunities for labors and contractors  
21 that we partner with.

22 Sometimes that means fighting for infrastructure  
23 investment that would make California more competitive  
24 while creating good sustainable jobs.

25 Today, we have good jobs sitting and waiting for

1 laborers at San Onofre. LIUNA has the labor agreement in  
2 place to support SONGS decommissioning. But before my  
3 brothers and sisters can get to work, SCE needs a  
4 certified EIR from you at the State Lands Commission  
5 respectfully.

6           The EIR looks good to me -- look like a good  
7 piece of work. On behalf of our membership at LIUNA, I  
8 call on to approve the EIR today. Approving the EIR, not  
9 only will open up good jobs for LIUNA and local 89  
10 members, but will also have a positive ripple effect on  
11 all the local community and businesses during the  
12 decommissioning process.

13           So I urge you to please support the EIR in a  
14 positive direction today, and vote in support -- I'm here  
15 voting in support of the EIR.

16           I also want to put -- let the record reflect that  
17 this has taken a long time. Our members lost -- a lot of  
18 our members lost a lot of jobs, and we took a proactive  
19 approach. I personally took some of my people with me to  
20 the Zion facility. We implemented a \$4 million -- we just  
21 finalized our \$4 million training facility, broadened our  
22 curriculum that's certified by the State with our  
23 apprenticeship programs that you just heard of. And we're  
24 in lock and step with Edison.

25           I've also been a supervisor and worked at General

1   Atomics as you've heard some of the speakers, and I know  
2   that this work is safe. We decommissioned a U-235  
3   enriched uranium processing plant where I was a supervisor  
4   in the early nineties. I know for a fact that these are  
5   the most safest jobs that you can work on. And I think  
6   it's time for us to get to work, and I urge your support.

7           And I also want to let the record reflect that we  
8   hired a rigging instructor that was the individual that  
9   certified people during the outages at San Onofre Nuclear  
10   Generating Station into our training program. He is now  
11   certifying and training our people as we go.

12           So I urge you in support and thank you very much  
13   for your time.

14           Thank you.

15           (Applause.)

16           CHAIRPERSON KOUNALAKIS: Thank you. All right.  
17   So I have one more speaker John McReynolds. If anyone  
18   else has not submitted a speaker slip on this item, then  
19   please speak with Kim and we'll get you on the list.

20           Okay. John McReynolds.

21           Okay.

22           (Audience member spoke from the floor.)

23           CHAIRPERSON KOUNALAKIS: Okay. All right. I'm  
24   sorry. I have you Christine Gorman, is that right? We  
25   had you here on public comment which is later, but by all



1 means you can speak now.

2 (Audience member spoke from the floor.)

3 CHAIRPERSON KOUNALAKIS: That's all right.

4 MS. GORMAN: Thank you. And good morning,  
5 Commissioners. I have been -- I'm not a nuclear  
6 scientist, but I don't think you need to be to listen and  
7 learn, and that's been my goal at least. For the past two  
8 years, I've been going to every single meeting, all of the  
9 webinars, reading materials. And even though it's  
10 complicated, if you're there and you listen, you learn a  
11 lot.

12 And I do think that you should not certify the  
13 EIR at this time. It's premature. We need to keep the  
14 cooling structures intact, until we take several other  
15 steps. And, in fact, I think the best thing is to wait  
16 until the day that the -- all of the spent fuel is moved  
17 off of -- off of the premises.

18 When I was attending all those meetings, there  
19 were many instances where I did see that -- that Edison  
20 was making misstatements. And one thing that's being  
21 overlooked by the NRC, they really weren't -- they were  
22 just looking at personnel issues and training, and they  
23 weren't even really considering the fact that there's  
24 flaws in the engineering design.

25 When there's that near miss, and the canister was

1 like lopsided when it was trying to descend, and then they  
2 figure out, oh, it's -- it didn't go down, then they bring  
3 in the people with more training to upright it and lower  
4 it down.

5           And right here -- and this is a statement from  
6 the NRC saying the alternate -- well, these are the rig  
7 operator and the -- they have all these acronyms. But  
8 anyway, the two guys with more training came along to like  
9 properly download it, when they noticed that it hadn't  
10 downloaded. And they do say that during downloading  
11 operation, the canister experienced interference twice and  
12 had to be realigned. And that also had happened another  
13 time months ago.

14           And the design is such that it's always going to  
15 be bumping from side to side when it goes down. And they  
16 don't seem to feel that that needs to be corrected. It's  
17 scraping the sides of these metal canisters. And why is  
18 the NRC not even looking at that? When then held up  
19 pictures, I tried to call their attention to it and say,  
20 well, what's going on here? And then why aren't they  
21 correcting that?

22           I'm interested to hear what they're going to say  
23 in their report that will be coming up next week. But I  
24 would doubt that they're yet going to address it. And I  
25 think there's just too many things that are not being done

1 correctly. We need to keep the cooling structures in  
2 place. And please, don't certify and delay.

3           And with all due respect to the people who have  
4 come here to tell you to go ahead and certify, I think  
5 it's because they haven't been there. It's wishful  
6 thinking. I mean, wouldn't we love to say that there's  
7 people in charge of things that are doing the right thing  
8 and we can just rest and feel reassured that we're safe.  
9 Well, I'm sorry. It's not that way. And if they would  
10 come to every meeting, they'd really listen and inform  
11 themselves, they would know. And I think that they're  
12 just sticking their head in the sand and it's wishful  
13 thinking.

14           So please, you know, hold off on this. Thank  
15 you.

16           CHAIRPERSON KOUNALAKIS: Okay. We have a few  
17 more speakers. And I want to make sure that it's for this  
18 item not and for public comment after this item. So if  
19 you'd like to speak on this item and not later or also  
20 later, I have Amy Foo and Eric Syverson? Amy.

21           MS. FOO: Good morning, Commissioners. I am Amy  
22 Foo with the Surfrider Foundation. I'm here today  
23 speaking on behalf of our thousands of members and  
24 supporters throughout California. Surfrider has been  
25 working to protect this part of California's coastline for

1 decades, including fighting the toll road through San  
2 Onofre State Beach.

3           We appreciate the special lease provisions  
4 included in the lease today, and Southern California  
5 Edison's acceptance of them. However, we do have four  
6 requests for modifications and additions that are within  
7 your jurisdiction.

8           First and foremost, please include a lease  
9 condition that requires either retention of at least one  
10 cooling pool onsite or another readily available onsite  
11 method of transferring waste or fixing a canister that has  
12 been preapproved by the canister manufacturer and the NRC.

13           Southern California Edison doesn't have a perfect  
14 track record in safety. And it's better to employ the  
15 precautionary principle here, because the site is in a  
16 geologically unstable coastal hazard zone.

17           Second, the State Lands Commission should  
18 evaluate alternative spent fuel storage locations. To do  
19 so, we recommend appointing a representative to engage in  
20 relocation efforts, including Congressman Mike Levin's  
21 SONGS Task Force, which is currently information.

22           Third, Surfrider really appreciates the inclusion  
23 of special lease provisions on sea level rise. Thank you  
24 so much for incorporating H++ analysis. However, we ask  
25 that groundwater be included as part of the H++ analysis.

1           Additionally, there needs to be a trigger for  
2 lease expiration if ground water reaches the base of the  
3 ISFSI. Concrete is know to crack upon saturation, and we  
4 concerned about the structural integrity of the ISFSI. At  
5 the very least, groundwater contact with the ISFSI must  
6 prompt a hydrogeomorphic analysis within 30 days to  
7 analyze potential structural impacts.

8           Fourth and finally, Surfrider also supports and  
9 appreciates special lease provisions intended to ensure  
10 proper sufficient and representative ocean monitoring and  
11 batch release notification. But again, we are hoping that  
12 the Lands Commission will take these conditions a step  
13 further. We recommend quarterly shoreline sample  
14 collection. Also, ocean water samples must be taken  
15 during any batch releases of effluent and be reported and  
16 made publicly available within 30 days of completed lab  
17 results.

18           Thank you.

19           CHAIRPERSON KOUNALAKIS: Thank you, Amy.

20           Eric Syverson. Is this for this item or for  
21 later.

22           Okay. We'll call you back up after. Thank you.

23           Danika Carson. And now this is the last speaker  
24 I have on this item. If there is anyone else from the  
25 public who would like to speak on this item who has not

1 spoken, please see Kim.

2 Hello.

3 MS. CARSON: Hi. My name is actually Danika  
4 Carson.

5 CHAIRPERSON KOUNALAKIS: How do you say it. How  
6 do you write it?

7 MS. CARSON: Danika, D-a-n-i-k-a.

8 CHAIRPERSON KOUNALAKIS: Okay.

9 MS. CARSON: It's just the pronunciation.

10 CHAIRPERSON KOUNALAKIS: Thank you.

11 MR. CARSON: I just wanted to ask that you guys  
12 postpone this vote. I understand that there is a union  
13 here talking about jobs, but I feel like jobs is not the  
14 important thing right now. The important thing is public  
15 safety. Like, yes, those jobs might be needed and people  
16 may have been losing money, but no one is going to work  
17 anywhere if something that's disastrous happens. The  
18 public has not had enough time to review all the  
19 information that we have been given. A lot of people  
20 still don't even know. And I feel like it's just very  
21 unfair to move this forward just for people to be  
22 employed. I think there's a bigger picture.

23 Thank you.

24 CHAIRPERSON KOUNALAKIS: Thank you very much for  
25 coming up.

1           Okay. I think we're going to go ahead and take a  
2 five-minute break at this point.

3           All right. Any objection?

4           Okay. So we'll go ahead and take a five-minute  
5 break and then we will reconvene.

6           Thank you.

7           (Off record: 11:42 a.m.)

8           (Thereupon a recess was taken.)

9           (On record: 12:00 p.m.)

10          CHAIRPERSON KOUNALAKIS: Sorry, sound engineers.  
11 Please everyone take your seats. And if you want to  
12 continue with your conversations, you're welcome to go  
13 into the hallway. But if everyone could please take your  
14 seats, we're going to resume the hearing.

15          We're still on Item 1 of the agenda. And with  
16 public comment complete, I'm going to close public  
17 comment, and ask staff, Ms. Lucchesi, if you could please  
18 give us your thoughts and comments back on the public  
19 comment that we've heard so far.

20          EXECUTIVE OFFICER LUCCHESI: Of course. Thank  
21 you, Madam Chair and Commissioners. I'll be going through  
22 a number of things, so bear with me.

23          First, I --

24          CHAIRPERSON KOUNALAKIS: Wait. I just want to  
25 make sure that everyone who is staying is seated or at

1 least the conversations -- okay. Go ahead.

2 EXECUTIVE OFFICER LUCCHESI: Okay. So, first, I  
3 do want to amend staff's recommendation, in particular a  
4 certain mitigation measure to address a comment from the  
5 San Luis Rey Band of Mission Indians regarding the  
6 protection, preservation, and repatriation of tribal  
7 cultural resources that may be located within the proposed  
8 project site.

9 And so I'm going to be reading, to be very clear,  
10 into the record the changes to the mitigation measure, so  
11 that it's accurately reflected in the record.

12 So this is a revision to Mitigation Measure  
13 CR/TCR-2B, Unanticipated Cultural/Tribal Resources. It's  
14 the Final EIR Part 2, pages 4.5 through 21. If resources  
15 cannot be avoided, a treatment plan developed by the  
16 archaeologist and culturally affiliated tribal  
17 representative shall be submitted to CSLC staff for review  
18 and approval prior to further disturbance of the area.  
19 The plan shall state requirements for professional  
20 qualifications of all cultural 21 resources specialists  
21 and tribal cultural resources workers; identify  
22 appropriate methods of resource recording, artifact 23  
23 cataloging and analyses; determine appropriate levels of  
24 recovery or stabilization of resources; place a priority  
25 on the repatriation and curation of recovered artifacts



1 with locally, culturally affiliated tribe, based on the  
2 tribe demonstrating artifacts will be stored in a secure  
3 facility in an archivally stable environment, and would be  
4 reasonably available to qualified researchers.

5 In the event local curation at a tribal facility  
6 is not possible, provide documentation of an alternative  
7 curatorial facility or museum that will be responsible for  
8 the permanent preservation of any unique or sensitive  
9 cultural materials resulting from sight recovery and  
10 stabilization efforts.

11 Priority shall be placed on local facilities and  
12 facilities with the capability to provide onsite access to  
13 the artifacts, to culturally-affiliated tribes for  
14 ceremonial or other tribal purposes. The facilities  
15 selected shall make its best effort to provide such access  
16 to culturally-affiliated tribes.

17 So that would -- that is an amendment to staff's  
18 recommendation specific to that mitigation measure. And  
19 will be reflected in the record and documentation moving  
20 forward, dependent on the Commission's action today.

21 Next, I want to -- oh, okay. I'm sorry. I do  
22 need to make just a correction that in the first two -- in  
23 the first two bullet points, the reference to 21 resources  
24 and then Artifact 23 cataloging should be deleted. The  
25 numbers 21 and 23. So let the record reflect that.

1           Next, I want to address transparency in the  
2 leases, and the -- and the measures that we have recently  
3 included in the lease to address some of the concerns, as  
4 well as address mitigation -- the mitigation measure  
5 regarding notification, the five-mile radius versus the  
6 comment for a greater notification.

7           First, that that mitigation measure - I'm just  
8 pulling it up now - is really focused on U.S. postal mail  
9 notification. Edison and the applicant collectively will  
10 post these same notifications on their community website  
11 for anybody to be aware of. So the actual notification is  
12 much greater than -- than the mitigation measure, which is  
13 really focused on the U.S. postal mail, who gets  
14 notification through the mail. So the notification  
15 process would be actually through the website and be  
16 obviously much greater than even a 50-mile radius.

17           Next, we -- as part of the lease, and this  
18 includes what we originally negotiated and then also what  
19 was recently negotiated over the past 24 hours, is that  
20 the lease includes local notice to mariners prior to  
21 construction activities. With regards to the various  
22 ocean sample -- ocean water samples provide -- the lessee  
23 will provide that data on a publicly available website.  
24 This is paragraph 29 in the lease.

25           And then an applicant-proposed measure, 23, which

1 is described in -- on page 8 of the staff report, also  
2 includes ISFSI real-time radiation monitoring. And the  
3 publication of that data to the Orange County Emergency  
4 Management, and San Diego County Office of Emergency  
5 Services, and the State Department of Public Health  
6 Radiological Health Branch, which the additional offer to  
7 provide funding to a designated agency to publish monthly  
8 reports for public review of that monitoring data.

9 So there are a number of elements in the lease,  
10 and in the mitigation measures, and the applicant-proposed  
11 measures that really get to that issue of transparency,  
12 and specifically the data -- the monitoring, the data, and  
13 then the publication of that information.

14 CHAIRPERSON KOUNALAKIS: So what you're saying is  
15 that these are addition -- additional mitigation  
16 monitoring proposals that the applicant has brought  
17 forward in response to the comments from the public?

18 EXECUTIVE OFFICER LUCCHESI: Yes. Either the  
19 Applicant has proposed it or we have agreed to it in the  
20 course of our negotiations.

21 CHAIRPERSON KOUNALAKIS: All right.

22 EXECUTIVE OFFICER LUCCHESI: Next, I do want to  
23 address a comment that was made early on in the public  
24 comment section addressing the future disposition of the  
25 conduits. And specifically, this was part of a master

1 response. I think the commenter read our master response  
2 to this issue. It's section 2-44 of the master responses  
3 in the EIR. And I wanted to just confirm with the  
4 Commission and the public that at the end of the proposed  
5 lease that's before you today in 2035, the next action for  
6 the Commission will be to consider the ultimate  
7 disposition of those offshore conduits.

8 And so that will include an analysis of whether  
9 it's of the disposition. We don't know what that will  
10 entail at this moment in time, but that is another  
11 decision point dealing with that -- with the situation of  
12 those offshore conduits. So stay tuned is the message  
13 there.

14 I also want to address the -- the comments made  
15 about the differences between the Coastal Commission's  
16 jurisdiction and the State Lands Commission's  
17 jurisdiction, and some concerns that were raised about why  
18 the State Lands Commission is the lead agency that is in  
19 charge of this EIR versus the Coastal Commission, and why  
20 there's that distinction.

21 So the two State agencies with regulatory  
22 jurisdiction over all or part of the decommissioning  
23 project -- the proposed project that's before you today is  
24 really the State Lands Commission and the Coastal  
25 Commission. The State Lands Commission authority and

1 jurisdiction -- we are a landowner just like the Navy is a  
2 landowner, so our jurisdiction is framed by what the State  
3 Lands Commission owns. The Coastal Commission is a  
4 regulatory agency. And so their regulatory jurisdiction  
5 covers both the land that the State Lands Commission owns,  
6 as well as uplands within the coastal zone. So that  
7 encompasses the upland portion of the -- of units 2 and 3,  
8 and the ISFSI.

9           The Coastal Commission is a CEQA equivalent  
10 agency. And what that means is that they actually do  
11 not -- they are not lead agency under CEQA that develops  
12 and certifies EIRs. The California Environmental Quality  
13 Act and the CEQA guidelines actually frame that and  
14 provide that the Coastal Commission is -- is not a lead  
15 agency. They are a CEQA equivalent. So what that means  
16 is their staff reports serve as the environmental analysis  
17 for the project.

18           So that leaves the State Lands Commission as  
19 really the only State agency with a piece of this  
20 decommissioning project. And so that is why under CEQA,  
21 the State Lands Commission is the lead agency, because we  
22 are required to comply with CEQA in kind of the  
23 traditional sense, meaning we have to develop, in this  
24 particular situation, an EIR. So that is why we're the  
25 lead agency and that -- and we have to analyze under the

1 EIR the entire decommissioning project, even though our  
2 jurisdiction is really only on the offshore.

3 And I know that that is complicated and it  
4 doesn't make sense to a lot of people both in this room  
5 and throughout the State. It's just the legal framework  
6 that we are stuck -- are presented with in this situation.

7 So just to put a little bit of a comparison.  
8 When the Coastal Commission approved the ISFSI, or a CDP  
9 for the ISFSI back in 2015, there was not an EIR done for  
10 that. Their CDP, their staff report, provided that  
11 environmental analysis.

12 So I would argue that the State Lands  
13 Commission's role, at least in this decommissioning  
14 project, and our position as a lead agency actually  
15 provides greater public participation than if it just lied  
16 with one State agency, because we are required to comply  
17 with CEQA and conduct this EIR.

18 So I just wanted to provide that context and also  
19 try to -- or attempt to describe the distinction between  
20 the Coastal Commission and the State Lands Commission.

21 CHAIRPERSON KOUNALAKIS: And since you did, can I  
22 just ask you this, because this EIR did not analyze the  
23 sufficiency of the dry storage facility. That happened  
24 through the process that went to the Coastal Commission,  
25 is that correct?

1 EXECUTIVE OFFICER LUCCHESI: That's correct.  
2 That's correct. That was an approved project, approved by  
3 the Coastal Commission and the Nuclear Regulatory  
4 Commission. And it was considered baseline conditions  
5 pursuant to the California Environmental Quality Act and  
6 case law associated with that.

7 I think before I turn it over to -- and if  
8 it's -- if there isn't any objection from the Chair or  
9 from the Commissioners before I turn it over to the  
10 applicant to provide some additional explanation to the  
11 comments raised. And I do want to mention that they are  
12 the applicant. They do have specialized expertise in a  
13 lot of the areas of concern that have been raised today.  
14 And it is appropriate in a process like that to provide  
15 them time to respond, and to elaborate on some of the  
16 questions that have been -- and issues that have been  
17 raised.

18 I want to address some of the comments made by  
19 the representative from Surfrider. The -- the one -- we  
20 worked very closely with the applicant over the past 24  
21 hours to address many of the concerns that Surfrider  
22 raised. I think we've talked a lot about the  
23 appropriateness and the requirement of a -- keeping the  
24 pool or having some sort of other Plan B, so I won't get  
25 into that.

1           They also requested that the Commission authorize  
2 staff to become more involved in looking at an alternative  
3 storage site location. And I think that that's actually  
4 encompassed in the staff's recommendation to pursue and  
5 advocate for a permanent solution to the storage issues,  
6 because that's -- that just encompasses what Surfrider is  
7 specifically asking for. We have already reached out to  
8 Congressman Levin's office. And we're actively trying to  
9 understand that alternatives analysis more. So I think  
10 that that particular request is encompassed in staff's  
11 recommendation.

12           With regards to the sea level rise groundwater  
13 analysis and the additional ocean monitoring, we included  
14 many of Surfrider's recommendations in the draft lease,  
15 and that's reflected in the track changes before you.

16           Frankly, many of the -- of the requests that they  
17 are making today are either already covered by some of the  
18 lease terms that we've included here, the applicant is  
19 already doing, or frankly between our -- our perspective  
20 and the applicant's perspective, it just won't result in  
21 information that we think is worth the additional  
22 expenditures of the decommissioning fund and ultimately  
23 the ratepayers for that purpose.

24           So I think the applicant can talk a little bit  
25 more to that, if there's additional questions. But that



1 does lead me to my final point before I turn it over to  
2 them is that there are a lot of requests today for a  
3 deferment of Commission action, both on the certification  
4 of the EIR and the approval of the lease.

5           For context, the -- when the Commission released  
6 the Draft EIR, we provided for a 60-day comment period of  
7 the draft. This was in 2018. That was above and beyond  
8 what is required by law. Similarly, for the release of  
9 the Final EIR, CEQA requires that the Final EIR is  
10 released 15 days prior to the decision-makers'  
11 consideration of the certification of that EIR.

12           We have provided more than double that amount  
13 provided by law. I know that that does not provide any  
14 comfort to the -- to the members of the public that would  
15 like more time. I sympathize with the amount of material  
16 that has to be digested in a relatively short amount of  
17 time when everybody has lives, work lives, family lives.

18           But I will say that a lot of the concerns that  
19 are raised really are centered around the issues of the  
20 spent nuclear fuel and what to do with that. And so as I  
21 said earlier, it's staff's perspective that regardless of  
22 the decision today, that issue is not going to be  
23 resolved, because the Commission delays action today.

24           The spent fuel is going to continue to be  
25 transferred to the ISFSI. There isn't going to be -- you

1 know, pursuant to whatever the NRC decides next week, and  
2 their won't be any changes that we can affect in a  
3 relative -- in any kind of timely manner.

4 And so with that said, further delay could and is  
5 likely to increase costs associated with the  
6 decommissioning, dismantling, and decontamination. And  
7 that's all borne by the decommissioning fund and  
8 ultimately the ratepayers. And so that's the perspective  
9 of staff.

10 And if there aren't any objections from the  
11 Commission, I'd like to turn it over to the applicant to  
12 provide any additional explanation or response.

13 MR. BAUDER: Thank you. Appreciate the comments  
14 from staff. Just to provide some additional context  
15 specific to the additional recommendations by Surfrider  
16 Association. And I'll sort of step through those one at a  
17 time.

18 First, shoreline surveys. Just for background,  
19 for years, we sampled shoreline sediment and provided  
20 that -- those sample results as part of our annual report  
21 under the Radiological Effluent Monitoring Program called  
22 REMP. The additional proposal was to take those samples  
23 semiannually and post those to our SONGScommunity.com  
24 website, in addition the providing the annual reports that  
25 we have always been doing and will continue to do through

1 the decommissioning process.

2           To increase the samples to quarterly, we don't  
3 feel would result in any benefit, because we know from our  
4 historical studies through our REMP program, that the  
5 shoreline sediment conditions are very slow to change. So  
6 that the additional samples would not provide anymore  
7 information than the semiannual samples would as they are.

8           Now, moving to samples of the ocean or the  
9 surrounding conditions during a authorized release in  
10 accordance with NRC regulations, we don't feel that  
11 sampling in the effluent area or the area around the plant  
12 would provide benefit, because we sample the tank systems  
13 prior to release and we're committed to publishing that  
14 information on the SONGScommunity.com website, and also  
15 provide 48 hours of notification before any release, which  
16 would include characterization of the release, the  
17 approximate amount of time, and the quantity of the  
18 release.

19           So since the -- since we're sampling before the  
20 effluent is -- the release is ever made, the samples that  
21 we're taking there are very conservative. Further, if we  
22 were to sample in the ocean, which is highly diluted from  
23 the release itself, that sample would not be real time.  
24 It would have to be taken to a lab an analyzed. So this  
25 just, you know, provides some additional context around

1 the limited benefit that would provide.

2 And then finally regarding groundwater -- or  
3 groundwater sea level rise reporting, we have committed to  
4 do sea level rise studies quarterly, so that we know what  
5 the elevations are, and then roll those up into an annual  
6 report. So we are providing quarterly data in an annual  
7 report, which I think is mentioned in the staff report.

8 The reason for the quarterly sampling, as far as  
9 potential sea level rise or coastal conditions, is that  
10 throughout the year you want to eliminate the problem with  
11 data scatter. So if you get four sample points, four  
12 different quarters throughout the year, then you know  
13 that, you know, at the end of that year, based on the  
14 average of the data, what the coastal condition changes  
15 are.

16 I hope that helps to provide the additional  
17 context.

18 CHAIRPERSON KOUNALAKIS: Why don't we see --  
19 Commissioner Yee, if you have -- Commissioner Finn,  
20 questions of the applicant.

21 Go ahead.

22 ACTING COMMISSIONER FINN: I was wondering if you  
23 could comment. On the staff report, it already it --  
24 refers to a lawsuit settlement Citizens' Oversight, where  
25 you're already required, as part of a settlement

1 agreement, to look for commercially reasonable efforts to  
2 relocate the spent nuclear fuel.

3 MR. BAUDER: That's correct.

4 ACTING COMMISSIONER FINN: So I guess my point is  
5 you are already legally obligated or you've committed to  
6 look as you can.

7 MR. BAUDER: That's right. We are.

8 ACTING COMMISSIONER FINN: Okay.

9 MR. BAUDER: We've consulted with a team of  
10 experts. We're going to bring into the picture a  
11 strategic consultant and work strategically to look at  
12 offsite storage options.

13 ACTING COMMISSIONER FINN: Thank you.

14 CHAIRPERSON KOUNALAKIS: Okay. Yeah.

15 COMMISSIONER YEE: Thank you, Madam Chair.

16 First of all, I want to thank everyone for coming  
17 out and offering your public comments on this very  
18 important project. And I know there is a lot of emotion  
19 tied to what is happening in the community around the  
20 project. I do want to just take issue with kind of a  
21 representation of the work that this Commission has done  
22 and the staff.

23 I really do have to say the work of this  
24 commission staff is absolutely stellar and independent at  
25 every turn. And to suggest otherwise, I really take

1 offense to. I would say even among State agencies, you  
2 have just a cadre of professionals here, and scientists  
3 here, and analysts, and legal minds here that really take  
4 this to heart. And we obviously have to work with our  
5 applicants. And we understand that we have to also work  
6 within the bounds of the statute. But I just wanted to  
7 put that on the record.

8 I also want to thank the professionals who are  
9 here, because I can see that there are some -- there's a  
10 diverse array of perspectives even within the profession  
11 of nuclear engineering, but also the expertise that really  
12 was also reflected on the Community Engagement Panel.  
13 And, you know, just at every step of this project being  
14 able to hopefully have, you know, really qualified people  
15 to be able to speak to the future of what's going to be  
16 happening at this plant. So I just wanted to put that on  
17 the record.

18 Thank you, Madam Chair.

19 CHAIRPERSON KOUNALAKIS: Okay. I actually have  
20 one specific question before we call for a vote. And that  
21 is about the real-time radiation monitoring that you're  
22 doing out there. Can you just give us a little bit more  
23 information about how that works, and what is it that goes  
24 beyond what the NRC required.

25 MR. BAUDER: Right. So the real-time radiation

1 monitoring will be a system that we install primarily on  
2 the perimeter of our drive fuel storage installation to  
3 monitor real-time radiation dose rates. And then we will  
4 also, I believe, have a detector away from the facility,  
5 so that we always know what background radiation levels  
6 are as well in the local environment.

7           And then we will send the data, as we've  
8 indicated in our report, to qualified agencies for  
9 characterization and publishing that data to the public.  
10 The data is important, I think, and we'll treat it as  
11 such. We need to do a lot of work to design and build the  
12 system and make sure it works properly. So we'll do all  
13 of that. NRC requirements, as far as I know, do not exist  
14 for providing real-time radiation monitoring out of this  
15 station to a qualified agency for reporting.

16           All that said, we are required by NRC  
17 requirements to locally do radiation surveys on our dry  
18 fuel storage installation, simply for worker protection,  
19 number one, and also to monitor, as I indicated earlier,  
20 for changes in the radiation levels on the dry fuel  
21 storage installation.

22           So the NRC requirements do exist around that.  
23 But doing the perimeter system and the real-time  
24 monitoring and sending the data out of the nuclear plant  
25 to qualified agencies is not an NRC requirement.

1           CHAIRPERSON KOUNALAKIS: Okay. Well, that's  
2 appreciated, of course. What is the process for it to be  
3 disseminated to the public? How will we hear or know?  
4 Will you be reporting back to this body? Will you be  
5 holding public information sessions?

6           MR. BAUDER: We have not fully worked with the  
7 agencies as to whether it's Orange County, or San Diego,  
8 or the State yet as to how we -- how we -- what our  
9 arrangements will be for them to publish the data. Our  
10 desire is that the data is published in a highly visible  
11 way, presumably on their applicable websites would be --  
12 what I would think would be a good mechanism.

13           And as to the frequency that they would publish  
14 the data, we're still working through that as well. I  
15 would think at least monthly that the data would be  
16 published for review by the public.

17           CHAIRPERSON KOUNALAKIS: When will we know what  
18 that process looks like? When will you work it out with  
19 the counties and the cities to know what the public  
20 communication plan actually looks like?

21           MR. BAUDER: So I think in our report, we  
22 committed to developing the project, including the  
23 real-time monitoring as soon as reasonably feasible. And  
24 then having it in place on or before the start of D&D  
25 activities in the proposed project. And one thing to



1 mention as to the data, I believe we committed to  
2 providing low, high, and average real-time radiation  
3 monitoring data in the report.

4 Now, I'm not in a position right here to know  
5 exactly when we'll have the project scoped and have all  
6 the design work completed, and the field work, so that  
7 we'll know at what time the data will be reportable, but I  
8 know that we're committed to, as soon as feasible and  
9 before we start D&D activities for sure.

10 CHAIRPERSON KOUNALAKIS: Okay.

11 MR. BAUDER: I can check with our team, if you'd  
12 like. And we may have better idea as to when -- or what  
13 the time frame would be.

14 CHAIRPERSON KOUNALAKIS: Well, what I'd like is  
15 for you as you work through this process to continue to  
16 work with our staff, so that we have an answer at some  
17 point, so that we know and are able through our meetings  
18 to be able to participate in informing the public about  
19 this in an ongoing way.

20 MR. BAUDER: Okay. You absolutely have our  
21 commitment for that.

22 CHAIRPERSON KOUNALAKIS: Okay. Okay. Any other  
23 comments?

24 COMMISSIONER YEE: Madam Chair, Ms. Lucchesi  
25 suggest -- or certainly alluded to this, I think this

1 Commission should take a very active role in terms of  
2 being part of the broad advocacy for accelerating the  
3 federal effort to let the State get a long-term storage  
4 facility. I mean, this is really the crux of the problem.

5 And I certainly want to pledge my support, and  
6 however we want to engage on that level. But we can't  
7 really resolve that issue until there is a site that is  
8 identified. So I think we all should be joining forces in  
9 that effort.

10 CHAIRPERSON KOUNALAKIS: Thank you very much for  
11 raising that, Commissioner Yee. It's clearly an issue  
12 that affects the site, but it's not the only site in  
13 California where we have spent nuclear fuel. And, you  
14 know, we all have to recognize that while we're waiting  
15 for the federal government to come up with a long-term  
16 solution, it's up to us to raise our voices and to put  
17 pressure on them to continue in this process, because it's  
18 in -- it's never been anyone's intention or interest to  
19 keep this fuel here in California.

20 And a federal site is absolutely necessary, and  
21 it was a promise to states, to California that such a  
22 facility would be in place by now and it isn't. And so,  
23 in fact, if that's something that, Jennifer, we could  
24 maybe have a future conversation about in the context, not  
25 just of San Onofre, but in the other plants that are under

1 our jurisdiction and in general, I think that the public  
2 would be very interested and really benefit from knowing  
3 what it -- what the holdup is, and what we need to do in  
4 our advocacy as a state to ensure that there is a  
5 long-term solution for us to be able to transfer these  
6 spent fuel rods out of our state to a long-term federal  
7 facility.

8 So thank you very much for raising that,  
9 Commissioner. And with that, I think that we should go  
10 ahead. I'd like to ask if there's a motion to approve, or  
11 a motion.

12 EXECUTIVE OFFICER LUCCHESI: May I interject just  
13 one second.

14 CHAIRPERSON KOUNALAKIS: Oh, yeah.

15 EXECUTIVE OFFICER LUCCHESI: And I'm sorry. I  
16 just wanted to remind the Commission that in the motion  
17 to -- if there is a motion to adopt staff's  
18 recommendation, it's adopt staff's recommendation as  
19 amended.

20 CHAIRPERSON KOUNALAKIS: Okay.

21 COMMISSIONER YEE: Madam Chair, I'll move to  
22 adopt the staff recommendation as amended.

23 CHAIRPERSON KOUNALAKIS: Second.

24 ACTING COMMISSIONER FINN: And I will vote aye  
25 also.

1 CHAIRPERSON KOUNALAKIS: All right.

2 Any objection to a unanimous vote?

3 Seeing none, the motion passes unanimously.

4 Thank you and thank you, everyone, for coming out  
5 here today.

6 ACTING COMMISSIONER FINN: Thank you.

7 EXECUTIVE OFFICER LUCCHESI: Our next order of  
8 business is public comment unassociated with a particular  
9 item.

10 CHAIRPERSON KOUNALAKIS: Okay. Why don't we give  
11 folks a second, but we are going to continue the meeting  
12 with public comment.

13 All right. I have a few speaker slips for public  
14 comment. Again, if you are exiting the room, please do so  
15 quietly, so we can continue with the meeting.

16 I have Eric Syverson from Imperial Beach, yes.  
17 And after Eric, Alison -- it looks like Madden or Maddow.

18 Okay.

19 MR. SYVERSON: Thank you. My name is Eric  
20 Syverson. I'm a City of Imperial Beach resident and  
21 native. I come before you today with actually past  
22 business. I believe Commissioner Yee was the only person  
23 present that my information will be pertinent to, and also  
24 future business, which I believe will entail Ambassador --  
25 Excuse me, Lieutenant Governor Kounalakis. I'm three

1 months behind. I apologize. I am simply a resident. I  
2 did not know that the State Lands Commission actually  
3 affected my city, the City of Imperial Beach, my  
4 neighborhood, my estuary, and my river.

5           The Mayor of Imperial Beach, Serge Dedina, Dr.  
6 David Revell of Revell Coastal, Paloma Aguirre who is now  
7 a City Council Member of Imperial Beach, but represented  
8 WILDCOAST in that meeting, and someone identified as the  
9 head of the Environmental Agency of Imperial Beach, which  
10 I believe would be Mr. Chris Helmer, although he was not  
11 identified in that meeting.

12           I may not get this done in 2 minutes. I  
13 apologize. Mayor Dedina testified or presented before the  
14 Commissions in December - I believe Commissioner Yee was  
15 the only one present - concerning sea level rise on a  
16 study done by Dr. Revell, which I have -- I have emailed  
17 you all in the three week -- or in the three day thing. I  
18 have many questions with Dr. Revell's sea level rise  
19 assessment. It is not accurate. The maps in it are not  
20 modern.

21           And a situation that he says could occur with sea  
22 level rise is currently occurring in my neighborhood now,  
23 and that is the connection of tidal inundation into my  
24 storm drains. For the last 110 days, the tides have been  
25 bringing polluted water underneath my neighborhood. The

1 city is aware of it. The U.S. Fish and Wildlife service  
2 is aware of it. I do not believe Dr. Revell is aware of  
3 it.

4 The only reason I come before you today really  
5 isn't for this information. The reason I come before you  
6 today is I am a vocal opponent my mayor. I do not agree  
7 with the binational process. I do not agree with the  
8 expenditure from my city on the hundreds of thousands of  
9 dollars that is involved for sea level rise studies and  
10 climate change studies, when nearly every day of our lives  
11 our beaches are closed due to pollution.

12 Given that I'm a vocal opponent, like I said, I  
13 did not knew you do any business with us. But I read in  
14 the testimony that those who oppose the mayor and who  
15 oppose managed retreat -- I'm very disappointed to see  
16 that the mayor used what I consider to be disparaging  
17 language when discussing thoughtful residents and  
18 stakeholders who do oppose his ideas having to do with sea  
19 level rise.

20 And I will remind Commissioner Yee right now that  
21 from mayor in the December Lands Commission meeting in the  
22 Hyatt above, I believe Port Commissioner Rafael  
23 Castellanos was present in that meeting, Mayor Dedina -  
24 this is his testimony. It's a portion of it from the  
25 transcript.

1 "No elected official in their right mind can  
2 implement policy for 100 years. I mean, we're trying, but  
3 it's pretty complicated. And frankly, the way things are  
4 going nationally, and a subset of my community, you know,  
5 communicates or is receiving the communication from The  
6 White House, as far as they're concerned, managed retreat  
7 is communism. It is going to be slavery and communism.  
8 And far as they're concerned, I am personally going to be  
9 destroying the entire city".

10 This is a presentation given by my Mayor, Serge  
11 Dedina, on, I believe, December 3rd, 2018 in front of the  
12 State Lands Commission. I oppose managed retreat. If I  
13 had communication with The White House right now, there is  
14 a Presidential state national declared emergency within  
15 the city boundaries of my town. And if I was in  
16 communication with The White House, I'd just ask them to  
17 seize all the land down there from everybody involved, and  
18 I wouldn't have to deal with a thousand stakeholders, and  
19 I'd have him fix the problem.

20 But I am not in communication with The White  
21 House. I'm, in fact, a life-long Democratic voter, which  
22 may change if my Democratic Mayor continues to label me  
23 like this, because I take this personal.

24 The reason I take this so personal, in 2017 --  
25 and you'll have to excuse me -- a Kaiser doctor informed

1 while my wife was going through chemotherapy that if I  
2 exposed her to contact to the ocean I love, in the town we  
3 have lived in our whole life, that it could do to her  
4 compromised immune system, it could make her very ill or  
5 it could cause death. So I have not been in the ocean  
6 water of Imperial Beach since that date, 2017.

7 I have followed the water since 2016, because I  
8 simply do not trust my elected officials nor any of the  
9 stakeholders involved in this deal.

10 The Mayor also discussed, along Rafael  
11 Castellanos discussed a mitigation program for Pond 20,  
12 which is totally off topic here. But Commissioner Yee,  
13 from your comments of that thing, Pond 20 should be used  
14 for disadvantaged communities to access the bay for  
15 recreation and fishing. Our city is the only city in  
16 South San Diego Bay that does not have a pier, a park, or  
17 anyway to access the bay.

18 I am told that Ambassador Kounalakis may be in my  
19 area, but because of my -- because I operate around the  
20 border I generally don't give peoples locations away. But  
21 if she is in my area tomorrow, and if she is receiving  
22 testimony or a presentation from this Surfrider --

23 CHAIRPERSON KOUNALAKIS: It's me. That's me.

24 MR. SYVERSON: It is you.

25 CHAIRPERSON KOUNALAKIS: Yeah.



1 MR. SYVERSON: If you are --

2 CHAIRPERSON KOUNALAKIS: I am not in your area  
3 tomorrow, I'm afraid. But, you know, if you can kind of  
4 wrap this up for us --

5 MR. SYVERSON: The short of it is I'm a resident.  
6 Four people from my city testified before you in  
7 December -- not before you, excuse me. I didn't know  
8 about that meeting. I didn't know the State Lands  
9 Commission affected any decision in my town. I'm fairly  
10 confident somebody from the State Lands Commission is  
11 coming tomorrow to hear a presentation from Surfrider.  
12 Although, my city nor my mayor, they won't confirm it.  
13 And I don't care to go into the details of that. I  
14 understand that. Your public officials and executive  
15 boards are allowed to meet in closed meetings with you.

16 CHAIRPERSON KOUNALAKIS: So typically, we just  
17 have two or three minutes for public comment. I think  
18 we're quite well over that.

19 MR. SYVERSON: Just let it -- just let it be know  
20 that I was unaware to comment when I was supposed to,  
21 because the average citizen cannot keep up with you all.  
22 And I think that's a --

23 CHAIRPERSON KOUNALAKIS: Okay.

24 MR. SYVERSON: -- that was something you heard  
25 throughout the entire nuclear -- I mean, I have a thousand

1 pages on a river that I'm reading.

2 CHAIRPERSON KOUNALAKIS: Okay.

3 MR. SYVERSON: I'm citizen. I took the day off  
4 just to let you know this. Thank you.

5 CHAIRPERSON KOUNALAKIS: Okay. Jennifer, do you  
6 want to maybe comment.

7 EXECUTIVE OFFICER LUCCHESI: Only that I am happy  
8 or one of my staff are happy to talk with you after the  
9 meeting and get your contact information so we can add you  
10 to our mailing list, so that you are aware of our  
11 meetings, because we will be coming down to San Diego at  
12 some point this year for a meeting, and so that you can be  
13 kept abreast of the actions of the State Lands Commission,  
14 okay?

15 MR. SYVERSON: This is -- I appreciate that. I  
16 appreciate it a lot.

17 CHAIRPERSON KOUNALAKIS: Okay.

18 MR. SYVERSON: Thank you very much.

19 CHAIRPERSON KOUNALAKIS: Thank you very much for  
20 coming down.

21 MR. SYVERSON: And I'll find out what happens on  
22 the 22nd.

23 CHAIRPERSON KOUNALAKIS: Okay. Alison Madden, I  
24 believe

25 MS. MADDEN: Yes. Alison Madden. I'm a director

1 of San Francisco Bay Marinas for All. We did come and  
2 speak to you at the February 4th meeting, and we thank you  
3 very much for your time there and your consideration. I  
4 wanted to come back. There were a few things. And I'm  
5 down in this area generally. And I wanted to come and  
6 speak a little bit more about the role and jurisdiction  
7 issue.

8           But very specifically, two things, Dan and I  
9 forgot. Dan Slander is a co-director. And we both had  
10 meant to talk about one of the last things that President  
11 Obama did before he left office after the election when he  
12 was signing legislation, is sign a water bill. And it had  
13 just a little paragraph, probably one maybe two sentences  
14 that grandfathered over 1,800 floating homes in the  
15 Tennessee Valley area. It was 49 different lakes in seven  
16 southeastern states.

17           And it had started with the people in those  
18 states and their representatives and Senators, many  
19 Republican. But then it became very bipartisan and  
20 President Obama signed it. And that was that TVA had  
21 given a 30-year sunset on residential liveaboards in the  
22 TVA area. And the legislation that Obama signed removed  
23 the sunset, so basically grandfathered more than 1,800  
24 floating homes that had been existing.

25           And we wanted to address the comment that our

1 compatriots that we got screwed. One of the Commissioners  
2 said that we got screwed by our neighbors when we  
3 didn't -- when they objected to the legislation that was  
4 very detailed. We had a single shot. I didn't  
5 participate in that, mostly because my focus was elsewhere  
6 in preparing for a legal challenge that has come about,  
7 arguing that the Port Department and not the Council has  
8 jurisdiction, and that everything that happened is outside  
9 the charter, and therefore void.

10 But I want to speak to the reason I mentioned the  
11 Obama thing is when we came -- and we're talking the one  
12 time we came, I think it was April 2016, Lieutenant  
13 Governor Newsom said if I was you, I'd be asking for 30  
14 years. And we all said, yes, you know, we agree with that  
15 30 years. But also the legislation said liveaboards are  
16 illegal, you can't buy and sell your home, and nobody can  
17 sublet, which meant immediately the renters were homeless.

18 And I do agree with the Commission's perspective  
19 about the unconstitutional gift of Public Trust, that the  
20 subletting is not okay and it should have stopped, but it  
21 could have attritioned without making a dozen people  
22 homeless right away.

23 And so we weren't really at the table. So we  
24 didn't get screwed. We were never at the table. And, in  
25 fact, the three people that went, who have since, you

1 know, bought out, they had a Morrison Foerster attorney  
2 with them pro bono. No changes, no negotiations, as is,  
3 that's it. And that's why people rejected it. And we  
4 fully expected that we would have another shot.

5           And actually, that legislation was claimed to  
6 have been based on the San Diego De Anza legislation,  
7 which again, just like the Obama legislation, was a  
8 paragraph that said you guys get 38 years. It didn't say  
9 you're illegal. You can't buy and sell your home. You  
10 can't sublet. And again, we're perfectly in line with the  
11 10 percent that we want, yes, for safety and security. We  
12 would not be subletting. So that's the main thing that I  
13 wanted to come and say.

14           I'm also on the closed session. I know you go  
15 into closed session for litigation. And quite often at  
16 our city council level, they do allow a couple minutes of  
17 public speaking there. I would like it if we could have  
18 that, because there's much more I want to say.

19           But I think all I will say is that the letter  
20 that was attorney-client privilege, informal legal advice,  
21 where the attorney-client privilege was waived, it became  
22 the 100 percent driver. People were saying if it's good  
23 enough for Kamala Harris, it's good enough for me. Kamala  
24 Harris says you have to go.

25           It was called an Attorney General opinion. That

1 letter was covered by a memo to Diana O'Dell by Ms.  
2 Pemberton that called it an Attorney general opinion. And  
3 it wasn't. As soon as it had that waiver and an AG  
4 Opinion, this was over. It was over and they agreed to  
5 get rid of us in one to two years.

6 And the last thing I will say, that \$20 million,  
7 they raided the education fund. They put a hiring freeze  
8 on first responders, several people have died, and it's  
9 just been carnage. So we're asking for your help to  
10 clarify that that was not an Attorney General opinion.

11 CHAIRPERSON KOUNALAKIS: Jennifer, do you want to  
12 respond?

13 EXECUTIVE OFFICER LUCCHESI: We are in litigation  
14 and settlement discussions regarding some of this, and so  
15 I prefer not to comment.

16 CHAIRPERSON KOUNALAKIS: Okay.

17 EXECUTIVE OFFICER LUCCHESI: And we commented  
18 pretty extensively at our first meeting in February --

19 CHAIRPERSON KOUNALAKIS: Yeah.

20 EXECUTIVE OFFICER LUCCHESI: -- on this issues.  
21 And we are in communication with Ms. Madden. So at this  
22 point, I don't have anything to add.

23 CHAIRPERSON KOUNALAKIS: Okay. Okay. Thank you  
24 very much for coming down.

25 MS. MADDEN: Thank you. Can I just -- super

1 quick. I want to say that the Deputy Attorney General in  
2 the litigation has been fantastic.

3 CHAIRPERSON KOUNALAKIS: Thank you.

4 MR. MADDEN: His name is Nicholas. He does have  
5 an offer that I relayed and I hope you'll discuss it  
6 today, which is why I offered to speak a minute or two  
7 before closed session, if that's allowed.

8 CHAIRPERSON KOUNALAKIS: Okay.

9 EXECUTIVE OFFICER LUCCHESI: I will -- I will  
10 just, in response to that, we do not plan to have a closed  
11 session today.

12 CHAIRPERSON KOUNALAKIS: Yes. This is not a  
13 normal -- an ordinary meeting. It was specific for this  
14 item.

15 MS. MADDEN: Okay.

16 CHAIRPERSON KOUNALAKIS: Yeah. Thank you very  
17 much.

18 Okay. Two more, Charles Langley and Nina  
19 Babiarz. And if anyone else would like to address the  
20 body, please bring a speaker's slip. That is all I have.  
21 Thank you.

22 MR. LANGLEY: Madam Chair, if I understood  
23 correctly, there was a motion to adopt the staff  
24 recommendation as amended this afternoon at 12:30, and you  
25 all voted yes. And what troubles me about that regarding

1 the SONGS, the San Onofre Nuclear Generating Station, is  
2 that if I understood what Jennifer Lucchesi said, she also  
3 said that there were new changes to the lease negotiated  
4 in the last 24 hours. I believe the public should be  
5 given an opportunity to review and comment on that new  
6 lease. I believe that it is entirely possible that the  
7 vote that was taken was inappropriate.

8 Thank you.

9 CHAIRPERSON KOUNALAKIS: Jennifer, any comment?

10 EXECUTIVE OFFICER LUCCHESI: I appreciate that  
11 perspective, but I could not disagree more with that.  
12 The -- we did post the changes to the lease, Exhibit E,  
13 yesterday afternoon. We also provided hard copies of that  
14 revised lease at the meeting. And I mentioned it during  
15 the beginning to put everybody on notice. And then we  
16 talked about those changes during the deliberation.

17 CHAIRPERSON KOUNALAKIS: Okay.

18 EXECUTIVE OFFICER LUCCHESI: So there was  
19 adequate notice and consideration by the Commission prior  
20 to your vote.

21 CHAIRPERSON KOUNALAKIS: Thank you.

22 Nina.

23 MS. BABIARZ: Good afternoon. My name is still  
24 Nina Babiarz. And although I'm a member -- board member  
25 of Public Watchdogs, I'm also a private citizen. And I



1 still believe the public has a right to know.

2           The irony that the State Lands Commission would  
3 hold a vote to approve the San Onofre Final EIR in this  
4 room is indicative of just how far removed from reality  
5 the Commission is when it comes to SONGS. Why?

6           In this very room, this very podium, the mic that  
7 I'm speaking from this morn -- this afternoon was the very  
8 same used by the whistleblower, a safety engineer from San  
9 Onofre, who stepped forward in a very public way at  
10 Edison's community enragement panel - which is what most  
11 of the public calls it, the community enragement panel -  
12 to reveal that on August 3rd there was what the NRC termed  
13 a quote unquote near miss, and 18-foot drop of almost a  
14 hundred thousand pounds of radioactive nuclear waste, a  
15 catastrophic nuclear event of the -- for the millions of  
16 Californians residents who live nearby.

17           By the way, Edison, at that CEP meeting, had the  
18 floor for over an hour to provide a SONGS update and never  
19 mentioned a word of that event, until prompted by this  
20 whistleblower. Why do I bring this up, this near  
21 catastrophic event with regard to this EIR? Because it  
22 happened smack in the middle of the State Lands Commission  
23 quote unquote public input period last summer.

24           Those of us who saw this whistleblower's  
25 testimony reported in every newspaper, TV station for days

1 on end thought it would simply be common sense for the  
2 State Lands Commission to cease the public input period of  
3 the EIR, so it could be recirculated to include this  
4 development, and subsequent NRC inspection, and the  
5 complete closure of the SONGS nuclear waste burial.

6 I have some other comments I'd really like your  
7 patience in making, because I have three seconds, and it's  
8 not going to fit.

9 CHAIRPERSON KOUNALAKIS: Can you -- can you tell  
10 me how many minutes, so we can put it on the clock.

11 MS. BABIARZ: I'll be brief and concise. I bring  
12 that topic up of this room, and that whistleblower, and  
13 that event -- other facts, least we forget, that the same  
14 engineers that were deceptive in claiming a like-for-like  
15 replacement for the generators, that gave us a radiation  
16 leak, that closed the plant designed this burial plan.  
17 And the same engineers, Doug Bauder included under the  
18 management, the worst safety record of every operating  
19 nuclear plant in the United States. Those same engineers  
20 stated to the NRC in a pre-decisional conference of  
21 federal regulations, they didn't -- that they didn't  
22 anticipate how large of a project it would be.

23 Those same engineers didn't report the near miss  
24 in 24 hours required by federal law. And Edison has  
25 demonstrated a pattern of bad behavior and deception for

1 years. They cannot be trusted. They cannot be believed.

2 And with regard to the public's right to know, I  
3 encourage you to please take that under consideration of  
4 everything that they have provided you in these recent  
5 negotiations.

6 CHAIRPERSON KOUNALAKIS: Okay.

7 Any other public comment?

8 Any other members of the public who wish to  
9 address the Commission?

10 All right. Seeing none, I will close public  
11 comment.

12 And that concludes the open meeting. We are  
13 adjourned.

14 (Thereupon the California State Lands  
15 Commission meeting adjourned at 12:52 p.m.)

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## 1 C E R T I F I C A T E O F R E P O R T E R

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the  
5 foregoing California State Lands Commission meeting was  
6 reported in shorthand by me, James F. Peters, a Certified  
7 Shorthand Reporter of the State of California;

8 That the said Skype proceedings was taken before  
9 me, in shorthand writing, and was thereafter transcribed  
10 to the best of my ability with intermittent Skype  
11 connection, under my direction, by computer-assisted  
12 transcription.

13 I further certify that I am not of counsel or  
14 attorney for any of the parties to said meeting nor in any  
15 way interested in the outcome of said meeting.

16 IN WITNESS WHEREOF, I have hereunto set my hand  
17 this 4th day of April, 2019.

18  
19  
20 

21  
22  
23 JAMES F. PETERS, CSR  
24 Certified Shorthand Reporter  
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