

April 16, 2015



David Victor, Chairman

Community Engagement Panel

San Juan Capistrano Community Center

**c/o www: SONGScommunity.com website**

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

Dear Chairman Victor:

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

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

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

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

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

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

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

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

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

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

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

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

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

Stakeholders also oppose the multiple License Exemptions proposed by Licensee (Edison), pertaining to Decommissioning Plan for SONGS 1, 2 and 3. First, it is vitally important to have CEP recognize that Decommissioning for SONGS Unit 1 was never fully completed, after Unit 1 was shut down and demolished. In fact, it is highly relevant, because the scope of completing Unit 1 Decommissioning work has been obscured by Licensee's contrived project scoping, phasing, and 'creative' project fragmentation by Licensee, as a separate task to be undertaken by an outside contractor, and NOT being treated as a separate vital component for the Decommissioning Plan for SONGS 2 & 3 to EVEN BEGIN. By separating completion of the Unit 1 Decommissioning from scope of SCE Licensee 's DP for SONGS 2 & 3, I believe Licensee hopes to escape taking

responsibility for performance of such work. I believe it is likely that the Unit 1 Decommissioning Work will become far more difficult, or impossible for Subcontractor to safely perform. That work requires the 3 foot excavation of the Unit 1 vessel head burial area, before the new ISFSI waste storage area can even BEGIN being implemented. There has not been sufficient study, impact analysis, or mitigation of potential impacts which are at this point uncertain, untested, and unknown, from excavation of 3 foot below the Unit 1 vessel head location. STOP, PAUSE, ASK Licensee to respond.

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

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

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

Stakeholders are concerned that SCE's proposed cask design (HOLTEC) would allow inner walls of the thin stainless steel casks to become up to 70% penetrated by corrosion, before NRC would consider casks unsuitable. But at THAT POINT, the Licensee is already long gone ! This is an alarmingly unsafe proposal, especially when currently proposed casks have no real time monitoring capability, or early alert, and SCE's Decommissioning Plan has ZERO contingency plan, or early staging (funding or acquisition) for any replacement casks, if and when that 70% penetration benchmark is reached !!!! Stakeholders note that Licensee has provided ZERO credible proof that the proposed HOLTEC casks selected by SCE for Decommissioning Plan at SONGS 2 & 3 will sufficiently provide mandated levels of protection of public health and safety, or that casks won't be ruptured by over 70% corrosion within the first 25- 30 years, or provides for replacement, funding, or contingencies.

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

Conclusion:

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

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

If there are questions, my phone number is [REDACTED]

Patricia Borchmann