

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

#### 1) Community Engagement Panel (CEP) Member Attendance:

- a) Present: Dr. David Victor (CEP Chairman/University of California, San Diego), Dan Stetson (CEP Vice Chairman/Trustee-Executive Director, Nicholas Endowment), Hon. Jerome “Jerry” M. Kern (CEP Secretary/Oceanside City Council), Tom Caughlan (Camp Pendleton), Donna Boston (Orange County Sheriff’s Department), Ted Quinn (American Nuclear Society), Garry Brown (Orange County Coastkeeper), Valentine “Val” Macedo (Laborers' International Union of North America, Local 89), Captain Mel Vernon (San Luis Rey Band of Mission Indians), Hon. Sergio Farias (Mayor, San Juan Capistrano City Council), Hon. Steve Swartz (San Clemente City Council), Rich Haydon (California State Parks), Hon. Paul Wyatt (Dana Point City Council), Hon. Lisa Bartlett (Supervisor, Orange County, 5<sup>th</sup> District), Hon. Bill Horn (Supervisor, San Diego County, 5<sup>th</sup> District), Jim Leach (South Orange County Economic Coalition), and Mike Sappingfield (Sierra Club)
- b) Absent: Hon. Martha McNicholas (President, Capistrano Unified School District Board of Trustees) and Marni Magda (Angeles Chapter, Sierra Club)
- c) Guest Speaker: Scott Morris (Deputy Regional Administrator U.S. Nuclear Regulatory Commission (NRC), Region IV)
- d) Southern California Edison (SCE) Representative: Tom Palmisano, Vice President External Engagement

#### 2) Meeting Convened by Chairman Victor at 5:27 p.m.

- a) Chairman Victor welcomed guest speaker, Scott Morris, NRC Deputy Regional Administrator from Region IV; the NRC inspection team overseeing the restart of fuel transfers reports to Scott Morris.
- b) Chairman Victor reminded the audience that the engagement panel is a two-way conduit with the community and the owners represented by Southern California Edison. Over the past four years, the panel has demonstrated that information flows in both directions; the CEP is not a decision-making nor oversight body.
- c) The meeting presentations and live streaming can be found on [SONGScommunity.com](http://SONGScommunity.com), as well as a variety of resources and information, links for signing up for public walking tours of the plant site, and more. The meeting agenda and a new decommissioning update document are available on the chairs.
- d) Chairman Victor discussed a new format consisting of two public question and comment periods. Questions related to the canister downloading incident would be addressed following the canister downloading operations presentation. The public was invited to provide questions related to the canister downloading incident via e-mail in advance of the meeting. The audience was also invited to write their questions related to the canister downloading on blue cards so they may be addressed during the meeting. The second facilitated public comment period follows all of the presentations; to participate audience members may complete a yellow general question / comment card. Questions and comments may be submitted anytime to [nuccomm@songs.sce.com](mailto:nuccomm@songs.sce.com).
- e) SCE information booths, staffed by SCE personnel, are available before the meeting and during the break, as well as community booths.

**NOTE: VIDEO OF THIS MEETING, SPEAKER PRESENTATIONS, AND TRANSCRIPTS ARE AVAILABLE ON [SONGScommunity.com](http://SONGScommunity.com) AND THEREFORE THIS DOCUMENT CONTAINS SUMMARY CONTENT**

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### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

Meeting Minutes and Action Items

### 3) CEP General Updates, Chairman Victor [Please refer to the *CEP Update* presentation on [SONGScommunity.com](http://SONGScommunity.com)]

#### a) Decommissioning Conference:

- i) Dan Stetson provided an overview of the Fifth National Decommissioning and Used Fuel Summit in Charlotte, North Carolina, October 2018. Over four hundred industry representatives attended the conference, including; Holtec, AREVA, and other large companies from the United States, and all over the world. Dan participated on the panel with Christopher Recchia, the former Commissioner for the Vermont Department of Public Service, and Anthony Roisman, who is the current Chairman of the Vermont Public Utility Commission. Individuals attending the summit were interested in setting up public engagement panels, so Dan shared his insights regarding plants establishing trust, exhibiting competence in areas of operations, making decisions in the best interest of the community, engaging in open dialogue and being prepared for the unexpected in real time. Dan also discussed the number of plants that will be decommissioning, challenges facing the industry, and concerns about what plants are going to do with all of the spent fuel.
- ii) Chairman Victor informed the audience that members of the Diablo Canyon engagement panel were in the audience observing the meeting. He added that as plants are being decommissioned, the focus needs to be how to get the spent fuel transferred off the sites using viable transportation routes and the political energy required to make that happen.

#### b) Enhanced Community Engagement:

- i) Jerry Kern discussed recent enhancements to the community engagement process, including the new format for the public comment periods. Questions not addressed during the meeting would be posted on the website with responses.
- ii) Chairman Victor reminded the audience that the panel is working on a developing more efficient process whereby questions get answered and welcomed public feedback.

#### c) Changing National Landscape:

- i) Chairman Victor shared his views regarding the recent election, the “lame duck” session in Congress and the fact it is unlikely that anything will happen regarding appropriations or efforts to change laws for spent fuel storage. Potential funding for Yucca Mountain could be in connection to interim storage. The panel is in very close contact with Senator Feinstein’s office which has been very helpful. Chairman Victor discussed the new Congress and Senate, and how 2019 is the year to get changes in federal law. The panel is working hard and reaching out to all of the elected officials in Southern California to help build a coalition in this area. The politics in the House of Representatives are still lined up to complete a bill (different from the Shimkus bill), that may move the ball forward. He added that the problem remains the Senate where the politics have not changed. Chairman Victor also provided an update on the two interim storage facilities in Nevada and Texas, and the recent political difficulties for Nevada. The industry will have to pay attention to a strategy that involves many options for interim storage sites and transportation routes. He also provided insight regarding the western states getting organized, the new rules regarding which fuel will get transferred first, and the transportation planning required so plants are ready to ship spent fuel when interim storage becomes a reality.

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

#### 4) Decommissioning Update, Tom Palmisano [Please refer to the SCE Canister Downloading presentation on [SONGCommunity.com](http://SONGCommunity.com)]

- a) Ted Quinn asked Tom Palmisano to describe the radiation exposure impact to the public as a result of the canister downloading activity on August 3, whether the canister had dropped or not.
  - i) Tom Palmisano stated that the canister did not drop, but was safely lowered into position, so there was no threat to public health and safety. If the canister had dropped, the analysis, which is under review by the NRC, shows that the canister would not have been breached. While some of the fuel inside the canister may have sustained damage, the canister would have remained intact and there would have been no release of radiological material.
- b) Donna Boston asked what time of day the canister downloading incident occurred, and if the NRC had an inspector on site.
  - i) Tom Palmisano did not recall the exact time, but estimated it was around one o'clock on dayshift. He explained that the NRC did not have an inspector on site. The NRC performs periodic inspections based on a quarterly schedule or as plant activities dictate.
- c) Dan Stetson asked Tom Palmisano to expand on the radiation reading that was supposed to go down during the downloading process, but was an indication during the incident.
  - i) Tom Palmisano explained that the canister cask is heavily shielded. The area where the mating device is bolted to the storage module does not have as much shielding by design, because the canister passes through it fairly quickly. During the downloading process, the workers are at an appropriate distance, and are not exposed to the radiation. When a canister is completely lowered the radiation levels are expected to be very low. On August 3, the canister was only lowered approximately one foot when it became hung up on the shield ring. The bulk of the canister was still inside the heavily shielded cask. The radiation technician was performing radiation monitoring when he identified radiation levels that were higher than expected for a fully downloaded canister. The radiation levels were an indication that the canister was not fully downloaded.
- d) Hon. Steve Swartz asked if there was scraping or damage inside the transfer cask and if SCE will continue to use the cask.
  - i) Tom Palmisano pointed out that scraping the transfer cask was not the issue and the transfer cask will continue to be used. The bottom of the canister was hung up on the shield ring and the top of the canister was wedged, so the canister was not moving. The canister was lifted, centered, and lowered into the cavity enclosure container (CEC), so there was not significant scraping inside the transfer cask.
- e) Captain Mel Vernon asked how many canisters have to be transferred to dry storage, and if the technology being used for the transfers was old or was there more advanced, safer technology available.
  - i) Tom Palmisano provided the current status; 44 canisters still have to be transferred, canister 30 is ready for transfer and is part of the 44, and 29 canisters are currently inserted into the independent spent fuel storage installation (ISFSI). The vertical cask transporter is fairly current technology, and the enhanced technology such as load monitoring, e.g.; cameras to visually follow the canister as it is lowered, would be discussed later in the presentation.

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

#### 5) NRC Special Inspection at San Onofre, Scott Morris [Please refer to the NRC Special Inspection Update presentation on [SONGCommunity.com](http://SONGCommunity.com)]

- a) Chairman Victor asked SCE and the NRC to make sure the panel and the public are kept informed regarding SCE's choice a public or private NRC enforcement meeting, to make the process sufficiently transparent. He discussed concerns the public will have regarding the location of the meeting, and possibly having the location moved to California. He also asked that SCE and the NRC keep the panel informed regarding the inspections of the new loading procedures and expected the timetable.
- b) Steve Swartz expressed his concerns that transferring the 44 remaining canisters to dry storage could take up to a year and asked if the NRC would assign an inspector to govern and watch over the transfers.
  - i) Scott Morris stated there is no high level waste repository in this country, and nuclear power plants are using dry storage facilities and there are active loading campaigns going on all the time. Scott does not expect the NRC will commit to an on-site inspector. Currently, the NRC is on site on a regular basis and when there are unique evolutions being performed. He stated that based on the volume of inspection work and the risk profiles of the facilities and the activities inspected, the NRC is applying the appropriate amount of oversight. He emphasized that the NRC is a learning organization and that he would discuss the issue internally with the division responsible for allocating resources.
- c) Ted Quinn asked about the NRC's review of the qualification for the canister as it relates to dropping.
  - i) Scott Morris explained that SCE as the licensee was not required to submit a load drop analysis for the MPC-37 multipurpose canisters being used in the Holtec UMAX system at San Onofre, because the canisters met the single failure proof criteria for the design. Holtec performed a load drop analysis with a more robust canister (relative to the canister analyzed in NUREG-1864). The drop analysis for a canister from a height of 25 feet did not breach. In addition, an alternate canister that was less robust was analyzed (ref. NUREG-1864) for a drop from a further distance and the results were the canister would not breach. The NRC felt this analysis was bounding.
- d) Donna Boston commented on the NRC emergency planning exemptions for nuclear plants and that it is still up to the local government agencies to provide the emergency preparedness response capability to local community members. She also asked if the NRC notified the Federal Emergency Management Agency (FEMA) regarding this canister situation.
  - i) Scott Morris was not aware if the agency had been notified and agreed to look into the matter. Scott pointed out that in a risk-informed regulatory scheme, the licensee has the opportunity to seek relief from requirements if the regulation is no longer pertinent, because the risk is no longer there.
    - (1) Chairman Victor asked if the NRC was thinking about changing the emergency response assessments for decommissioning plants as a result of seeing that the single failure assumptions were incorrect and that events like the canister downloading incident could happen.
    - (2) Scott Morris reiterated the fact that the NRC is a learning organization. The canister loading incident was clearly an operating experience. NRC headquarters has an entire organization, which assesses operational experiences both domestically and all over the

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

world. The information is used to inform licensees and may be used to expand, reduce or modify regulatory protocols, which is an active part of their on-going process.

- e) Dan Stetson commented on the fact that the NRC webinar had 500 people signed up in the first 10 minutes, which maxed out the ability for others to participate. He asked if the next NRC webinar would maximize capacity in the future.
  - i) Scott Morris agreed that there was a lot of community interest. The NRC tried to get the information out as broadly and as fast as they could, which they hadn't done before, and were faced with some technical challenges. The public was invited to register for the meeting two weeks in advance. Requests were trickling in, so the NRC assumed a 500 limit would be fine. The number of requests hit the limit at the last minute. Scott agreed that the issue was another lesson learned and the limit needed to be expanded.
- f) Dan Stetson asked who establishes the training protocols; the NRC, SCE or Holtec, and does the NRC certify and approve them?
  - i) Scott Morris replied that the training protocols are consistent with whatever technology and process the licensee selects. The NRC is looking for the safe outcome and if the training is performance based. The NRC does not ask the licensee to submit their procedures and comb through them. The NRC is interested in how the licensee implements their process and ultimately, if they're doing it safely. If there is an incident, the NRC will ask the licensee to self-identify and fix the issue. If the problem is significant enough, the NRC will do a deep dive and review the procedures.
- g) Chairman Victor asked if the NRC is aware of what is going on at other plants with similar kinds of incidents and why the industry isn't learning from these issues.
  - i) Scott Morris was not aware of a canister downloading incident occurring at other plants, but to the extent they have been reported to the NRC, the operating experience division would be actively processing and disseminating that information.

#### **6) Canister Downloading – Causal Analyses and the Path Forward, Tom Palmisano [Please refer to the SCE-Canister Downloading presentations on [SONGScommunity.com](http://SONGScommunity.com)]**

- a) Hon. Paul Wyatt shared a question about the spacers at the bottom of the canisters, which are required for air circulation. He asked if it was possible for enough damaged spent fuel pellets to drop to the bottom of the canister, and filling the space enough to prevent the air from circulating.
  - i) Tom Palmisano explained that when Holtec had the generic shim pin design issue, the canister was analyzed for no air circulation. The canisters are loaded with a low enough heat load that even if there was no helium recirculation the canisters and fuel stay within temperature limits.
- b) Chairman Victor asked when the canister drop analysis would be made public.
  - i) Tom Palmisano said the non-proprietary summary was expected to be posted by the following week.
- c) Chairman Victor asked what was being done across the industry and how was the industry learning from these types of issues.
  - i) Tom Palmisano pointed out that Holtec loads canisters at many different sites. One of the failures Holtec identified in their process was that they are not sharing their lessons learned or operating experiences across their different projects or sites as effectively as they could. Holtec has stepped up significantly to share information across their fleet of plants whether

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

the issue relates to design, training or procedures. Tom added that other vendors are also doing something similar.

- (1) Chairman Victor requested a summary of not just the individual elements related to canister downloading, but the whole system (SCE trial runs and NRC inspections), so that the panel and the public can understand what that looks like and what has improved as SCE prepares to restart the fuel transfer process.
- (2) Tom Palmisano agreed to review the Chairman's request regarding what the whole system looks like as it applies to Defense-in Depth. He also said he was committed to keeping the panel and the public well informed.

#### **7) Fuel Transfer Operations Facilitated Public Questions, Dan Stetson and Hon. Jerry Kern [Please refer to the SCE-Canister Downloading presentations on [SONGScommunity.com](http://SONGScommunity.com)]**

- a) Hon. Jerry Kern and Dan Stetson facilitated the public question period by asking a series of questions previously submitted to the [SONGScommunity.com](http://SONGScommunity.com) website in advance of the meeting, and dedicated to the SCE Canister Downloading presentation topic.
- b) Hon. Jerry Kern discussed the lip located where the gusset is attached to the shield ring, inside the canister. His understanding was that the purpose of the gussets were for guiding the canister as it descends. He asked if this was a design flaw and if not corrected, could the lip cause a canister to be miss-guided again.
  - i) Tom Palmisano explained that the gussets are triangular pieces that help provide support to the shield ring. The shield ring is a very robust piece of equipment, which is welded to the divider shell and supported by the gussets. The gussets are not designed as guides for lowering the canister. The gussets on the ring are not designed to have a lip, but there are manufacturing tolerances and differences that could cause the gusset to end just short of the ring edge.
- c) How can the public be assured that safety incidents, events, and reports will be reported by SCE immediately, as required by Federal law as well as advising the public accordingly?
  - i) Tom Palmisano shared the fact that during the CEP meeting on August 9, SCE failed to recognize the public interest and properly disclose the issue as has been done previously. Tom added that SCE strives to properly report to the NRC. In this case, the NRC felt that SCE was required to make a formal report. Initially, this was not SCE's judgment. After meeting with the NRC team, SCE filed the formal report.
    - (1) Dan Stetson asked for confirmation that SCE was not required to file a report with the NRC for the July 22 canister issue.
    - (2) Tom Palmisano said Dan was correct. The July 22 issue was not a reportable event because the canister was always in a supported and analyzed condition.
- d) Why doesn't SCE reject the system that they've purchased through Holtec immediately based on recent revelations? If SCE doesn't reject the system, SCE will nullify the warranty simply by continuing to use a flawed system without question, releasing Holtec from any liability for their inferior design.
  - i) Tom Palmisano doesn't agree that the Holtec system is an inferior design. The system provides exceptional protection and shielding from the canisters. There is a tight tolerance that can be a challenge for the operators, and in this case needs to be navigated by training and procedures. The activities that have occurred have not affected the warranty that Holtec provides for the canisters.

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

- e) How many near misses have actually occurred?
  - i) Tom Palmisano reported that near misses are not common. The NRC performs inspections regularly and SCE has not had numerous near misses.
- f) Was canister 29 completely inspected before the loading was completed?
  - i) Tom Palmisano explained that canister 29 was inspected prior to loading the spent fuel. The canister was not inspected after it was wedged. The canister did not drop; it rested on the shield ring. The canister was lifted and lowered down into position successfully. The canister could be viewed from the top, as well as the shield ring. There was essentially very little or no damage to the shield ring, and the canister will be entered into the future aging management program.
- g) Is there a video of either canister incident (July 22 or August 3)?
  - i) Tom Palmisano said, no.
- h) How can SCE work with the local groups to provide the community with a better sense of oversight during the canister loading process and will SCE work with the environmental groups?
  - i) Tom Palmisano informed panel members and the public that SCE is interested and open to communicating the status of offloading activities more frequently and providing candid discussions about what is occurring at the plant, and what is being done about recent events. Tom stated he is open to working in smaller group discussions regarding what those communications will look like and what they may entail. Tom also discussed the numerous people who have been on site with their own radiation monitoring equipment and multiple tours. He reiterated the fact that SCE is open to engaging with the public, so they understand what is going on at the plant.
- i) Can SCE review the procedure for a canister drop and a rupture, both in the repair and when dealing with ISFSI workers and the surrounding communities?
  - i) Tom Palmisano reiterated the analysis for a 25-foot canister drop and how the canister would not have been breached. He stated if a drop results in the breach of a canister, the material in the canister doesn't have the driving force to be expelled like an operating plant. In a breach, SCE would initiate the emergency plan, notify the NRC, counties and state, as appropriate. A breached canister event would be a local radiation exposure and contamination event, but a release of radioactive material is not expected because there is no driving force. SCE would respond with radiation surveys and visual inspections. Immediate actions would include: closing the lid, cordoning off the area, erecting a containment structure, and deciding what deliberate actions were needed to recover the canister.
- j) Can SCE provide clarification regarding welding or encapsulation for a leaking canister?
  - i) Tom Palmisano discussed corrosion cracking, the aging management mechanisms at San Onofre and how weld repairs or encapsulating a canister are some of the methods being explored, and would be discussed as SCE continues to develop the aging management mitigation plans. He added that a dropped canister with a hypothetical breach and damaged fuel is a different situation and would not require immediate repair as much as providing containment and making sure there is no release of radioactivity.
- k) Why does SCE plan to load canisters if some are already damaged, and how and when will SCE fix the damaged canisters?
  - i) Tom Palmisano clarified the question and asked if the term damaged refers to the incidental contact that causes shallow scratches. SCE does not see the scratched as an immediate

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

- issue because they are shallow and within the criteria for an acceptable scratch. He explained the canisters have an oxide layer that reforms over the scratches while the canister is in the storage vault. There is no short term concern, but rather a long term aging-management matter. SCE has by analysis, reviewed the forces applied to the canister as it is lowered into the CEC, and the future inspections for the aging management program would confirm the results of that analysis.
- l) Explain the difference in size between the practice canister used for dry runs and the actual canisters.
- i) Tom Palmisano explained that the practice or “simulator” canister is a full-sized canister, but the difference is a half inch less in diameter. The simulator is used for the entire process and all of the load handling. It is not designed as a trial fit tool just for the downloading of canisters. The SCE canisters were fabricated to have a five-eighths inch wall thickness, the remaining quarter inch accommodates less precise manufacturer tolerances for the simulator, which means they are a little larger diameter than the simulator.
- (1) Chairman Victor asked Scott Morris to provide his views about the process.
- (2) Scott Morris provided his opinion regarding the use of actual representation for dry runs to demonstrate what is going to be used during the actual downloading.
- (3) Tom Palmisano added there has been quite a bit of dialogue with the NRC inspection team to ensure SCE was not providing negative training which means if the canister is a half inch or three quarter inches less in diameter it does not give personnel a false sense of how easy it is to download the canister.
- (4) David Victor requested SCE include some discussion about how SCE is positive that this is not negative training during future updates.
- m) Why is the NRC allowing SCE to determine their own compliance and corrective actions to the violations, and who determines what compliance is?
- i) Scott Morris explained that SCE is required to meet the regulations and specific license requirements, and SCE is responsible for maintaining full compliance by identifying problems and fixing them. The NRC is not prescriptive in how they correct the problems. The NRC will inspect the adequacy of the corrective actions, because the end result is what really matters.
- ii) Scott Morris used a personal driver’s license as an analogy to describe who determines compliance. In his example, a person has to prove to the issuing agency that requirements can be met. The expectation is that is that a driver will continue to meet requirements. If a self-revealing event occurs such as an accident or a driver is observed and pulled over, that is when the enforcement part and the root cause evaluations start to work. Licensed drivers do not have police officers in the back seat, all the time. In the case with SCE, the operator will proactively identify and fix their own problems absent intervention by the NRC, and that is the process and program the NRC inspects regularly.
- n) Why can’t SCE keep experienced staff on the team that performs the downloading of canisters?
- i) Tom Palmisano pointed out that the staff in question are largely Holtec contractors and subcontractors. The reality is that people make their own decisions and move from job to job. The people who rotated in were less experienced. One of the corrective actions is to reduce turn-over by ensuring continuity and retaining the staff for longer periods. SCE plans to retain more experienced staff and will plan for rotations in the future.

## San Onofre Decommissioning Community Engagement Panel

### REGULAR MEETING

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California

#### Meeting Minutes and Action Items

- o) How can a request for revocation of a license and permit be filed with the NRC based on the threat to public safety as is evident here?
  - i) Scott Morris explained that Part 2 of the regulations provides opportunities for anyone to submit petitions for either enforcement or petitions for rule making. That is the vehicle used by the public and occurs regularly.
- p) Will the NRC inspection records be available to the general public when the reports are complete, and how can the public access the reports?
  - i) Scott Morris informed the panel that all NRC inspections are catalogued and publically available on the NRC document management system. The document system can be accessed from the NRC homepage of the website. The NRC intentionally placed a spotlight segment on its home page that captures all of the information applicable to SCE.

#### **8) SONGS Decommissioning Update, Tom Palmisano [Please refer to the SCE-Decommissioning Update presentation on [SONGScommunity.com](http://SONGScommunity.com)]**

- a) Tom Palmisano provided an update on the process of identifying hazardous materials prior to dismantlement, environmental permitting, radiation monitoring and reporting, and a list of resources to address additional questions from the public.

#### **9) Chairman Victor Facilitated the Public Comment Period**

- a) Public Comments were made by the following individuals:
  - i) David Whiston: Emergency plan and the seawall
  - ii) Jenifer Massey: Emergency notification and evacuation plans
  - iii) Gene Stone: (Residents Organized for a Safe Environment (ROSE)): Canister loading
  - iv) Donna Gilmore (San Onofre Safety): Nuclear waste –near miss
  - v) Daryl Gale (Los Angeles Resident): Sea level rise
  - vi) Denise Erkeneff (Surfrider Foundation): Safety and cask storage options
  - vii) Katy Day (Surfrider Foundation): Onsite safety requests
  - viii) Mandy Sackett (Surfrider Foundation): Safety
  - ix) Charles Langly (Public Watchdogs): NRC enforcement of notification laws
  - x) Nina Babiarz (Public Watchdogs): Training specific to NRC documented SCE violations
  - xi) Jeff Steinmetz: NRC release of information prior to the CEP meeting
  - xii) Gary Headrick (San Clemente Green): Nuclear waste - near miss
  - xiii) Chris Gorman: Release of radioactive waste into the ocean
  - xiv) Sarah Brady: (Committee to Bridge the Gap): Storage location, structure and safety culture
  - xv) Torgen Johnson (local resident): Canister near-miss
  - xvi) Mark Bell: Risk of leakage
  - xvii) Rita Raden: Speak regarding Edison
  - xviii) Jim Wade: Spent fuel permission
- b) Dan Stetson asked why SCE is not required to use thicker canisters than the ones currently being used or required to have hot cells, and is allowed to remove the spent fuel pools.
  - i) Scott Morris explained that the cask designs are certified under Part 72 requirements established by the NRC office of Nuclear Materials Safety and Safeguards headquarters (NMSS). The cask design was certified in a manner that demonstrated those requirements.

## **San Onofre Decommissioning Community Engagement Panel**

### **REGULAR MEETING**

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#### **Meeting Minutes and Action Items**

All regulations are created publically under the Administrative Procedures Act passed by Congress, so there is an opportunity for public comment on those requirements.

- ii) Scott addressed the hot cell question by clarifying that the regulatory requirement is the spent fuel must be retrievable, but the requirement is not prescriptive regarding how to retrieve the fuel. There are multiple ways to retrieve fuel and the mechanism would have to be approved. If there is a spent fuel pool available, that would be one way to remove the fuel, but there are other mechanisms, including the hot cell approach and others. There is no regulatory requirement to have a hot cell on site prior to the fuel pools being removed, because the fuel can stay in the canister. There is time to fully consider how to retrieve the fuel. There is no immediate need or explosion event that is going to occur.
- c) Hon. Jerry Kern asked about the emergency plan procedures and how SCE plans to disseminate the information to the cities in case there is an incident.
  - i) Tom Palmisano provided an overview of the emergency plan in place. SCE notifies the counties within 15 minutes of an alert or unusual event. The counties have the responsibility to notify the public according to the emergency hazard identified.
- d) Dan Stetson asked if the canister guide rings will have to be modified or repaired, to prevent a canister loading issue from happening again.
  - i) Tom Palmisano responded that SCE has determined the shield ring does not need to be modified for the remaining 44 canisters.
    - (1) Chairman Victor asked Tom Palmisano to follow-up with Holtec regarding shield ring modifications.
    - (2) Tom Palmisano agreed to follow-up with Holtec regarding future potential modifications.
- e) Hon. Steve Swartz asked if SCE was going to fund an NRC inspector to be onsite once the loading starts again.
  - i) Chairman Victor recommended that one of the follow-up items is to understand how to increase the appropriate regulatory inspection oversight and to separate the issue of who pays for it. He suggested that Scott Morris follow-up with his office regarding additional oversight.
  - ii) Scott Morris agreed.
- f) Dan Stetson discussed the comments made by Mr. Steinmetz during the public comment period regarding 687 whistleblower complaints. He asked Scott Morris if the report was accurate and to explain the NRC policy for whistleblower complaints.
  - i) Scott Morris could not speak to the numbers provided by the report and said he would substantiate the information provided by the public speaker. He explained that all complaints are not equal in magnitude and potential significance. There are informal ways of resolving things without going through a formal, more logistical process, the idea being that the NRC can get to a solution in a quicker fashion.

#### **10) Closing Remarks:**

- a) Chairman Victor provided the list of topics planned for 2019 CEP meetings

#### **11) Meeting adjourned at 8:55 p.m.**

**San Onofre Decommissioning Community Engagement Panel  
REGULAR MEETING**

Thursday, November 29, 2018 from 5:27 – 8:55 p.m. PDT in Oceanside, California  
Meeting Minutes and Action Items

**12) Action Items:**

<b>#</b>	<b>Action Item Description</b>	<b>Comments</b>
1	Provide the SCE decision regarding the NRC Pre-decisional Enforcement Conference or Alternative Dispute Resolution available to the members of the CEP and the public, including the public meeting location (Texas or California). <b>(Time: 1:41:47)</b>	Complete
2	Inform CEP panel of NRC inspection dates to observe the new loading procedures <b>(Time: 1:41:47)</b>	
3	Post the MPR drop analysis report on the SCE website <b>(Time: 2:23:43)</b>	Complete
4	Provide an update/ summary to the CEP panel of what the whole system looks like (SCE trial runs and NRC inspections), and what has improved as SCE prepares to restart the fuel transfer process. <b>(Time 02:25:50)</b>	
5	Follow-up with Holtec regarding any future plans to modify the canister shield rings and update the CEP panel and the public. <b>(Time: 4:05:00)</b>	
6	Consider the potential for additional NRC oversight during the balance of FTO through 2019. <b>(Time:4:06:00)</b>	