

Comment Set CC4 Alliance for Nuclear Responsibility

May 31, 2005

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c/o Aspen Environmental Group
California Public Utilities Commission

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN ONOFRE NUCLEAR GENERATING STATION STEAM GENERATOR REPLACEMENT PROJECT

These comments are submitted on behalf of the Alliance for Nuclear Responsibility (ANR). The comments concern the Draft Environmental Impact Report ("DEIR") issued by the California Public Utilities Commission ("CPUC") regarding the San Onofre Nuclear Generating Station (SONGS) Steam Generator Replacement Project ("SGR Project").

Both the Diablo Canyon and the SONGS DEIR, omit an analysis of at least an additional decade of component replacement and maintenance necessitated by the Proposed Project. Both also fail to address the production of high-level radioactive waste that will continue to be produced and must be stored on earthquake-active coastal bluffs if the generators are replaced. In addition, the SONGS DEIR relies on a myriad of "possibilities and probabilities untried at any other nuclear reactor site.

CC4-1

At both Diablo Canyon and San Onofre nuclear plants a plan for either the replacement of this facility or replacement of its aging components must begin with weighing the true costs - both economic and environmental. Both DEIR's fail to analyze the full environmental costs of steam generator replacement and therefore does not offer a sufficient basis for the CPUC to make a legally informed decision under the California Environmental Quality Act (CEQA). ANR asserts that the DEIR should be redrafted and deficiencies corrected then recirculated allowing the public an opportunity to comment on a DEIR which adequately reviews the full range of the impacts and a reasonable range of true alternatives to the Project.

CC4-2

ANR agrees with Joint Intervenor Comments in the DCNPP DEIR that "CEQA requires that a project subject to preparation of an EIR be defined as "the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." PRC § 21065. The above provision make clear, an agency must consider all "reasonably foreseeable consequences" of the action. The DEIR is improperly confined to describing the process of removing, transporting, and storing the existing generators and transporting, staging, and installing the new steam generators." (May 5, 2005)

CC4-3

It is imperative that the DEIR provide the CPUC with the full scope of environmental effects of SONGS future operations. The SONGS DEIR treats the Steam Generator Replacement Project as if it were essentially a "construction project." By so doing, the DEIR deprives the CPUC of the information that it needs to determine the environmental effects of the future operations of the plant as part of its determination of whether to approve the rate making proposal.

CC4-4

In clear violation of CEQA, the CPUC's DEIR for San Onofre is riddled with qualifying words and sentences and relies heavily on the unknown. For example:

CC4-5

- 1) The proposed project is complicated by numerous challenges unique to the SONGS 2 & 3 site when compared to other nuclear plant...**De-tensioning tendons of the type at SONGS 2 & 3 has never been attempted at another operating nuclear plant.** Most of the tendons are not designed to be de-tensioned or removed. (B-10)

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- 2) Transportation **presents many challenges** because of the size of the RSG's and the relative inaccessibility of SONGS 2 & #. Steam generator replacement projects have occurred at other nuclear facilities in the U.S., but normally they are accomplished with delivery to a dock area at the power plant site. (B-11)
- 3) The specific type of transporter **would be determined in the future** (B-14)
- 4) Safe transport **depends on favorable weather conditions** (B-23)
- 5) The mouth of the Santa Margarita River has also been known to close off, even in winter periods. Therefore, **it is unknown whether** the Santa Margarita River would flow during the transport.
- 6) **SCE proposes to obtain all appropriate permits** [to] meet all applicable compliance conditions. (B-33)
- 7) SCE **expects the containment to maintain acceptable integrity.** (B-33)
- 8) SCE **has not identified a potential site** for an OSG Storage Facility on the SONGS site. (B-15)
- 9) SCE **has not specified a disposal location, but the likely destination** would be Environ-care of Utah (B-34)
- 10) **Details** for loading the original steam generators onto rail cars **have not been developed**, but they would probably involve lifting components from a multi-wheeled land transporter using portable hydraulic jacks and positioning the rail car underneath. (B-35)
- 11) Although the plan for maintaining structural integrity **would be developed** during the engineering phase...**The NRC has yet to review** SCE's proposed plan for restoring the containment, but SCE must eventually prepare an engineering evaluation that describes whether the steam generator replacement would affect operation and safety of the facility. (B-36)

This partial list of omissions, uncertainties and not-yet-developed components of the SGR Project, should have sent red-flags flying at the CPUC. Yet the CPUC's DEIR recommends that this frighteningly deficient report be adopted and that the project be found reasonable and environmentally sound.

The DEIR does recognize that the No Project Alternative would benefit the environment. It further identifies "emissions from relatively steady operation of a bank of portable engines that would be used while creating the containment opening could cause significant impacts." (B-22) However, the emissions by the portable engines are not the greatest emission threat at SONGS. As in the Diablo Canyon *Nuclear Power Plant* DEIR, emissions in the SONGS DEIR are very narrowly defined. Emit is defined according to the American Heritage Dictionary as "to give or send out matter or energy, isotopes that emit radioactive particles..." It is precisely because nuclear plants daily produce high-level radioactive waste that a full CEQA review is mandatory for a complete record in this proceeding.

The CPUC's DEIR's conclusion that a license renewal at SONGS and Diablo Canyon is not foreseeable is disingenuous. A license renewal could not occur but for the proposed RSG projects. To date, the NRC has granted over 31 nuclear license renewals. Both PG&E and SCE acknowledge that they are performing

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CC4-6

CC4-7

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feasibility studies for license renewals. It is obvious to the communities who live in close proximity to these nuclear facilities that license renewals are a reasonably foreseeable outcome of the project.

CC4-7

In fact, license renewal is more likely than the numerous yet-to-be determined segments mentioned above. Of the now 31 license renewals granted by the Nuclear Regulatory Commission, only 5 had not already replaced steam generators. A CPUC decision to replace steam generators at California's nuclear facilities could result in our state being boxed into an energy source that not only requires additional expensive replacements and retrofits, but leaves tons of high-level radioactive waste on our precious coast for not 10 additional years, but 30.

Another DEIR finding that replacement power projections would be too remote and speculative to predict exactly how replacement power would be provided; given the wide range of possibilities is equally disingenuous. California's Governor and the state legislature have invested time and resources to create a renewable energy policy. Last week the Million Solar Roof Initiative passed out of appropriations and toward reality. The outcome of the RSG Proposed Projects runs counter to the optimistic determination of this state to strive for cleaner independent power sources.

CC4-8

The DEIR's asserts that alternative technologies cause environmental impacts, and they also have technical feasibility limitations yet this assertion is accompanied by no analysis. The CPUC cannot issue a blanket dismissal of alternative and renewable energy as expensive or technologically unfeasible, especially when such important issues of the SONGS RSG Project, such as maintaining integrity of the containment vessels, remain an unknown.

CC4-9

Another issue inadequately addressed is the geology of the earthquake active coastal zones where SONGS and Diablo Canyon are sited. The new steam generators will extend the useful life of California's Nuclear Plants by at least 8 to 12 years, i.e. at least until the end of the current licensing periods in 2021, 2022 and 2025. This extension of the operations of the facilities beyond the "natural" decommissioning point in 2013/14 creates an additional period of seismic risk. It would therefore be reasonable to expect the DEIR to include an analysis of seismic risks associated with operation of the entire nuclear facilities for this extended period. As it is, the DEIR focuses narrowly on seismic risks associated only with the steam generator replacement project, i.e. to the OSG storage site, etc. ANR has reviewed the brief analysis of site geology and finds the DEIR for SCE's SGR Project relating to seismic issues contains little scientific literature or data.

CC4-10

In the past few years residents who live by dangerously sited aging nuclear plants have heard one California oversight agency and local government after another apologetically tell us that the impacts of the operation of a nuclear plant and the daily production and storage of high-level radioactive waste near our uninsured homes is "beyond their purview". Yet California reactor communities have watched as Minnesota voted to limit the amount of radioactive waste to be stored in its state; as Vermont had required nuclear utilities to reimburse the state for onsite storage of radioactive waste, as Washington State voted to limit radioactive materials. If California is to be protected from increasing stockpiles of high-level radioactive waste on our coast it will ONLY be through state action, not the NRC. (for back-up material relating to other state's rights issues see ANR Comments on DEIR for the Diablo Canyon Nuclear Plant).

CC4-11

Nuclear utilities have historically used "NRC preemption" to bully oversight agencies into steering clear of issues that most concern reactor communities. Yet, ANR knows of no incidence where the NRC itself has fought with state agencies over preemption issues, only the nuclear utilities.

The DEIR is incorrect in concluding that so-called "safety issues" are entirely beyond the purview of the CPUC in the context of its current decision. We agree with the Joint Intervenors in the DCNPP SGR proceeding that, while it is correct that the CPUC cannot dictate to SCE what safety measures must be employed in the handling of nuclear materials or the design of equipment using these materials, that does not mean that the CPUC cannot consider "safety issues" in deciding as an economic matter whether it is prudent

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to enable the continued operation of SONGS by approval of the ratemaking proposal. All legal citations provided in the "Comments of the Joint Interveners in the DEIR for the DCNPP should be officially noticed in the DEIR for SONGS SGR as all are equally relevant to this proceeding.

CC4-11

Like the SGR for the DCNPP, the intent and direct impact of the SGR Project at SONGS is to extend the operating lifetime of SONGS for an additional 8-10 or more years. SCE's states in its Application, that the SGR Project is to extend the operating lifetime of SONGS. Absent the CPUC's approval of SCE's application, the utility concedes that SONGS will not operate to the end of its current license periods; likewise SCE agrees that a direct impact of the Project will be to extend the operating life of SONGS until 2022. Yet, the DEIR refuses to consider the environmental impacts of the future SONGS operation enabled by the Project.

CC4-12

The DEIR admits that the project may provide an "incentive" for SCE to seek an NRC license renewal, then without further analysis calls this possibility "remote and speculative. CEQA Guideline § 15144 states that "[d]rafting an EIR...necessarily involves some degree of forecasting," and that "an agency must use its best efforts to find out and disclose all that it reasonably can." In turn, while § 15145 allows an agency to terminate discussion of an impact if it is "too speculative for evaluation," the agency cannot reach this conclusion without conducting a "thorough investigation." ANR submits that the CPUC should direct its staff and consultants to acknowledge the likelihood of license renewal and update its EIR accordingly.

Representatives of the NRC, SCE and the CPUC have all confirmed the likelihood of NRC license renewal. The NRC expects all existing plants will seek license renewals. On July 15, 2003, the NRC held a public meeting on license renewal for nuclear power plants, PG&E was represented. During this meeting, Mr. John Tappert, Chief of the Environmental Review section of the NRC's license renewal and environmental impact program, stated: "Now, to date, the NRC has received 14 applications for the renewal of 30 power reactor licenses and the NRC has issued renewal licenses to 16 power reactors. All indications are that multiple license renewal applications will continue to be filed with the Commission over the next decade and *eventually the entire fleet of nuclear power plants will request license renewal.*" (NRC Public Meeting transcript, July 15, 2003, Anaheim Hilton Hotel, page 12, lines 11-15.)

The executive director of the Alliance for Nuclear Responsibility was in attendance at the July 15, 2003 meeting and directly asked the NRC if "the entire fleet..." included the Diablo Canyon Nuclear Plant and SONGS, the NRC answered "yes".

The DEIR recognizes that 30 nuclear plant units have so far been granted renewal, that 16 more have applications pending, and that the renewals were granted within two years or less of the filing of the application. How then can the DEIR find a license renewal for SONGS "remote and speculative"?

As stated in CEQA Guidelines § 15126.6(e)(1), "[t]he purpose of describing and analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." An additional 20 years of high-level radioactive waste production that the CCC acknowledges will remain on California's earthquake active fragile coastal bluffs "in perpetuity" cannot responsibility be ignored

CC4-13

ANR requests the CPUC to take official notice of all testimony and comments in the DCNPP DEIR in the DEIR for SONGS SGR. New information resulting from a report released April 2005, by the National Academy of Sciences and commissioned by Congress reveals additional risks from crowded spent fuel pools. Virtually all of the risks remain unresolved, and is currently the subject of a May 24, 2005 Congressional Report - H. 2419. This information must be included in the EIR for SONGS SRG.

CC4-14

California is still reeling from an energy "crisis" and the resultant damage to the state's budget. To blindly go forward with projects that will result in billions of ratepayer dollars being invested in an aging technology

CC4-15

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without considering the environmental impacts of additional years of radioactive waste produced and stored on seismically active coastal zones could prove to be extremely costly and irresponsibly short-sighted.

The CPUC must determine if planning for alternative energy sources now can save ratepayers billions of dollars in investments in steam generators and other failing components at California's nuclear plants. Should ratepayer dollars be used to create electric generation that will benefit our state with new jobs, new property taxes, clean energy and a phase out of the production of high-level radioactive waste? This is a question and answer not found in the DEIR. The opportunity to move toward renewable generation inherent in the alternatives to the Proposed Project must be seriously considered.

It is the obligation our state representatives and oversight agencies to reduce economic risks, especially in the area of energy, and to that end we ask the CPUC to further review the environmental impacts of steam generator replacement. Furthermore, we request that ALL costs of the additional 10 years of operation be included and environmental impacts of license renewal be analyzed and the DEIR reissued for public comment.

Sincerely,

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CC4-15

CC4-16

Responses to Comment Set CC4

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- CC4-1 The purpose of this EIR is to evaluate potential environmental impacts that have the potential to result from the Proposed Project, which is limited to the replacement of the SONGS steam generators. The EIR has not evaluated, nor is it required to evaluate, system safety or reliability for other power plant components that would not be affected by the Proposed Project. The Draft EIR notes that continued operation of SONGS 2 & 3 would result in an ongoing probability of component failure, as this exists in the baseline. Most power plant components have serviceable lifetimes and require periodic inspection, maintenance, or replacement per NRC directives and schedules. Much of this maintenance occurs in the baseline conditions and would continue to occur with NRC oversight, with or without the Proposed Project. As stated in Section D.1.2.1, the existence of the operating nuclear power plant through the NRC authorized license periods and its ongoing effects, including its need for maintenance and its previously-approved activities related to waste or spent fuel storage onsite in a seismically active area, are not a consequence of the Proposed Project. The Draft EIR does not address the ongoing production of spent fuel waste as a consequence of the Proposed Project because this activity presently occurs in the environmental baseline. See also Master Response MR-1 (Baseline).
- CC4-2 The comments regarding the “true costs” of the Proposed Project are unclear, and therefore a targeted response can not be provided. The EIR does not address cost or ratepayer benefit in its evaluation of the Proposed Project or alternatives because CEQA focuses on changes to existing physical environmental conditions. Economic issues, such as project cost and ratepayer benefits, are addressed by the CPUC in the General Proceeding (A.04-02-026) on the Proposed Project. The evaluation of potential impacts associated with the implementation of the alternatives illustrates the reasonably foreseeable, and most likely, impacts that may result from the development of replacement energy sources. The environmental consequences of the alternatives, including the No Project Alternative, are shown in the Draft EIR. The Executive Summary (Section 4.3) and Section E.3 of the Draft EIR compare the No Project Alternative to the Environmentally Superior Alternative. Based on this full evaluation and weighing *all* issue areas, the No Project Alternative was *not* found to be overall environmentally superior to the Proposed Project. The Environmentally Superior Alternative is the Proposed Project with the MCBCP Inland Route Alternative. Consistent with CEQA, the environmental impacts of the No Project Alternative were analyzed in a manner that is adequate to inform decision-makers and the public about the potentially significant effects when compared to those of the Proposed Project.
- CC4-3 The comment asserts that the Draft EIR is improperly confined to the actions of steam generator replacement and that ongoing operations of SONGS would cause environmental effects that are not analyzed in the Draft EIR. As explained in Master Response MR-1 (Baseline), ongoing operation of SONGS through the current license terms is part of the environmental baseline and not a future action. Therefore, the continued operation of the power plant in accordance with its previously approved licenses would not represent a physical change requiring environmental review during the CEQA process for the Steam Generator Replacement Project. As explained in Master Response MR-2 (License Renewal), relicensing is not a reasonably foreseeable consequence of the project. The Draft EIR appropri-

ately acknowledges that plant operations would cease if the steam generators are not replaced, and the effects of this change were described in the analysis of the No Project Alternative.

CC4-4 Please see Response CC4-3 above, which describes the baseline nature of SONGS operations. Please also see Master Responses MR-1 (Baseline) and MR-2 (License Renewal).

CC4-5 CEQA does not require that all final project-related design and implementation details be included in the Project Description of the EIR. The information provided by the Draft EIR Project Description (Section B) provides the information required by CEQA Guidelines Section 15124, which indicates that the project description should not “. . . *supply extensive detail beyond that needed for evaluation and review of the environmental impact.*” The level of detail provided in the Project Description of the EIR is adequate to conduct an evaluation of the Proposed Project’s potentially significant direct and indirect impacts. Please also see Response E-2. CEQA Guidelines Section 15004(b) indicates that EIRs should be prepared as early as feasible in the planning process to enable environmental considerations to influence project design. Preparation of EIRs early in the planning process necessitates that various details of design and implementation are not fully developed or finalized.

Certain project-related details cannot be known at the time CEQA review is conducted because of the long lead-time between when the environmental review process is started and when project implementation could begin. For example, it would not reasonable to precisely know at this time the type of vehicle that would be available to transport the replacement steam generators (RSGs) to the SONGS 2 & 3 site in 2009 (comment item #3). The acknowledgment by the EIR that transportation of the very large RSGs “presents many challenges” (comment item #2) does not make the Project Description inadequate. The analysis of the RSG transport has been appropriately conducted by making reasonable assumptions regarding the type of vehicles to be used and loading methods that would be employed. Section B.3.2.1 of the Draft EIR illustrates the inventory of likely equipment and material to be used. Thus, the EIR considers the potential impacts that could be caused by a range of activities that could be affected by various means of implementation. See the specific issue areas of Draft EIR Section D for the various mitigation measures that have been proposed to mitigate the potential effects associated with RSG transport to a less than significant level.

CEQA does not require that the EIR attempt to forecast the environmental conditions that may exist when the Proposed Project is implemented, and CEQA Guidelines Section 15144 (Forecasting) recognizes this when it states “*While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.*” The EIR cannot predict weather conditions that would exist when the RSGs are transported to the SONGS site (comment item #4) or if the Santa Margarita River would be flowing to the sea (comment item #5). The EIR complies with the direction of the CEQA Guidelines by evaluating the potential for environmental impacts based on environmental conditions that are reasonably expected to exist at the time when the RSGs are transported and conditions the applicant has indicated must exist for the project to be implemented (i.e., river crossings will not occur if the depth of water exceeds six inches, Draft EIR pp. B-26 and D.7-4). Section B.3.2.1 of the Draft EIR states that SCE would track the weather using the NOAA National Weather Service internet site and the Coast Guard Marine Forecast or similar sources before transport of each unit. The threshold for deciding whether to proceed with the transport would be a forecast for no rain that could significantly increase water flow in the Santa Margarita River or beach areas. SCE would also monitor the flow

of the river, incorporate BMPs from the Electric Power Research Institute for ford crossing, and monitor sea swell levels.

Regarding proposed structural modifications to the existing containment structures (comment items #1, 6, 7 and 11), the Draft EIR indicated that the proposed activities would be conducted under the jurisdiction and supervision of the NRC, and the Draft EIR provided a summary of applicable NRC responsibilities and regulatory requirements (Section D.12.3.4, NRC Oversight of Containment Structure Modifications). Based on the requirements to comply with existing regulations and on-going NRC involvement in all phases of the replacement activities including containment structure modification, the Draft EIR concluded that potential environmental impacts from this portion of the Proposed Project would be less than significant and that the NRC involvement would preclude the need for additional mitigation measures. Additional information regarding the NRC jurisdiction over the Proposed Project is provided in Master Response MR-3 (Jurisdiction).

Regarding disposal of the original steam generators (OSGs), the Project Description indicates that it is the intent of SCE to dispose of the equipment at a licensed management facility, and a disposal facility located in Utah was identified as a potentially feasible disposal site. Draft EIR Section D.12.1 (Low-Level Radioactive Waste Baseline) recognized that the availability of storage at the offsite facility is subject to numerous factors; however, based on currently available information, the Utah facility would have the ability to accept low level radioactive waste (the OSGs) from the SONGS facility. The Draft EIR has fulfilled its CEQA mandated full-disclosure requirement by identifying the existing issues associated with the disposal of low-level radioactive waste. Because waste disposal activities are within the jurisdiction of the NRC, please also see Master Response MR-3 (Jurisdiction).

Potential impacts that could result from the development of an on-site OSG storage facility (comment item #8) were evaluated (Draft EIR Section C.4.3.1) as an alternative to the off-site disposal that is described in the Project Description section of the Draft EIR. Based on a review of the space requirements for an adequate on-site storage facility, along with other implementation considerations, the analysis determined that an on-site storage facility would be potentially feasible. As such, the evaluation of the on-site storage alternative was prepared in accordance with the requirements of CEQA Guidelines Section 15126(d), which indicates that the level of analysis should be sufficient to “. . .allow meaningful evaluation, analysis and comparison with the proposed project.” The CEQA Guidelines also indicate that the “. . .significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.” Consistent with CEQA, the environmental impacts of the on-site storage alternative were analyzed in the Draft EIR in a manner that is adequate to inform decision-makers and the public about the potentially significant effects of the alternative compared to those of the Proposed Project.

CC4-6 Please see Master Response MR-1 (Baseline). Existing air pollutant emissions are described in Table D.2-3 of the Draft EIR. The Draft EIR does not describe the ongoing production of spent fuel waste as a potential consequence of the Proposed Project, because these activities occur in the environmental baseline (see Draft EIR Section D.1.2.1). The Proposed Project activities (RSG transport, staging and preparation, etc.) would not result in changes to the uranium fuel cycle or spent fuel waste production. The extent that the No Project Alternative could beneficially reduce the baseline risks associated with spent fuel handling is described in Section D.12.5 of the Draft EIR.

CC4-7 The comment declares that NRC license renewal is a reasonably foreseeable outcome of the Proposed Project. Please see Master Response MR-2 (License Renewal).

CC4-8 Replacement power generation scenarios considered under the No Project Alternative include a wide range of technologies, and because there is no way to predict exactly how market forces, private investment decisions, etc., would provide replacement power, the Draft EIR does not analyze any specific scenarios for providing replacement generation or transmission system upgrades (Draft EIR Section D.1.2.3). The EIR is focused on alternatives to the proposed steam generator replacement project, not alternative sources of energy to nuclear power, except as necessary under the No Project Alternative. Because the replacement generation scenarios depend on variables such as type of technology, size of deployment, and location of sites, a detailed analysis of specific projects would not be possible or meaningful. Response CC2-1 and Section D.1.2.3 of the Draft EIR show how the potentially adverse effects of constructing new replacement generation and transmission facilities under the No Project Alternative are described in a manner that is consistent with the requirements of CEQA.

Please see Responses CC2-5 and CC2-6 regarding the suggestion to consider rooftop solar generation and the Million Solar Roofs initiative.

CC4-9 Please see Responses CC2-1 and CC2-2 for more information regarding the adequacy of the analysis of alternative technologies as replacement generation for SONGS. While the replacement generation scenarios are not specifically known, they are given a level of analysis that is adequate to promote informed decision-making, as required by CEQA. Contrary to the assertion of the comment, the ability to maintain the integrity of the containment structures is not unknown. This is addressed in the Project Description of the Draft EIR (Section B.3.4.2), which describes how NRC oversight of the containment structure modifications would occur to ensure safety. NRC inspectors would monitor the integrity of the containment vessels during their opening.

CC4-10 Please see Master Responses MR-1 (Baseline) and MR-3 (Jurisdiction). The exposure of existing SONGS facilities to known seismic hazards through the license terms (i.e., to 2022) is part of the environmental setting, or baseline, as described in Draft EIR Section D.5.1.4. As stated in Section D.1.2.5, federal standards pertaining to the design of nuclear power plants to minimize potential seismic impacts are under the jurisdiction of the NRC and are described in Section D.5.2. This aspect of the baseline would not be altered by the Proposed Project, which includes steam generator replacement activities. Project-related activities that have the potential to result in an incremental change in the existing seismic risk of the facility include the creation of an opening in the containment structure and the construction of an OSG Storage Facility under the OSG Onsite Storage Alternative. The Draft EIR addresses these project activities by identifying the measures proposed for ensuring the containment structure maintains acceptable integrity (Draft EIR Sections B.3.4.2 and D.12.3.4). Mitigation measures identified for construction of the OSG Storage Facility in Sections D.5.4.2 and D.12.4.2 include Mitigation Measure G-6a, which requires that the structural design of any proposed onsite OSG Storage Facility be based on consideration of recent earthquake data. The comment does not identify any specific scientific literature or data that should be considered. As explained above, the information in the Draft EIR properly informs decision-makers about the baseline risks and risks associated with project-related activities, and it would not be necessary to refer to additional scientific literature or data.

CC4-11 The purpose of the EIR is to evaluate the potential environmental impacts expected to result from the Proposed Project, which is the replacement of steam generators in SONGS Units 2 and 3, and not the ongoing operations at SONGS. The impacts of ongoing operations at SONGS, including the production and storage of radioactive waste through the current license terms, are part of the environmental baseline (see Draft EIR Section D.1.2.1). In the context of this pre-existing environment, wherein SONGS is fully permitted to operate until the end of its NRC operating licenses, this EIR analyzes only the incremental changes that would be caused by the proposed Steam Generator Replacement Project. These incremental changes are mainly limited to the short-term effects of steam generator replacement activities. Please see Master Response MR-1 (Baseline) for more information about the environmental baseline of the Proposed Project and the issues associated with underlying power plant operations.

Section D.12 of the Draft EIR provided an evaluation of potential safety impacts associated with the Proposed Project in order to comply with the full public disclosure requirements of CEQA. As noted in Draft EIR Section D.1.2.5, many actions related to radiological safety are preempted by the NRC. Please also see Master Response MR-3 (Jurisdiction).

As stated in Draft EIR Section A, the EIR addresses the potential environmental impacts of the Project and identifies an environmentally superior alternative, but does not make a recommendation regarding approval or denial of the Proposed Project. CEQA also does not require an evaluation of economic issues in the evaluation of the Proposed Project or alternatives (CEQA Guidelines Section 15131). Economic issues and whether or not the Proposed Project is ultimately approved are addressed by the CPUC in the General Proceeding (A.04-03-026) for the Proposed Project.

CC4-12 Master Response MR-2 (License Renewal) explains that under the test established by the Laurel Heights case [*Laurel Heights Improvement Association v. Regents of the University of California*, (1988)], relicensing is not a reasonably foreseeable consequence of the Proposed Project, nor would future relicensing change the nature or scope of the proposed Steam Generator Replacement Project. Please see Master Response MR-2 (License Renewal) for a detailed explanation of why license renewal is not a reasonably foreseeable consequence of the Proposed Project and thus need not be evaluated in detail in the EIR. Please also refer to Master Response MR-1 (Baseline) for an explanation of ongoing SONGS operation that occurs in the baseline conditions and the environmental effects of baseline operations.

Relicensing is only in the preliminary feasibility and planning stages at this time and, as indicated in the Draft EIR, SCE has not made a formal decision to apply for relicensing. Therefore, it is not known whether license renewal will occur and whether the units will operate beyond 2022. The Draft EIR acknowledges that replacement of the steam generators would remove one limitation to license renewal, but license renewal and plant operation beyond the current license expiration dates are not foreseeable consequences of the Proposed Project under the legal standards for making that determination under CEQA. The impacts of plant operation beyond the current license expiration dates will be evaluated if and when SCE submits a license renewal application to the NRC. In addition, the CPUC does not have jurisdiction over relicensing. Please see MR-3 (Jurisdiction). Even if relicensing was considered a reasonably foreseeable project, CEQA would only require a general analysis of the environmental effects of relicensing. A general analysis of such impacts has been provided in Section G.4 to the Final EIR. The NRC statement referenced in the comment

regarding the relicensing of power plants around the nation is irrelevant to the *Laurel Heights* test, as referenced in Master Response MR-2 (License Renewal), for determining when a general analysis of future actions, such as license renewal, should be included in a project EIR.

- CC4-13 As explained in Response CC4-12 above, license renewal is not a reasonably foreseeable consequence of the Proposed Project. The impacts of plant operation, including the production of spent fuel, beyond the current license expiration dates will be evaluated if and when SCE submits a license renewal application to the NRC. Absent license renewal, operation would not occur beyond 2022. See also Master Response MR-2 (License Renewal).

Spent fuel storage is an activity that occurs in the baseline of ongoing SONGS operations (see Draft EIR Section D.1.2.1). The Draft EIR contained an extensive discussion of baseline risk in Section D.12.1, including the risk associated with the onsite storage of both low and high level radioactive waste. As explained in Master Response MR-1 (Baseline), the Proposed Project would not result in a change in existing baseline conditions for spent fuel storage as they exist on the project site. Steam generator replacement would be an equipment replacement that is intended only to allow SONGS to operate at existing levels, which have previously been permitted to occur. Additionally, the Draft EIR identified beneficial risk-related impacts associated with the No Project Alternative in Section D.12.5. In that discussion, the Draft EIR clearly establishes that the No Project Alternative would reduce the baseline safety risks associated with spent fuel issues.

- CC4-14 Potential impacts associated with spent fuel pool hazards were addressed in the baseline section of the analysis for System and Transportation Safety (see Draft EIR Section D.12.1). Previous analyses that were included in the Diablo Canyon Power Plant (DCPP) EIR were also referenced. The National Academy of Sciences report *Safety and Security of Commercial Spent Nuclear Fuel Storage: Public Report* does not raise any new issues that were not addressed in the Draft EIR or referenced studies. Regardless of the outcome of the Steam Generator Replacement Project, spent fuel will remain at SONGS indefinitely and potential impacts associated with spent fuel have little bearing on impacts associated with the Proposed Project.

- CC4-15 CEQA does not address cost or ratepayer benefit in the evaluation of the Proposed Project or alternatives, as noted in Draft EIR Sections A and D.1.2.5. These issues are addressed by the CPUC in the General Proceeding (A.04-03-026) for the Proposed Project. Regarding potential changes in jobs or labor demand, the Draft EIR characterizes the socioeconomic effects of the Proposed Project and notes that alternative energy technologies that could occur under the No Project Alternative would not result in substantial demand for labor (Draft EIR Section D.11.5).

Please see Master Response MR-1 (Baseline). The ongoing production of spent fuel waste is an activity that occurs in the environmental baseline (Draft EIR Section D.1.2.1) that would be unchanged by the Proposed Project. The activity of waste storage on the project site has already been evaluated and approved by the NRC through the time period of the existing licenses. Waste storage issues beyond 2022 would be subject to the sole jurisdiction and review of the NRC in the event of relicensing. See Draft EIR Section D.12, System and Transportation Safety, for a description of radioactive waste issues related to the ongoing operation of SONGS and Master Response MR-3 (Jurisdiction). Please also see Response CC2-1 for more information regarding the consideration of the No Project Alternative and the level of analysis needed to promote informed decision-making.

CC4-16 This comment provides an opinion of state representatives' responsibilities, and does not require a response. Please see Master Response MR-1 (Baseline) for more information as to why existing plant operations are included in the baseline conditions for purposes of the EIR. The comment also asserts that the impacts of license renewal should be included in the EIR. Please see Master Response MR-2 (License Renewal) and Response CC4-12 as to why relicensing is not a reasonably foreseeable consequence of the Proposed Project.