

SAN ONOFRE “MOVE THE WASTE” SETTLEMENT FACT SHEET

Prepared by Ray Lutz of Citizens Oversight 9/11/2017, updated 12/7/2017

- Regarding: SCE Coastal Commission permit for nuclear waste facility only 100 feet from the ocean and literally inches over the high-water mark at San Onofre.
- Background:
 - The DOE is responsible for long-term, permanent storage and disposal of the SONGS spent nuclear fuel. Originally, starting on Jan 31, 1998 this waste was to be removed from the site.
 - The DOE has yet to discharge its responsibility and take possession of the Spent Fuel.
 - Until it is transferred to the DOE or under contract to an NRC-licensed third party, SCE will continue to maintain ownership of the Spent Fuel.
 - Plaintiffs and SCE have a shared interest in relocating the Spent Fuel to an offsite, NRC-licensed facility operated by either the federal government or a third party (an “Offsite Storage Facility”).
- **SCE MUST TRY:** SCE shall use “Commercially Reasonable” efforts to relocate the Spent Fuel to an Offsite Storage Facility. This standard ensures that any actions are prudent and consider factors, including safety, technical feasibility, costs, and utility customer interests.
- SCE shall spend up to \$4,000,000 on:
 - **EXPERT TEAM:** Hire and maintaining an “Experts Team” to advise SCE on any proposed relocation of Spent Fuel and assist in the development of the plans.
 - **TRANSPORTATION:** Develop a conceptual plan for the offsite transportation of Spent Fuel;
 - **STRATEGIC PLAN:** Develop a strategic plan to develop an Offsite Storage Facility;
 - **PALO VERDE OPTION:** Make a formal, written request to the owners of Palo Verde regarding the development of an expanded ISFSI to store Spent Fuel;
 - **INTERIM STORAGE:** Investigate the feasibility of moving the fuel to an offsite facility such as in eastern NM or western TX, or other locations, without limitation.
 - **INSPECTION AND MAINTAINENCE:** Develop the Inspection and Maintenance Program for the 2015-approved ISFSI by October 6, 2020; and
 - **“REPAIR” PLAN:** Develop a written plan addressing contingencies for damaged or cracked canisters consistent with NRC regulations and requirements by October 6, 2020.
- SCE Shall also:
 - **REPORTS:** Provide Plaintiffs with reports monthly (six months) and then quarterly regarding its progress in fulfilling the SCE Commitments, and on the transfer of Spent Fuel from the “wet” pools to the ISFSI (or offsite storage).
 - **IMPLEMENT STRATEGIC PLAN:** subject to certain conditions, such as California Public Utilities Commission (“CPUC”) approval of the costs associated with transfer of the Spent Fuel to a Commercially Reasonable Offsite Storage Facility.
- SCE’s obligations under the Settlement Agreement expire when/if:
 - The SCE Commitments are satisfied and neither an Offsite Storage Facility or implementation of the Strategic Plan are Commercially Reasonable; or
 - Laws prohibit relocation of the Spent Fuel; or
 - An NRC-licensed, Offsite Storage Facility agrees to accept the Spent Fuel on Commercially Reasonable terms; or
 - A permanent DOE facility is NRC-licensed to store the Spent Fuel; or
 - The initial term of the 2015 CDP expires in 2035.
- In exchange for SCE’s Commitments, Plaintiffs shall dismiss their legal challenge with prejudice.
- The San Diego Superior Court retains jurisdiction to enforce the settlement terms.
- The Settlement is silent on the rate or pace of movement of spent fuel into the ISFSI.