

# New deal could push nuke fuel out of San Onofre

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After a citizens' group branded San Onofre a "[beachfront nuclear waste dump](#)" – and sued Southern California Edison and the California Coastal Commission for failing to consider another home for it – the warring parties struck an agreement Monday to take specific steps toward removing nuclear waste from the region.

Activists hope the deal will also kick-start discussions to solve the nuclear waste dilemma nationwide, while others say it accomplishes little.

"What we've done has never been done before; work with a utility to develop a plan to move nuclear fuel, despite the fact that there's no (existing) federal repository," said Maria Severson, an attorney representing the nonprofit group Citizens Oversight.

"We're happy that there's a plan to do something, where there was a plan to do nothing," she added. "It's not just a local issue, but a national issue. What do we do with the nuclear waste in our country?"

Severson, like many others, questions the wisdom of storing nuclear fuel in a heavily populated area that is vulnerable to earthquakes.

Under the [settlement filed in court Monday morning](#), Edison agreed to spend up to \$4 million to hire a team of experts in fields such as nuclear engineering, siting, licensing, transportation, and radiation detection to develop plans to relocate San Onofre's 3.6 million pounds of spent fuel elsewhere.

This team must be assembled and hired within the next five months, and will examine the feasibility of moving San Onofre's waste to the Palo Verde nuclear plant in Arizona. Edison is part-owner of that plant.

The team will also explore [temporary storage sites in New Mexico and Texas](#).

Edison – the San Onofre Nuclear Generating Station's majority owner, and the utility tasked with tearing down the shuttered plant – agreed to a quicker inspection and

maintenance protocol for the fuel containers that will remain on the bluff in the interim and to develop a plan for dealing with damaged or cracked canisters. Edison also pledged to report to Citizens Oversight monthly, and then quarterly, on its progress toward these goals.

“SCE is proud to take a leadership role in what we expect will become an industry-wide effort over many years to work with the federal government and other key stakeholders to achieve off-site storage,” said Ron Nichols, president of Southern California Edison.

“We will be vigilant in our efforts to prompt the federal government to act, and until we can secure off-site storage, will continue our 30-year track record of safely storing used fuel at San Onofre.”

### ***From no hope, to hope***

Two years ago, shortly after the California Coastal Commission granted Edison a 20-year permit to construct a “concrete monolith” to entomb San Onofre’s waste, Citizens Oversight filed suit to stop it.

The San Diego County-based nonprofit claimed that the Coastal Commission – which must approve all seaside construction projects – failed to adequately evaluate the [Holtec HI-STORM UMAX system](#) that would house the waste. Citizens Oversight also argued that Edison failed to consider alternate storage sites, instead presenting the spot just a few hundred feet from the beach as the only option.

A trial was set for April, [and postponed when the two warring parties agreed to sit down for settlement talks](#). Everyone shared a common goal to transfer the waste off-site as soon as reasonably possible, Edison vice president and chief nuclear officer Tom Palmisano said at the time. The problem was: How?

That nuclear waste piles up in the first place is a failure of the federal government.

To encourage the development of nuclear power – seen 50 years ago as a cheap source of electricity – Congress passed the Nuclear Waste Policy Act. The feds promised to dispose of spent fuel and high-level waste by Jan. 31, 1998. In return, the utilities operating reactors agreed to make quarterly payments into a [Nuclear Waste Fund to pay for that permanent disposal](#).

Utilities and their customers pumped about \$750 million a year into that fund, but the U.S. Department of Energy has not accepted a single ounce of commercial nuclear waste for permanent disposal.

Some \$41 billion was collected and about \$30 billion of that remains after spending on a waste disposal site in Yucca Mountain, Nevada. Yucca was supposed to be the

permanent repository, but Nevada officials adamantly refused to become America's nuclear dumping ground. The state, which has no nuclear plants, vows to oppose [efforts to revive Yucca](#).

Meantime, taxpayers have shelled out some \$5 billion in legal settlements thanks to the DOE's failure. That money is being used by utilities to construct interim storage, such as the HI-STORM UMAX at San Onofre.

"Citizens have gone from having no hope, to hope," Severson said.

### ***No change?***

The head of the volunteer Community Engagement Panel, which advises Edison on San Onofre's decommissioning, was less enthusiastic.

"With just two exceptions, it is my understanding that Edison is doing all this already," said David Victor, co-director of the Laboratory on International Law and Regulation at UC San Diego.

"Edison is consulting experts. It is developing plans for moving the spent fuel out of here as soon as that option might become available.... We have talked about this at every CEP meeting for at least two years."

The new elements of the agreement, in Victor's view, include the idea of a deal at Palo Verde, though he said Arizonans aren't likely to welcome waste from California. He also questioned the importance of the timetables outlined in the agreement.

"I am sure that some folks will see these timetables as proof that they are holding Edison's feet to the fire on a strict schedule. But virtually none of these timetables has any relevance because they relate to activities that are already happening," Victor said by email.

Charles Langley, executive director of Public Watchdog in San Diego County, agreed.

"It's a nuthin' burger," Langley said. "The nuclear waste isn't going anywhere soon and this is a defeat, not a victory, for consumers. The Coastal Commission permit to bury waste on the beach at San Onofre State Beach Park stands. Edison has made a series of unenforceable 'commitments' with numerous provisions that will allow them to keep the waste on the beach eternally."

Donna Gilmore of [sanonofresafety.org](http://sanonofresafety.org) said that the settlement ignores the most urgent issue: That the existing, thin-walled canisters at San Onofre can't be inspected, maintained or monitored for leaks, and that Edison has no plan in place to deal with potential leaks.

“The only solution is to transfer fuel assemblies to thick-wall transportable casks that don’t have these problems,” she said.

What this agreement does deliver, said UCSD’s Victor, is an \$800,000 payday for Citizens Oversight’s law firm, Aguirre & Severson.

Severson noted that, in court, prevailing parties get their legal costs covered by the parties that don’t win.

“We’re happy to be playing a part in moving the process along,” she said.

### ***Full speed ahead***

Most of San Onofre’s radioactive waste is stored in [comparatively-vulnerable spent fuel pools](#), where it has been cooling for years.

Experts say waste is much safer in dry storage, such as the steel-and-concrete bunker that’s being built in San Onofre to accommodate longer term but still temporary storage. Dry storage offers greater protection against earthquakes, fire, tsunamis and terrorist threats, and getting it into canisters for dry storage is the first step toward transferring it off-site when a facility finally becomes available.

Edison plans to have all of San Onofre’s waste in dry storage by 2019. It will remain there until another home is found.

Many see that process as a step in the right direction.

“I believe this agreement is consistent with the major issues that the CEP has been addressing and is working on, including offsite storage and transportation,” said Ted Quinn, a member of the Citizens Engagement Panel, a group of volunteers advising Edison on San Onofre’s decommissioning.

“The path forward by the CEP and this agreement clearly (is) to address the near-term and longer-term final solution to the storage of spent fuel at SONGS to benefit the local community,” Quinn added.

The court must sign off on the agreement, and will retain jurisdiction to enforce [the settlement terms](#).