CALIFORNIA COASTAL COMMISSION
ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
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December 4, 2015

Permit Application No.: **9-15-0228**

COASTAL DEVELOPMENT PERMIT

On October 6, 2015, the California Coastal Commission granted to **Thomas Palmisano, Southern California Edison Company, on behalf of its co-participants (San Diego Gas and Electric Company, the City of Anaheim, and the City of Riverside),** this permit subject to the attached Standard and Special conditions, for development consisting of the **construction of an Independent Spent Fuel Storage Installation (ISFSI) to store approximately 75 fuel storage modules containing spent nuclear fuel. The proposed project also includes an aboveground security building, a new security fence, and associated lighting and security equipment**. The project is more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at **San Onofre Nuclear Generating Station (SONGS), 500 Pacific Coast Hwy., San Diego County.**

Issued on behalf of the California Coastal Commission by

Charles Lester
Executive Director



Joseph Street
Environmental Scientist

COASTAL DEVELOPMENT PERMIT

ACKNOWLEDGMENT:
The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: 12/7/2015 Signature _____

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

COASTAL DEVELOPMENT PERMIT

SPECIAL CONDITIONS:

1. **Evidence of Landowner Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval evidence of their legal ability to undertake the development as conditioned by the Commission.

2. **Duration of Approval**. This coastal development permit authorizes the approved project for a period of twenty years from the date of approval (i.e., until October 6, 2035). No later than six months prior to the end of this authorization period, the Permittee shall apply for an amendment to this coastal development permit to retain, remove or relocate the ISFSI facility. This application shall be supported by:

   a. An evaluation of current and future coastal hazards based on the best available information;

   b. An analysis examining the merits and feasibility of off-site and on-site alternatives, including potential locations that are landward and/or at a higher elevation within areas made available by the decommissioning of SONGS Units 2 and 3;

   c. A plan for managed retreat, if retention of the ISFSI facility beyond 2051 is contemplated and coastal hazards may affect the site within the timeframe of the amended project;

   d. Evidence that the fuel storage casks will remain in a physical condition sufficient to allow off-site transport, and a description of a maintenance and inspection program designed to ensure that the casks remain transportable for the full life of the amended project.

   e. An evaluation of the effects on visual resources of retaining the project, an analysis of available project alternatives and their implications for coastal visual resources, and proposed mitigation measures to minimize adverse impacts to coastal views.

Provided the application is received no later than six months prior to the end of the twenty-year period of development authorization, the date of development authorization shall be automatically extended until the time the Commission acts on the application. Failure to obtain an amendment to this coastal development permit by the specified deadline shall constitute a violation of the terms and conditions of this permit.

3. **No Future Shoreline Protective Device(s) to Protect the Proposed Development.**

   A. The existing shoreline protective devices (rock revetment, concrete retaining wall, and steel sheet-pile seawall) located seaward of the North Industrial Area shall not be extended, expanded, enlarged or replaced for purposes of protecting the development approved by this coastal development permit. As used in this condition, replaced is defined to include either an alteration of 50% or more of a shoreline protective device or an alteration of less than 50% or more of a shoreline protective device wherein the alteration would result in a combined alteration of 50% or more of the structure from its condition on October 6, 2015.

COASTAL DEVELOPMENT PERMIT

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit evidence of the condition of each of the shoreline protective devices adjoining the North Industrial Area.

B. No new shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit #9-15-0228, including the ISFSI facility, associated ancillary structures and any future improvements, in the event that the development is threatened with damage or destruction from erosion, landslides, waves, storm conditions, flooding, sea level rise or other natural coastal hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights that may exist under Public Resources Code Section 30235 to augment, enlarge and/or replace any of the existing shoreline protective devices adjoining the NIA in order to protect the development approved by this coastal development permit.

4. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the Permittee acknowledges and agrees:

a. That the site may be subject to hazards from coastal erosion, storm conditions, wave uprush, and tsunami runup;

b. To assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development;

c. To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and,

d. To indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. **Restriction on Future Development**. This permit is only for the development described in the project description set forth in this staff report. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by this permit. Accordingly, any future improvements to this structure shall require an amendment to this permit from Commission, including but not limited to an increase in storage capacity of spent fuel. In addition, a permit amendment shall be required for any repair or maintenance of the authorized development identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).

6. **Liability for Costs and Attorneys Fees:** SCE shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than SCE against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit.

COASTAL DEVELOPMENT PERMIT

The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

7. **Inspection and Maintenance Program**.

   A. As soon as technologically feasible, and no later than October 6, 2022, the Permittee shall provide for Commission review and approval an inspection and maintenance program designed to ensure that the fuel storage casks will remain in a physical condition sufficient to allow both on-site transfer and off-site transport, for the term of the project as authorized under Special Condition 2 (i.e., until October 6, 2035). The program shall include a description of: (1) the cask inspection, monitoring and maintenance techniques that will be implemented, including prospective non-destructive examination techniques and remote surface inspection tools; (2) what data will be collected and how often the results of the inspection and maintenance program will be reported to the Commission; (3) all available evidence related to the physical condition of the casks and their susceptibility to degradation processes such as stress corrosion cracking, and (4) remediation measures that will be implemented, including the submission of a coastal development permit amendment, if the results of the cask inspection and maintenance do not ensure that the fuel storage casks will remain in a physical condition sufficient to allow on-site transfer and off-site transport for the term of the project as authorized under Special Condition 2.

   B. If the Commission determines that the inspection and maintenance program required by Subsection A is not sufficient to assure cask transportability over the term of the project authorized under Special Condition 2, the Applicant shall submit an amendment to this coastal development permit proposing measures to assure cask transportability.

   C. The Permittee shall implement the inspection and maintenance program approved by the Commission. If the Permittee wishes to propose changes to the program approved by the Commission, it shall submit the proposed changed to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines no amendment is legally required.