

May 31, 2005

VIA FACSIMILE & UPS

Mr. Andrew Barnsdale  
California Public Utilities Commission  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104

Draft Environmental Impact Report for the  
Proposed San Onofre Nuclear Generating Station  
Re: Steam Generator Replacement Project

Dear Mr. Barnsdale:

The California Public Utilities Commission's (CPUC) Draft Environmental Impact Report (EIR) on the San Onofre Nuclear Generating Station Units 2 and 3 (SONGS 2 & 3) Steam Generator Replacement is a comprehensive document that analyzed the wide breadth of potential environmental impacts of the Proposed Project. The Draft EIR correctly concludes that the Proposed Project is acceptable to ensure reliable source of electricity to the southern California region for the duration of the facilities operating licenses and can be accomplished without significant impacts to the environment. This comment letter identifies issues in the Draft EIR that either need clarification or modification: (1) the approach to approving all three transportation options, (2) the appropriate recommendations for the mitigation on the United State Marine Corp Base Camp Pendleton (MCBCP), the lead agency for the National Environmental Policy Act (NEPA) analysis required for this project to proceed, (3) the areas under the direct control of the Nuclear Regulatory Commission (NRC), and (4) the industrial plant's baseline operations.

This letter summaries these items below. The attachment provides additional detail about these items, as well as other general comments.

1. The Final EIR Must State That All Three Transportation Routes Options are Acceptable

Southern California Edison's (SCE) application identified three options for transport of the replacement steam generators (RSGs) from MCBCP's Camp Del Mar boat basin to the SONGS 2 & 3 project site, and requested approval of all three of

these options as part of the Proposed Project. These three transport options are not, therefore, alternatives pursuant to California Environmental Quality Act (CEQA).

SCE anticipates that it may need to use any one of these three options at the time of transport. The transport is projected to occur in 2009 and 2010. It is not possible to guarantee conditions or availability of any of the transport options at those times.

Each of the three transport options involves transport on MCBCP. Activities on MCBCP are subject to MCBCP's environmental review and authorization under NEPA. MCBCP may require use of a specific transport option at the time of transport. Also, the three options are relatively equal in terms of environmental impact and have no impacts that cannot be reduced to less than significant levels, as explained in more detail in the attachment. Therefore, SCE requests approval of all three transport options. All references to these options as alternatives, including an environmentally superior alternative, should be removed from the EIR.<sup>1</sup>

2. Mitigation Measures Related to the MCBCP Should be Recommendation Rather Than Requirements

The vast majority of the transportation portion of this project occurs on land within the exclusive jurisdiction of the MCBCP. The MCBCP will, therefore, be the lead agency for the permitting and associated environmental review for the transport activities. MCBCP will dictate what mitigation measures, if any, will be implemented. The Draft EIR should reflect that proposed mitigation measures within the MCBCP are recommendations subject to the approval of the MCBCP.

MCBCP was recently the lead agency on a similar project for the transportation of SONGS 1 reactor pressure vessel (RPV) under NEPA. MCBCP issued a Finding of No Significant Impact (FONSI) and issued a Real Estate license approving transport of the RPV along the Beach and Road Route. There are no substantive differences between the Proposed Project and the RPV transport project. No changes have occurred that are expected to change that determination by MCBCP during its NEPA analysis of the Beach and Road Route option.

3. Jurisdictional Issues Related to Seismic, Nuclear Safety or Terrorism

Despite the Draft EIR correctly stating that items related to seismic, nuclear safety and terrorism are in the exclusive jurisdiction of the NRC, the Draft EIR attempts to influence these issues. For example, mitigation measures G-4a "Prevent accelerated erosion during OSG Storage Facility construction", G-5a "Prepare site-specific geotechnical investigation for OSG Storage Facility", and G-6a "Prepare an

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<sup>1</sup>This type of approach is consistent with the Diablo Canyon Power Plant Generator Replacement Project Draft EIR, which in that analysis did not identify an environmentally superior option for that project's old steam generators storage facility and pointedly stated any location was appropriate, while some locations may have some minor benefit.

updated Safety Analysis Report to accommodate the OSG Storage Facility” address issues in the exclusive jurisdiction of the NRC. Well-established United States Supreme Court precedent interpreting the Atomic Energy Act, 42 U.S.C. § 2001 *et seq.* (AEA), precludes the CPUC from considering the radiological health and safety aspects of a nuclear plant. *See, e.g., Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Commission*, 461 U.S. 190, 212 (1983) (“the federal government maintains complete control of the safety and ‘nuclear’ aspects of energy generation; the states exercise their traditional authority over the need for additional generating capacity, the type of generating facilities to be licensed, land use, ratemaking, and the like”), *see also county of Suffolk v. Long Island Lighting Co.*, 728 F.2d 52, 58-59 (2d Cir. 1984). As the *PG&E* Court wrote:

State safety regulation is not preempted only when it conflicts with federal law. Rather, the federal government has occupied the entire field of nuclear safety concerns, except the limited powers expressly ceded to the states. When the federal government completely occupies a given field or an identifiable portion of it, as it has done here, the test of preemption is whether “the matter on which the state asserts the right to act is in any way regulated by the federal government.”

*PG&E*, 461 U.S. at 212-13.

Accordingly, the AEA preempts state requirements that attempt to directly regulate radiological health and safety, as well as, state laws or regulations that have “some direct and substantial effect” on the radiological safety decisions made by those who build or operate nuclear facilities, regardless of the purpose or intent of the law. *See Skull Valley Band of Goshute Indians v. Nielson*, 376 F.3d 1223, 1245 (10th Cir. 2004), *quoting English v. General Electric Co.*, 496 U.S. 72, 85 (1990). CEQA analysis of a nuclear facility may not rely on the health or safety impact of either a seismic event or a terrorist attack. By writing the Draft EIR to give the CPUC, or for that matter other state agencies, oversight or approval of conditions in the Draft EIR related to radiological health and safety impacts of either a seismic event or a terrorist attack, would contravene the well-established “purpose” and “effects” tests. Thus, the CPUC may not consider the radiological health and safety effects of either a seismic event or a terrorist attack when conducting a CEQA analysis. All such references in the Draft EIR should be removed.

#### 4. Environmental Baseline

The Draft EIR properly provides that “[t]he environmental baseline includes an operating nuclear power plant at SONGS, including two essentially identical nuclear reactor units, radioactive waste storage facilities, electrical transmission

infrastructure, and other facilities, buildings, and systems.”<sup>2</sup> The document provides further that the “EIR analyzes only the incremental changes that would be caused by the steam generator replacement project.”<sup>3</sup> However, this is not actually the case when the Draft EIR is closely read. Furthermore, the baseline also includes an active military base at MCBCP, which conducts military operations employing numerous military vehicles along the transportation routes.

Specifically, in Section D.3 Biological Resources, D.3.1.3 Existing Marine Resource Issues, the Draft EIR inappropriately analyzes the impacts that an operating plant may be having on the environment. Furthermore, the Draft EIR tends to overlook the existing operations of a fully functional military base when evaluating the transportation routes. This is evident, for example, in Section D.1 Visual Resources, which tends to treat views as pristine and does not take into account the numerous military vehicle operations that occur in the transport routes.

CEQA as well as case law interpreted “baseline” to be the existing conditions at the time of the project. Section 15125(a) of the CEQA Guidelines, the “Environmental Setting” section, provides express guidance regarding the issue of establishing the environmental “baseline,” when an EIR is pursued by the lead agency. That section provides in pertinent part:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, *as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced*, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives. (*Emphasis added.*)

Consequently, the impacts of existing activities as of the date of the Notice of Preparation (or the date on which the environmental analysis commences, if appropriate) are part of the environmental “baseline.”

The environmental “baseline” issue has also been addressed in several cases involving the appropriate scope of CEQA review for existing sources. These cases typically concern whether the environmental impacts of continued operation of an existing facility should be considered part of the environmental “baseline” or whether

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<sup>2</sup> Draft EIR, Executive Summary page ES-2.

<sup>3</sup> *Id.*

they should be evaluated as project impacts. Generally, the cases held that the operational impacts of the existing facility should be included in the environmental "baseline," not evaluated as project impacts. See *Fairview Neighbors v. County of Ventura* (1999) 70 Cal. App. 4th 238, 82 Cal. Rptr.2d 436; *Bloom v. McGurk* (1994) 26 Cal. App. 4th 1307, 31 Cal. Rptr.2d 914; *Benton v. Board of Supervisors* (1991) 226 Cal. App. 3d 1467, 277 Cal. Rptr. 481; *Committee for a Progressive Gilroy v. State Water Resources Control Board* (1987) 192 Cal. App. 3d 847, 237 Cal. Rptr. 723.

These cases stand for the premise that the environmental setting at the time of the lead agency's review is the baseline condition against which all environmental impacts must be measured. Based on the above analysis it is inappropriate for the Draft EIR to evaluate any condition that involves the baseline of an operating plant. These issues should be removed in their entirety from the final EIR.

Thank you for the opportunity to provide these comments, and if you should require additional information please do not hesitate to contact me.

Very truly yours,



William M. Messner

Attachment

WMM/mcr

Attachment  
Detailed Comments on CPUC Draft Environmental Impact Report  
SONGS Steam Generator Replacement Project

May 31, 2005

## **1.0 INTRODUCTION**

This attachment provides detailed comments on the Draft Environmental Impact Report (EIR). Section 2.0 discusses general comments on the Draft EIR, while Section 3.0 provides comments on specific sections.

## **2.0 GENERAL EIR COMMENTS**

### **2.1 Comparative Analysis of Proposed Transportation Routes**

The Draft EIR does not indicate probable significant adverse effects from the Proposed Project, including all three transport route options. However, the Draft EIR inappropriately treats the three transport route options as alternatives pursuant to the California Environmental Quality Act (CEQA) and designates the Marine Corps Base Camp Pendleton (MCBCP) Inland Route as an environmentally superior alternative. As stated in the cover letter, the three transport options are all included within the Proposed Project and are not independent alternatives pursuant to CEQA. Treatment of the three transport routes within the EIR should be changed to represent their treatment as options with the EIR, any of which may be used for the project.

The treatment of an environmentally superior alternative among the transport route options within the Draft EIR is based on apparent inappropriate assessments primarily relative to air quality; geology, soils, and paleontology; land use, recreation, and military operations; and visual resources. Specific issues and explanations of appropriate levels of assessment and conclusions for each of these four resource areas are provided in the subsequent subsections within Section 3.0 of this attachment. Miscalculations of cumulative, total air emissions for each transport route option within the Draft EIR are described and the proper comparison is provided. Concerns expressed within the Draft EIR regarding potential unstable geologic features along some of the transport options are unjustified. Impacts described on recreational facilities appear to be based on incorrect assumptions regarding features of the key sites and the likelihood for potential effect on recreational users. The visual assessment in the Draft EIR also appears to confuse locations of key observation points relative to vistas of concern and locations of project activities, and indicates obstructions to views that will not occur. The visual assessment also appears to indicate impacts on visual resources that are not subject to the significance criteria for visual resources. Comments are provided that indicate appropriate evaluation of effects among the three transport options and further document that no significant adverse effects result from any of the three transport options.

The detailed discussion in Section 3.0 of this attachment demonstrates that the Beach and Road Route transport option results in incrementally less impacts than the other two transport options, and that all three transport options have very low potential for adverse environmental impact and are generally neutral in relative comparison such that there are few environmental considerations that would favor one transport option over another. Although the difference among the transport route options is minor and not significant, there is some distinction with regard to the potential adverse effect on traffic on I-5 during transport, with the Beach and Road Route transport option favored because it minimizes such potential effects to the greatest degree.

Regardless of these considerations, the Draft EIR correctly documents that no significant impacts will result from the Proposed Project, including all three transport options. Mitigation measures are also available to further minimize and avoid even minor potential impacts from the project. Therefore, the Draft EIR demonstrates that the Proposed Project, including the three transport options, should be approved by the California Public Utilities Commission (CPUC) based on environmental considerations. This conclusion of no significant adverse effect of the Proposed Project in the Draft EIR will be supported even more with incorporation of the comments provided within this attachment. Therefore, the CPUC should approve the Proposed Project, including all three transport options.

## **2.2 NO PROJECT ALTERNATIVE – REPLACEMENT TRANSMISSION FACILITIES**

The Draft EIR discussion regarding replacement transmission facilities summarizes the overall need for new transmission system improvements. We believe this discussion would be more representative if the following language were used to represent the general conclusion and summary discussion on this point:

Shutdown of SONGS, which provides up to 5 percent of the total power consumed in the State, would likely cause segments of the 230 kV transmission system connected to SONGS to become stressed and cause substantial changes in power flow patterns on the wider regional 230 kV - 500 kV transmission system. This would necessitate substantial reconfiguration and/or upgrade of the transmission grid in the SONGS area and wider Southern California region.

Sections of the EIR that should be modified regarding this issue are described in detail in Section 3.0 of this attachment.

## **2.3 DISCUSSION OF THE NO PROJECT ALTERNATIVE**

In several resource discussion sections for the No Project Alternative, the writers appropriately address new generation but fail to mention transmission. Replacing SONGS generation requires both new generation and transmission facilities. Therefore, all resource discussions should be consistent and address both generation and

transmission related considerations. For example, Section 3.4.2 of the Draft EIR, on page ES-26 under the No Project Alternative, identifies new generation, but not transmission. Several other sections also do not address transmission in the No Project Alternative sections. We believe all resource sections under the No Project Alternative subject should be consistent and address both the construction of generation and transmission facilities.

### **3.0 DETAILED COMMENTS ON THE DRAFT EIR**

#### **3.1 EXECUTIVE SUMMARY**

##### **Table ES-1, Environmentally Superior Alternative and Transport Options, Page ES-5**

Southern California Edison's (SCE's) application indicated that three options were identified for transport of the Replacement Steam Generators (RSGs) from the Camp Del Mar boat basin on MCBCP to the SONGS project site, and described that it was requesting approval of all three of these options as part of the Proposed Project. These three transport options are not, therefore, alternatives pursuant to CEQA, and SCE anticipates that it may be necessary to use any one of these three options, or perhaps one of the options at one time and another option at another time. The transport will occur in 2009 and 2010, and it is not possible to guarantee conditions or availability of any of the transport options at those times. Furthermore, each of the three transport options involves transport on MCBCP. Activities on MCBCP are subject to MCBCP's environmental review and authorization. MCBCP may require use of a specific transport option at the times of transport. As stated in the cover letter and this document, all three transport options avoid significant adverse environmental impacts and there are no reasonable environmental discriminators among them that would suggest preference of one over another in the sense of an environmentally superior alternative. Therefore, SCE requests approval of all three transport options. Reference to these options as alternatives, including an environmentally superior alternative, should be removed from the EIR.

##### **Discussion of I-5/Old Highway 101 and MCBCP Inland Routes, Page ES-14**

The Executive Summary states that both of these transport options reduce potential impacts on sensitive biological resources along the shoreline. The detailed analysis within the Draft EIR appropriately describes that the Proposed Project for the Beach and Road Route will not result in adverse effects on sensitive biological resources. Therefore, this reference to reduction of impacts should be removed from the EIR. The Draft EIR does appropriately point out that the existing use of the Beach and Road Route, as well as portions of the other routes, is actively used by the MCBCP for training purposes. It is relevant to note that the past, current, and future use of all routes (i.e., the environmental baseline) on MCBCP, and portions of the Beach and Road Route in particular, include frequent movement of personnel and heavy military land and



amphibious vehicles. This is an important consideration when analyzing the relative impacts of the Proposed Project.

### **Correction and enhancement to Project Described for Replacement Transmission Facilities, Page ES-16**

The Draft EIR discussion of the No Project Alternative's replacement transmission facilities states that SONGS is connected to a 500 kV system. This is incorrect. SONGS connects to the transmission grid at a 230 kV system. A global change in the EIR should be performed to change references of SONGS being connected to a 500 kV transmission system to a 230 kV transmission system.

### **RSG Transport on the Southbound Lanes of I-5, Page ES-37**

This section states that all southbound lanes of I-5 will be closed for one hour during the bypass of Skull Canyon. The proposed plan does not necessarily require the closure of all southbound lanes of I-5. Partial lane closure may be acceptable. All southbound lanes would be closed for a very short time only if Caltrans requires the full closure of the southbound lanes. Closure, if needed, is expected to last no longer than one hour, and may be much less. As stated in SCE's response to deficiency letter Question 117 dated June 7, 2004, a total closure time is estimated to be less than one hour. The transporter will travel approximately 0.2 miles, or 1000 feet, and it should take approximately 5 minutes; however, additional time will be required for placement and removal of advance warning signs and traffic cones. The Draft EIR should be modified to reflect this more accurate description, which demonstrates lower adverse effects on traffic on I-5 for the Beach and Road Route option than the other transport options.

### **Shift Staggering and Proposed Mitigation for Shift Change to Off-peak Hours as indicated on Page ES-38 and Elsewhere**

Information provided in several deficiency letter responses demonstrates that the potential impact with the proposed mitigation of staggering the shift changes over three periods is adequate mitigation to reduce traffic impacts. It should not be necessary to schedule the normal shift change outside worker expectation. As indicated in previous data submittals on this topic, a maximum of 2,000 extra employees (1,000 of which are affiliated with the routine refueling and maintenance outage) traveling in two shifts staggered over 3 periods will result in 6 vehicular shifts for only a short duration. This results in approximately 200 vehicles per shift change (assuming 1 to 2 persons per vehicle). The worst case effect on I-5 is approximately 200 additional vehicles at a given period's shift change. Furthermore, 50% would be expected to be southbound, 50% northbound. It is estimated that this would represent 1% of the peak hour volume on I-5. We believe there is no need to require an off-peak shift change condition for this project. This minor effect does not exceed significance criteria stated in the Draft EIR D.13, Traffic and Circulation, and mitigation measures for this issue should be removed from the EIR.

**Northbound/Southbound Closures on I-5 for the MCBCP Inland Route, Page ES-38**

The MCBCP Inland Route and the I-5/Old Highway 101 Route options require crossings of both sides of the freeway (i.e., all northbound and southbound lanes) and closing of I-5 during each crossing for a period of up to 2 hours. The Draft EIR should be modified to reflect this more accurate representation of the project description. Therefore, impacts on traffic are least for the Beach and Road Route, intermediate for the MCBCP Inland Route, and highest for the I-5/Old Highway 101 Route. All impacts may be mitigated to a level of not significant, and this portion of the Executive Summary should reflect this fact.

**Impacts on Visual Resources related to Transportation, Page ES-39**

SCE believes that the requirement to potentially close San Onofre State Beach is excessive and is not required based on visual impact caused by transport. This minor effect does not exceed significance criteria stated in the Draft EIR, D.14, Visual Resources, and mitigation measures for this issue should be removed from the EIR. Please refer to comments in this attachment on Section D.14, and modify the Executive Summary accordingly.

**Visual impact related to Steam Generator Staging and Preparation, Page ES-39**

When discussing visual impacts related to project activities within the SONGS Owner Controlled Area (OCA) for Replacement Steam Generator Staging and Preparation, OSG Removal, Staging, and Disposal, and Steam Generator Installation, the Draft EIR indicates that there is a potential impact on viewers from I-5 and adjacent roadways. Although the conclusion is that these impacts can be mitigated, the discussion as stated for Impact V-2 does not seem to accurately emphasize the baseline condition of the overall facility and overstates the potential for adverse effect. SONGS is an industrial facility that routinely brings equipment onsite, stages material, and takes other actions similar to those for the Proposed Project. For example, the current decommissioning activity associated with SONGS Unit 1 is visible from the same general viewpoints (I-5 and adjacent public road way leading to San Onofre State Beach) as identified in the Draft EIR. SCE believes that the baseline for SONGS is as an industrial facility that routinely conducts activities similar in nature to the Proposed Project and the views that will be created by the Proposed Project should not be considered unique. It is also important to note that viewers traveling on I-5 will only be exposed to such views for a matter of just a few seconds as they pass the site at substantial distance from the site. These conditions do not exceed significance criteria stated in the Draft EIR. Although SCE intends to mitigate potential visual impacts, the EIR should consider the baseline industrial condition and corresponding potential visual impacts as less than significant. Please refer to comments on Section D.14, and modify the Executive Summary accordingly.

**Table ES-2, Summary of Impacts for Transportation Options, Pages ES-43 and 44**

**Air Quality**

Please refer to comments on Section D.2, Air Quality, regarding justification of this request to modify Table ES-2. We have reviewed the calculations that were used in preparing the Draft EIR, and found that they were miscalculated. These miscalculations resulted in over estimation of the cumulative, total emissions for the Beach and Road Route, while under estimating the cumulative, total emissions for both the MCBCP Inland Route and I-5/Old Highway 101 Route options. The correct comparison of cumulative, total emissions among these routes is that the Beach and Road Route has the lowest emissions, the I-5/Old Highway 101 Route has intermediate emissions, and the MCBCP Inland Route has the highest emissions. However, cumulative, total emissions from each of these routes are not significant, and therefore, none of these route options are environmentally superior.

**Geology, Soils, and Paleontology**

The Draft EIR identifies the MCBCP Inland Route as the Clearly Preferred Alternative under Geology, Soils, and Paleontology (Section D.5) because it would avoid transportation along the alleged potentially unstable San Onofre Bluffs. The Draft EIR indicates transport routes could approach within 200 feet of the edges of the bluffs along Old Highway 101 and that there is potential that the weight of the transporter could trigger a landslide in the area.

The potential for heavy loads along Old Highway 101 to trigger a landslide is very low given that the proposed transport route is 200 feet or so from the edges of the bluffs. Based on review of available geologic mapping, the route does not appear to be underlain by existing landslides; therefore, the risk that the transporter could trigger landslide movement is low. There is insufficient evidence to support a conclusion that the MCBCP Inland Route is Clearly Preferred and such reference should be removed from the EIR.

**Recreational Impacts under Land Use, Recreation, and Military Operations**

The MCBCP Inland Route is described as Clearly Preferred in the Draft EIR because it would reduce disruption of recreational facilities on MCBCP at the Camp Del Mar Recreational Area and San Onofre State Beach. Comments in this attachment on Section D.8, Land Use, Recreation, and Military Operations, document that no adverse effects on recreation on MCBCP will occur and that effects on San Onofre State Beach will be minimal and not significant. Therefore, this lack of significant adverse effects does not support selection of the MCBCP Inland Route option as environmentally superior.

It is also not appropriate for the CEQA review to assess impacts on MCBCP, which will be addressed by MCBCP during the National Environmental Policy Act (NEPA) review. In particular, determinations of effects on the training mission, which includes all aspects of facilities and activities on MCBCP (including recreational facilities), must be

determined by MCBCP. No significant impacts on recreation or other land uses on MCBCP were determined during NEPA review for the SONGS Unit 1 Reactor Pressure Vessel (RPV) Project in 2003, and that project's route is identical to the Beach and Road Route. The Inland Route is primarily on MCBCP and preferences for which portions of MCBCP should be used for transport will be determined by MCBCP during NEPA review, and its issuance and administration of a Real Estate License. Table ES-2 should be changed to reflect no substantial difference among the transport options for Land Use, Recreation, and Military Operations. Reference to MCBCP and military operations in general should be removed from the EIR.

### **Visual Resources**

The MCBCP Inland Route is described as Clearly Preferred because it has the least likelihood of disrupting use of San Onofre State Beach with regard to Visual Resources. Comments on Section D.14, Visual Resources, document that there are no substantive differences among the transport options and this table should be modified to reflect this.

### **Section 4.2.3 Conclusion for Transportation Route Alternatives, Page ES-46**

The Draft EIR has indicated that no significant impacts will result from use of any of the transportation options with the implementation of mitigation measures. This conclusion is prior to making the changes requested in this attachment that result in even fewer differences among the transportation options. SCE's application has indicated that the three identified transportation routes are options that are part of the Proposed Project, not alternatives pursuant to CEQA. All three options may be needed and used during transport. The following statement should be added to this section: "All three transportation options are acceptable."

### **Table ES-3, Summary of Impacts and Mitigation**

Please refer to comments on specific resources sections in Section D about Impacts and Mitigation Measures, and modify the Executive Summary accordingly.

## **3.2 DRAFT EIR SECTION A – INTRODUCTION**

### **Discussion of Plugging on Page A-7**

The EIR should be modified with the suggested changes to make it more technically accurate. The first paragraph on page A-7 incorrectly describes the Nuclear Regulatory Commission (NRC) approved tube identification and repair process at SONGS. –This paragraph should be corrected by replacing the entire first paragraph on page A-7 with:

The current NRC tube repair limit is 44% throughwall flaw or a crack-like flaw, which is plugged upon detection. When a flaw reaches the repair limit, the tube must either be taken out of service through plugging or repaired using a sleeve. Various probes are

used to measure tube degradation; each has limitations and is able to detect different types of degradation. The bobbin probe works by sending a magnetic field into the tubing material. When the magnetic field encounters cracking or other tube damage, it is disrupted and measured in voltage.

Page A-7, second paragraph:

- a) Replace "...flattening it using a roller" with "...expanding it using a roller".
- b) Replace "...in a violation of NRC license requirements" with "...reaching the plugging limit."
- c) Replace "..., which is a temporary repair..." with "..., which is a repair method..."

#### **Dates of Replacement and first Paragraph of Page A-8**

Change the outage dates in the fifth and sixth lines of the first paragraph on page A-8 from: "...are scheduled to commence in March 2009 and September 2010..." to "...are currently scheduled to commence in October 2009 and October 2010...."

#### **Table A-1, Permits Required for the SONGS Steam Generator Replacement Project, Page A-12**

Not all permits listed in this table will be required for the project. This table should be renamed as: "Permits that may be Required for the SONGS Steam Generator Replacement Project."

Several of the permits listed are not expected to be required as stated in the table, such as Section 404 and Section 10 permits from the U.S. Army Corps of Engineers. Section 404 of the Clean Water Act permits from the U.S. Army Corps of Engineers are required for discharges of dredged or fill material to waters of the United States (U.S.). The ford crossings proposed for this project will not result in a discharge of dredged or fill material and will not require a Section 404 permit (this was confirmed during the SONGS Unit 1 RPV Project). This reference should be removed from the table.

Section 10 of the Rivers and Harbors Act permits from the U.S. Army Corps of Engineers are required for potential obstruction of navigation in navigable waters of the U.S. The U.S. Army Corps of Engineers has developed a list of official navigable waters of the U.S. in California, and only the Pacific Ocean is on that list for this region of southern California. Therefore, a Section 10 permit may only be required for activities covered by this regulation that are within the tidal waters of the Pacific Ocean (this was confirmed during the SONGS Unit 1 RPV Project).

It is uncertain that a Coastal Development Permit will be required through the California Coastal Commission because this activity does not meet the definition of a development under the Coastal Act and is maintenance. This reference should be changed to "may be

required.” SCE will coordinate with the California Coastal Commission to determine if specific permits are required.

The integrated leak rate test is not part of the Proposed Project (it is not part of the steam generator replacement). It should be removed from this table under Local Agencies, Permit to Operate or Statewide Portable Equipment Registration Program, third column.

### **3.3 DRAFT EIR SECTION C – ALTERNATIVES**

#### **Applicant-Proposed Options, Page C-1**

The Draft EIR Section C.1 describes that SCE presented several options for transport of the RSGs from the Camp Del Mar Boat Basin on MCBCP to the SONGS site. These routes are intended by SCE to be options, any of which may be used at the time of transport. SCE requests in the application that all three options be approved by the CPUC.

Three transport options have been proposed to ensure the availability of at least one of the options at the time of transport. The transport will not occur for several years and it is not possible to predict with certainty that all routes will be available at the time of transport. The portions of the transport options that are on MCBCP will be subject to MCBCP authorization and compatibility with the MCBCP Training and other defense-related missions at the time of transport. MCBCP will be solely responsible to determining the effects of transport on their property.

The Draft EIR treats these transport options as alternatives under CEQA, rather than options of the Proposed Project. This treatment is not correct. The EIR should reflect that all three options are part of the Proposed Project, any of which may be used at the time of transport, and that these options are not separate alternatives pursuant to CEQA.

#### **Missing Route Segment T on Figure C-1a, Page C-5**

Figure C-1a, page C-5 omits segment T, which is shown on that figure as segment U. The portion of segment U as shown on that figure in the Draft EIR that goes under the railroad tracks is segment T. This should be corrected in the EIR. Refer to the SCE Proponent’s Environmental Assessment (PEA) for correct identification of the segments.

#### **C.6.2 Replacement Transmission Facilities, Page C-32**

Replace the last sentence in the first paragraph with the following:

Shutdown of SONGS, which provides up to 5 percent of the total power consumed in the State, would likely cause segments of the 230 kV transmission system connected to SONGS to become stressed and cause substantial changes in power flow patterns on

the wider regional 230 kV - 500 kV transmission system. This would necessitate substantial reconfiguration and/or upgrade of the transmission grid in the SONGS area and wider Southern California region.

### **3.4 DRAFT EIR SECTION D.1 – INTRODUCTION TO ENVIRONMENTAL ANALYSIS**

No comment.

### **3.5 DRAFT EIR SECTION D.2 – AIR QUALITY**

#### **3.5.1 ISSUES**

#### **Table D.2-5, Page D.2-3 Attainment Status of San Diego Air Basin**

On April 5, 2005, San Diego County was redesignated to attainment with respect to the Federal PM<sub>2.5</sub> standards. This table should be changed to reflect this.

#### **Replacement Steam Generator Transport, Page D.2-7**

The emissions data shown in the Draft EIR for the three transport routes have been incorrectly calculated and show the Beach and Road Route having the highest cumulative, total emissions and the MCBCP Inland Route having the lowest cumulative, total emissions. The Beach and Road Route is the shortest of the routes and has the least cumulative, total emissions, while the MCBCP Inland Route is the longest and has the highest cumulative, total emissions. The I-5/Old Highway 101 Route is intermediate between them. No significant adverse impacts on air quality will result from any of these three transport options. However, it is very important to note that the current language in the Draft EIR incorrectly skews a preference towards the MCBCP Inland Route and against the Beach and Road Route for environmental reasons when, in fact, the Draft EIR should be doing the opposite and favoring the Beach and Road Route as the Environmentally Superior Transport Option. The EIR should be modified to reflect this corrected analysis and emissions information.

The following text presents results of appropriately calculated cumulative emissions. The air quality analysis presented in the PEA showed tables of emissions for each of the three optional transport routes. Detailed calculations supporting these emissions data were provided in SCE's response to Comment 57 in that document.

The air emission spreadsheet from the CPUC that supported the Draft EIR shows that cumulative, total emissions (i.e., emissions for the entire transport routes, including areas on MCBCP) were not derived by emission calculations. Instead, the daily emission values presented in the PEA and response to Comment 57 for the Beach and Road Route were scaled for use in the Draft EIR using new and incorrect numbers of hours per day that various pieces of equipment would operate on specific segments of the route, and

also reflecting incorrect assumed numbers of days for the durations of these segments. In some cases, the emissions were incorrectly multiplied by factors of 7 and 8 times for the Beach and Road Route, thus grossly over-predicting air emissions. The resulting daily emissions for each segment of the route were scaled by their assumed number of days and totaled up to arrive at cumulative trip emissions in the Draft EIR

This approach used in the Draft EIR to scale emissions, instead of directly calculating emissions, led to incorrect numbers because daily equipment hours within each segment and numbers of days for the duration of each segment were incorrectly used in the scaling. Furthermore, the scaling was inconsistently applied. The Draft EIR increased the number of days of transport operations within the State Park and MCBCP segments of the Beach and Road Route. Specifically, the Draft EIR cumulative emissions for each trip are based on 7 days (rather than 4 days) within MCBCP and 8 days (rather than less than 1 day) within the State Park in addition to the I-5 portion. This is the largest single miscalculation for the approach in the Draft EIR for the Beach and Road Route, and is the principal reason for the finding that emissions for this route will be higher than for the other two transport options. Days of transport and numbers of hours for the other two transport options were not equally scaled in the Draft EIR to reflect similar increases, and were actually decreased, thus skewing the results toward predicting lower emissions from the other two, longer transport route options.

The tables provided below show the correct cumulative, total emissions for each transport option. The Beach and Road Route is the shortest transport option and has the lowest level of cumulative, total air emissions, thus being superior to the other two transport options in this respect. It is very important to note that there are no significant adverse effects on air quality from any of the transport options. The EIR should be modified to reflect proper emission estimates and that all transport options should be approved by the CPUC.



| Cumulative, Total Project Transport Emissions in Tons (Comparison of Correct SCE Calculations to Miscalculated Draft EIR Calculations) |                       |                      |                           |                    |
|--|-----------------------|----------------------|---------------------------|--------------------|
| Type of Emissions  | Source of Calculation | Beach and Road Route | I-5/Old Highway 101 Route | MCBCP Inland Route |
| CO   | SCE                   | 2.73                 | 5.17                      | 5.45               |
|  | Draft EIR             | 8.14                 | 3.55                      | 2.92               |
| ROC  | SCE                   | 0.41                 | 0.59                      | 0.66               |
|  | Draft EIR             | 0.79                 | 0.37                      | 0.41               |
| NO <sub>x</sub>  | SCE                   | 4.02                 | 5.21                      | 6.16               |
|  | Draft EIR             | 6.53                 | 3.72                      | 4.24               |
| SO <sub>2</sub>  | SCE                   | 0.01                 | 0.00                      | 0.01               |
|  | Draft EIR             | 0.01                 | 0.04                      | 0.01               |
| PM <sub>10</sub>   | SCE                   | 0.28                 | 0.45                      | 0.58               |
|  | Draft EIR             | 0.39                 | 0.29                      | 0.23               |

| <b>Summary of Estimated Emissions - the Beach and Road Route Transport Option</b> |                                     |              |               |             |              |
|---|-------------------------------------|--------------|---------------|-------------|--------------|
| <b>Emissions</b>  | <b>Daily Emissions (lbs/day)</b>    |              |               |             |              |
|   | <b>CO</b>                           | <b>ROC</b>   | <b>NOx</b>    | <b>SOx</b>  | <b>PM10</b>  |
| Tug Boat and Barge Emissions  | 3.53                                | 10.58        | 77.80         | 13.93       | 1.67         |
| Equipment Exhaust Emissions - Offload   | 87.34                               | 14.62        | 119.41        | 0.00        | 5.57         |
| Vehicle Exhaust Emissions - Offload   | 3.06                                | 0.31         | 1.14          | 0.01        | 0.07         |
| Equipment Exhaust Emissions - Within MCBCP  | 65.48                               | 9.01         | 101.67        | 0.00        | 3.70         |
| Vehicle Exhaust Emissions - Within MCBCP  | 6.11                                | 0.58         | 1.53          | 0.01        | 0.08         |
| Equipment Exhaust Emissions - on Beach  | 121.76                              | 21.37        | 242.73        | 0.00        | 10.08        |
| Vehicle Exhaust Emissions - on Beach  | 3.06                                | 0.31         | 1.14          | 0.01        | 0.07         |
| Equipment Exhaust Emissions - On I-5  | 154.17                              | 14.25        | 90.35         | 0.00        | 2.65         |
| Vehicle Exhaust Emissions - On I-5  | 15.52                               | 1.42         | 3.25          | 0.02        | 0.17         |
| Equipment Exhaust Emissions - On Paved State Park                                 | 66.98                               | 8.85         | 75.16         | 0.00        | 3.34         |
| Vehicle Exhaust Emissions - On Paved State Park                                   | 7.14                                | 0.67         | 1.67          | 0.01        | 0.09         |
| Fugitive Dust Emissions on I-5 and State Park                                     | 0.00                                | 0.00         | 0.00          | 0.00        | 8.38         |
| Fugitive Dust Emissions within MCBCP Paved Roads                                  | 0.00                                | 0.00         | 0.00          | 0.00        | 18.74        |
| <b>Maximum Daily Emissions (excludes tug)</b>                                     | <b>169.69</b>                       | <b>21.68</b> | <b>243.86</b> | <b>0.01</b> | <b>10.15</b> |
| <b>Emissions</b>  | <b>Annual Emissions (tons/year)</b> |              |               |             |              |
|   | <b>CO</b>                           | <b>ROC</b>   | <b>NOx</b>    | <b>SOx</b>  | <b>PM10</b>  |
| Tug Boat and Barge (two deliveries)   | 0.004                               | 0.011        | 0.078         | 0.014       | 0.002        |
| Total On-land Emission per Trip   | 0.39                                | 0.06         | 0.56          | 0.00        | 0.04         |
| <b>Total Emissions, Seven Trips</b>   | <b>2.73</b>                         | <b>0.41</b>  | <b>4.02</b>   | <b>0.01</b> | <b>0.28</b>  |

| <b>Summary of Estimated Emissions - I-5/Old Highway 101 Option</b> |                                     |              |               |             |              |
|--|-------------------------------------|--------------|---------------|-------------|--------------|
| <i>Emissions</i>   | <i>Daily Emissions (lbs/day)</i>    |              |               |             |              |
|  | <i>CO</i>                           | <i>ROC</i>   | <i>NOx</i>    | <i>SOx</i>  | <i>PM10</i>  |
| Tug Boat and Barge Emissions                                       | 3.53                                | 10.58        | 77.80         | 13.93       | 1.67         |
| Equipment Exhaust Emissions - Offload                              | 87.34                               | 14.62        | 119.41        | 0.00        | 5.57         |
| Vehicle Exhaust Emissions - Offload                                | 3.06                                | 0.31         | 1.14          | 0.01        | 0.07         |
| Equipment Exhaust Emissions - Within MCBCP                         | 208.38                              | 26.98        | 233.31        | 0.00        | 10.18        |
| Vehicle Exhaust Emissions - Within MCBCP                           | 9.80                                | 0.89         | 1.89          | 0.01        | 0.09         |
| Equipment Exhaust Emissions - On I-5                               | 377.20                              | 41.73        | 387.45        | 0.00        | 15.37        |
| Vehicle Exhaust Emissions - On I-5                                 | 16.66                               | 1.49         | 2.90          | 0.01        | 0.14         |
| Equipment Exhaust Emissions - On Non MCBCP Roads                   | 177.68                              | 18.59        | 164.10        | 0.00        | 7.17         |
| Vehicle Exhaust Emissions - On Non MCBCP Roads                     | 9.52                                | 0.87         | 1.97          | 0.01        | 0.10         |
| Fugitive Dust Emissions - Non MCBCP Paved Roads                    | 0.00                                | 0.00         | 0.00          | 0.00        | 19.57        |
| Fugitive Dust Emissions - MCBCP Paved Roads                        | 0.00                                | 0.00         | 0.00          | 0.00        | 13.47        |
| <b>Maximum Daily Emissions(excludes tug)</b>                       | <b>393.86</b>                       | <b>43.22</b> | <b>390.35</b> | <b>0.01</b> | <b>35.08</b> |
| <i>Emissions</i>   | <i>Annual Emissions (tons/year)</i> |              |               |             |              |
|  | <i>CO</i>                           | <i>ROC</i>   | <i>NOx</i>    | <i>SOx</i>  | <i>PM10</i>  |
| Tug Boat and Barge (two deliveries)                                | 0.004                               | 0.011        | 0.078         | 0.014       | 0.002        |
| Total On-land Emission per Trip                                    | 0.74                                | 0.08         | 0.74          | 0.00        | 0.06         |
| <b>Total Emissions, Seven Trips</b>                                | <b>5.17</b>                         | <b>0.59</b>  | <b>5.21</b>   | <b>0.00</b> | <b>0.45</b>  |

| <b>Summary of Estimated Emissions - MCBCP Inland Option</b> |                                     |              |               |             |              |
|---|-------------------------------------|--------------|---------------|-------------|--------------|
| <b>Emissions</b>  | <b>Daily Emissions (lbs/day)</b>    |              |               |             |              |
|   | <b>CO</b>                           | <b>ROC</b>   | <b>NOx</b>    | <b>SOx</b>  | <b>PM10</b>  |
| Tug Boat and Barge Emissions                                | 3.53                                | 10.58        | 77.80         | 13.93       | 1.67         |
| Equipment Exhaust Emissions - Offload                       | 87.34                               | 14.62        | 119.41        | 0.00        | 5.57         |
| Vehicle Exhaust Emissions - Offload                         | 3.06                                | 0.31         | 1.14          | 0.01        | 0.07         |
| Equipment Exhaust Emissions - Within MCBCP                  | 176.16                              | 28.25        | 321.89        | 0.00        | 15.08        |
| Vehicle Exhaust Emissions - Within MCBCP                    | 14.50                               | 1.33         | 3.11          | 0.02        | 0.16         |
| Equipment Exhaust Emissions - Non MCBCP                     | 251.35                              | 35.53        | 358.91        | 0.00        | 16.29        |
| Vehicle Exhaust Emissions - Non MCBCP                       | 15.86                               | 1.45         | 3.29          | 0.02        | 0.17         |
| Fugitive Dust Emissions - Non MCBCP                         | 0.00                                | 0.00         | 0.00          | 0.00        | 4.77         |
| Fugitive Dust Emissions - Within MCBCP                      | 0.00                                | 0.00         | 0.00          | 0.00        | 30.53        |
| <b>Maximum Daily Emissions (excludes tug)</b>               | <b>267.21</b>                       | <b>36.98</b> | <b>362.20</b> | <b>0.02</b> | <b>21.23</b> |
| <b>Emissions</b>  | <b>Annual Emissions (tons/year)</b> |              |               |             |              |
|   | <b>CO</b>                           | <b>ROC</b>   | <b>NOx</b>    | <b>SOx</b>  | <b>PM10</b>  |
| Tug Boat and Barge (two deliveries)                         | 0.004                               | 0.011        | 0.078         | 0.014       | 0.002        |
| Total On-land Emission per Trip                             | 0.78                                | 0.09         | 0.87          | 0.00        | 0.08         |
| <b>Total Emissions, Seven Trips plus Tug</b>                | <b>5.45</b>                         | <b>0.66</b>  | <b>6.16</b>   | <b>0.01</b> | <b>0.58</b>  |

### **Change to Sentence under Original Steam Generator Disposal, Page D.2-10**

The rail loading location is within the OCA, not adjacent to it. The first sentence in the last paragraph on page D.2-10 should be changed from "...SONGS 2 & 3 and the rail loading location adjacent to the OCA, ..." to "...SONGS 2 & 3 and the rail loading location within the OCA, ...."

### **Impact discussion beginning on Page D.2-9**

As described in the Draft EIR, the Proposed Project will not result in significant impacts on air quality and with the mitigation measures as modified below, will not exceed significance criteria listed in the Draft EIR. Specifically, the proposed project:

- Will not conflict with or obstruct implementation of the applicable air quality plan.
- Will not violate air quality standards or contribute substantially to existing or projected violations.
- Will not result in a cumulatively considerable net increase of a non-attainment pollutant.
- Will not expose sensitive receptors to substantial pollutant concentrations.
- Will not create objectionable odors affecting substantial numbers of people.

Project emissions during staging and preparation activities are included in the San Diego Air Pollution Control District's (APCD's) regionwide inventory, and are thus consistent with San Diego County's attainment plan. Mitigation measures will suppress dust generation and decrease exhaust emissions during the Proposed Project to levels that are not significant. Therefore, the Proposed Project, including all three transport options should be approved by the CPUC.

### **3.5.2 CHANGES TO MITIGATION MEASURES**

#### **Air Quality Mitigation Measures, Table D.2-17, Page D.2-16**

##### **Mitigation Measure A-1a**

Mitigation Measure A-1a refers to portions of the transportation route that are on MCBCP. References to impacts and mitigation measures on MCBCP will be addressed and authorized by MCBCP, and such references should be removed from the EIR as required measures. The CPUC may indicate them as recommendations to MCBCP for consideration during its NEPA analysis. While SCE agrees with the mitigation measures in general, it will only be able to implement mitigation measures on MCBCP that are required by MCBCP.

### **3.6 DRAFT EIR SECTION D.3 – BIOLOGICAL RESOURCES**

#### **3.6.1 ISSUES**

##### **Segment E discussion of San Diego Fairy Shrimp on MCBCP, Page D.3-7**

The Draft EIR states that “Because of the known populations of fairy shrimp on MCBCP, this species is assumed to be the federally endangered San Diego fairy shrimp...”. The species of fairy shrimp present in the referenced pools are unknown. San Diego fairy shrimp may or may not be present in these pools. Therefore, this sentence should be changed to indicate that San Diego fairy shrimp “may be present”, rather than assuming their presence. These “pools” described in the Draft EIR are actually mud puddles in ruts in the existing heavily used military training dirt roads on MCBCP. The potential of the project to affect San Diego fairy shrimp on MCBCP will be addressed through Section 7 consultation between MCBCP and the U.S. Fish and Wildlife Service during future NEPA compliance for this project. Reference to impacts on MCBCP and mitigation measures that will be required on MCBCP will be solely determined by MCBCP in consultation with appropriate Federal agencies at that time, and such references should be removed from the EIR. The CPUC may, however, make recommendations to MCBCP, and the document should be changed accordingly.

##### **Existing Marine Resource Issues, Page D.3-43**

SCE requests a language change replacing the second and third sentences in the first paragraph with the following text:

This cooling water system (intake and discharge) is regulated under provisions of the Federal Clean Water Act and compliance conditions implemented under the SONGS Units 2 and 3 National Pollutant Discharge Elimination System Permits (NPDES). SONGS operates in compliance with related regulatory requirements applicable to its cooling water system. Studies have been conducted under provisions of the above regulatory programs that focus on identification of marine resource impacts. These studies indicate that the SONGS cooling water system impacts the existing marine resources primarily through the impingement and entrainment of marine organisms and transferring naturally occurring turbidity through its discharge system. The existing impingement, entrainment, and turbidity conditions would not change under this Proposed Project, and therefore, would be considered part of the baseline conditions of the project.

#### **Section D.3.1.5.1, Page D.3-43**

Section D.3.1.5.1 title should be changed from "Cooling Water Thermal Discharge Plume" to "Cooling Water System Discharge". This suggested title will be more accurate because the studies indicate that turbidity is the more likely cause of impacts.

The first paragraph states that, "Organisms are affected by the cooling water discharge, mainly through increased water temperatures or turbidity in the plume, increased deposition of organic material, discharge of radionucleotides and metals, or offshore transport in the plume (translocation)."

With regard to the above statement, review of the MRC document from 1989 indicates that although radiological emission exist, they "seem unlikely to produce measurable ecological effects on the local marine biota", (Technical Report to the California Coastal Commission, E. Metals and Radiation, 1989). The statement should be corrected to reflect this finding by removing radionucleotides from the sentence.

In addition to the above items, the EIR should note that marine resource impacts are accounted for and are in the process of being mitigated under the NPDES permitting program and Section 316(b) of the Clean Water Act. Baseline operations of SONGS are in compliance, and will continue to be in compliance under the SONGS NPDES permits.

#### **Impact discussion beginning on Page D.3-56**

The Proposed Project will not result in significant impacts on biological resources and will not exceed significance criteria listed in the Draft EIR:

- There will not be substantial adverse effects on habitats or species subject to general or special management, including no adverse effects on listed species.
- There will be no substantial adverse effects on riparian habitats or other habitats subject to special management plans.
- There will be no substantial adverse effects on jurisdictional wetlands or waters.
- The Proposed Project will not substantially interfere with the movement of fish or wildlife species, including wildlife corridors or nursery sites.
- There will be no conflict with local policies or ordinances protecting biological resources.
- There will be no conflict with provisions of an adopted habitat conservation plan, natural communities conservation plan, or other special management plans.
- There will be no adverse effects on marine biological resources, including consideration of significance criteria listed in the Draft EIR (the Proposed Project will not adversely affect the marine environment or create changes in the marine environmental baseline).

Therefore, the Proposed Project, including all three transport options should be approved by the CPUC.

### **3.6.2 CHANGES TO MITIGATION MEASURES**

#### **Section D.3.3.2 Biological Avoidance and Minimization Measures, beginning on Page D.3-54, and also on Page D.3-69**

As discussed in the cover letter, MCBCP has sole authority on MCBCP to conduct environmental review and assessment related to the portions of the project on MCBCP. MCBCP is the only agency with authority to implement its regulations. MCBCP will conduct review of the project in the future with regard to the portions of the transport routes on MCBCP during NEPA review and in issuance of a Real Estate permit for transport. MCBCP will determine what is necessary for compliance with its regulations on MCBCP and what requirements are needed for mitigation on MCBCP. Reference to requirements for environmental review, analysis of impacts, and required mitigation measures on MCBCP should be removed from the EIR. The CPUC should, instead, make recommendations to MCBCP, if it has comments on the portions of the project on MCBCP, which MCBCP could then consider during its NEPA review. Specifically, items 1 through 7 on pages D.3-55 and 56 should be removed from the EIR because they refer to activities on MCBCP that will be only determined by MCBCP.

If the CPUC decides to make recommendations to MCBCP, then modification of Items 3 and 6 are requested. Item 3 describes pre-transport nesting surveys, but fails to acknowledge seasonal avoidance. It should be noted that the Proposed Project will avoid nesting periods, thus precluding the need for pre-project nesting surveys. Details of requirements for transport on MCBCP will be determined by MCBCP during its environmental review, and the need for and conditions of pre-project nesting surveys will be determined during consultation between MCBCP and the U.S. Fish and Wildlife Service (USFWS).

Reference is made in item 6 to hard packed sand. Hard packed sand is not defined. In general, sand has a low capacity for compression and does not pose a problem for transport, especially on the proposed transport route options. Transport is expected to be allowed along routes as described in the PEA, which will avoid adverse affects on vegetation and special status species along the route. As with item 3, details of requirements for transport on MCBCP will be determined by MCBCP during its environmental review, and the need for and conditions of requirements for buffers will be determined during consultation between MCBCP and the USFWS. Such requirements should be removed from the EIR.

#### **Mitigation Measures B-1a and B-2a, Page D.3-70**

Mitigation measure B-1a refers to portions of the project on MCBCP and states requirements of MCBCP. As discussed in the cover letter, MCBCP has sole authority on MCBCP to conduct environmental review and assessment related to the portions of the project on MCBCP. MCBCP is the only agency with authority to implement its regulations. MCBCP will conduct review of the project in the future with regard to the



portions of the transport routes on MCBCP during NEPA review and in issuance of a Real Estate permit for transport. MCBCP will determine what is necessary for compliance with its regulations on MCBCP and what requirements are needed for mitigation on MCBCP. Reference to requirements for environmental review, analysis of impacts, and required mitigation measures should be removed from the Draft EIR. The CPUC should, instead, make recommendations to MCBCP, if it has comments on the portions of the project on MCBCP, which MCBCP could then consider during its NEPA review.

Mitigation measure B-2a requires clearly marking the limits of the transport route with construction flagging and/or fencing along dirt and paved roads in areas with adjacent sensitive habitats. This mitigation measure should be removed. Reference to areas on MCBCP should, in particular, be eliminated in the EIR because only MCBCP can require mitigation or other measures on MCBCP. Most of these areas are on MCBCP and such measures are unlikely to be required by MCBCP because the suggested mitigation measures are likely to result in impacts, are not necessary to avoid such habitats, and will almost certainly be contrary to the training mission on MCBCP. The dirt and paved roads on MCBCP, including the beach route, are clearly defined. MCBCP routinely travels these identical routes with caravans of vehicles, including armored amphibious tracked vehicles, tanks, and other military transport with the caravans consisting of 20 to 50 or more vehicles at a time, and these caravans traverse these areas up to several times a day and night. There is no substantive difference between the RSG transport and these military uses, and hence, no change in the environmental baseline. Placement of flagging and/or fencing may, however, interfere with MCBCP's activities along these routes (which will occur when the transport is not active, and may occur in conjunction with the transport at MCBCP's discretion). Furthermore, the biological monitor will be present to ensure that designated routes are followed. Therefore, this mitigation should be removed from the EIR.

#### **Mitigation Measure B-6a, Page D.3-71**

Mitigation Measure B-6a should be removed because it is unnecessary and is not based on impacts that are likely to occur. This measure requires marine mammal observer training and observers, including on MCBCP.

The MCBCP Camp Del Mar Boat Basin is wholly on MCBCP and MCBCP will be solely responsible for environmental review and mitigation measures regarding activities in the boat basin. All reference to mitigation on MCBCP should be removed from the Draft EIR. It is also important to understand that the boat basin on MCBCP is actively used on a regular basis by MCBCP for transport and docking of Marine Corps and Naval vessels, supply ships, and other vessels. The boat basin is an active shipyard. The transport of the RSGs by barge in the boat basin is a minor action compared to the high rate of use by the military in the boat basin. This activity by SCE will not result in a change in the environmental baseline with regard to activity in the boat basin or the marine environment. Although a variety of marine life may use the boat basin, there are no known permanent resident marine mammals in the boat basin. The likelihood of

incidentally affecting marine mammals or other sea life in the boat basin is very low and there is little likelihood of a significant adverse impact on marine mammals or other marine life. The SONGS Unit 1 RPV Project involved similar activities in the boat basin and that project was reviewed by appropriate Federal agencies including the USFWS and the NMFS. No adverse effects on marine mammals were identified and no mitigation measures were required for the SONGS Unit 1 RPV Project.

Transport from Long Beach to the Camp Del Mar Boat Basin in the Pacific Ocean will be along traditional shipping lanes with vessels bound by existing laws. This route is regularly traversed by ships of various sizes, including large commercial vessels and recreation vessels. This transport is consistent with the existing level of sea vessel transport in this area and does not substantially add to shipping traffic or exceed the environmental baseline. There is little potential for significant adverse effect on marine mammals or other marine life along this portion of the transport, which will occur in open ocean where such species are dispersed and will avoid such vessels as a result of their natural behavior. The SONGS Unit 1 RPV Project involved similar activities and no significant impacts or mitigation measures were identified or required for such issues. This mitigation measure is not justified by potential adverse effects of the project and it is not necessary. This mitigation measure should be removed from the EIR.

#### **Mitigation Measures B-8a and B-9a, Page D.3-72**

Mitigation measure B-8a requires revegetation of temporarily disturbed areas and should be modified. Revegetation requirements on such areas on MCBCP will be solely determined by MCBCP for the portions of the route on MCBCP, and references to areas on MCBCP should be removed from this mitigation measure. The CPUC may make recommendations to MCBCP for activities on MCBCP.

This mitigation measure requires use of mixtures of native species in the revegetation. This aspect of the mitigation measure should be modified to require restoration of the predisturbance plant community to the extent feasible. Many of the areas off MCBCP will be in areas that are dominated by ruderal or non-native vegetation. The area of disturbance in these areas will be very small, on the order of 25 feet x 25 feet. It is not feasible to establish native species in such areas that are completely dominated by non-native, ruderal species, and that did not support native species prior to disturbance. To attempt such activity is unlikely to provide environmental benefit and may result in adverse effects. Restoration of predisturbance plant communities will avoid this issue (note that areas with native species are, therefore, proposed for revegetation with native species). This mitigation measure should also be modified to state that the proposed revegetation plan in areas managed by specific land managers in the portions of the route subject to CEQA, such as State Parks, Caltrans, and the railroad, will be approved by these respective agencies rather than the CPUC. It should also be noted that some species that may be encountered, although such encounter is highly unlikely, may not be amenable to transplantation, and that transport over them is unlikely to eliminate a population of such plants from the area.

**Mitigation Measure B-9a, Complete Jurisdictional Delineation for Waters and Wetlands, Page D.3-72**

Mitigation Measure B-9a requires the results of the wetland delineation be submitted to the CPUC for approval prior to transport. The CPUC lacks authority to approve jurisdictional delineations pursuant to the Federal Clean Water Act. Only the U.S. Army Corps of Engineers may approve a wetland delineation pursuant to Section 404 of the Clean Water Act. This mitigation measure should be changed to require submittal of a wetland delineation approved by the U.S. Army Corps of Engineers, providing jurisdictional wetlands are present, to the CPUC, and that SCE comply with requirements of a Section 404 permit from the Corps, if a Section 404 permit is required. If no wetlands or waters are affected requiring a Section 404 permit, then no such delineation need be provided. This mitigation measure should only apply to areas that are not on MCBCP, as such areas will be addressed by MCBCP in its environmental review and permitting process.

**D.3.6 Mitigation Monitoring, Compliance, and Reporting Table, beginning on Page D.3-69**

Discussion and requirements pertaining to MCBCP and areas on MCBCP should be removed as requirements for mitigation monitoring, compliance, and reporting to the CPUC because MCBCP has sole authority in these areas and will determine requirements during its NEPA review for this project. The CPUC may include recommendations for such matters to MCBCP for consideration during its NEPA review. References to mitigation measures should be modified to incorporate the changes requested above (this applies to Biological Resources, as well as all other resource areas).

Items 1 through 7 on pages D.3-69 and 70 should be removed as discussed above. Please refer to the comments on specific mitigation measures provided above. Reference to MCBCP and activities involving MCBCP should be removed, such as for Impact B-8 under Monitoring and Reporting Action, which requires submittal of a revegetation plan to the CPUC and MCBCP. MCBCP will determine such needs on MCBCP, which will not be subject to approval by the CPUC. Reporting to the CPUC should be limited to areas that are not on MCBCP.

**3.7 DRAFT EIR SECTION D.4 – CULTURAL RESOURCES**

No comment other than the fact that MCBCP has sole jurisdiction on MCBCP. Therefore, reference to MCBCP in this section should either be removed or changed to recommendations to MCBCP when it performs NEPA analysis.

### **3.8 DRAFT EIR SECTION D.5 – GEOLOGY, SOILS, AND PALEONTOLOGY**

#### **3.8.1 ISSUES**

##### **D.5.3.5 Steam Generator Installation and Return to Service, Page D.5-15**

As stated in the cover letter, the NRC has complete jurisdiction over items related to seismic events and their effects for the portion of the project at SONGS. Discussion of such effects and associated mitigation measures should be removed from the EIR.

It is also important to note that the Proposed Project, including the transport options, will not exceed significance criteria for this resource.

##### **Impact discussion beginning on Page D.5-12**

The Proposed Project will not result in significant impacts on geology, soils, and paleontology, and will not exceed significance criteria listed in the Draft EIR:

- There will be no effect on unique geologic features or geologic features of scientific value.
- There will be no effect on mineral and/or energy resources.
- No agricultural soils will be converted to non-agricultural uses.
- The Proposed Project, including the portions of the transport routes, is not in areas of existing landslides, and is not expected to trigger adverse geologic processes, such as landslides or erosion, as a result of construction or disturbance of landforms.
- There will be no substantial alteration of topography.
- The threat within the environmental baseline from earth-quake induced ground shaking is the same for the entire Proposed Project, including the three transport route options. There is no change in the potential for threat or likelihood of effects from such a threat for the Proposed Project or its three transport route options.
- There will be no change in the threat from tsunami or seiche relative to the environmental baseline, which includes active use of the beach area along the Proposed Project's transport route options by the public at San Onofre State Beach. In fact, the entire coastline in this region is intensively used by public, private, and governmental interests as part of the regional environmental baseline. There is nothing unique to this project relative to this sense and no increase in exposure people or risk to the natural environment as a result of the Proposed Project in the extremely low likelihood of a tsunami of sufficient size to affect coastal areas. The overall potential for a catastrophic tsunami in this region is also very low, and there is an active tsunami alert network available to provide warning, if needed. There is no substantial or likely risk of damage to temporary facilities or equipment from tsunamis.

Therefore, the Proposed Project, including all three transport options should be approved by the CPUC.

### **3.8.2 CHANGES TO MITIGATION MEASURES**

#### **Mitigation Measure G-2a, Page D.5-18**

Mitigation Measure G-2a refers to issues of seismic safety. These issues are solely under the purview of the NRC on SONGS, and portions of this measure associated with SONGS and related discussion in the Draft EIR should be removed from the EIR. Similarly, the EIR should only make recommendations to MCBCP regarding this issue for portions of the transport routes on MCBCP. This measure should be changed to reflect its application only to portions of the transport routes that are not on MCBCP.

#### **Mitigation Measure G-4a, Page D.5-19**

Mitigation measure G-4a should be modified to change the text in the first sentence from "...that include placement of sandbags around basins..." to "...that may include placement of sandbags around basins...." Best Management Practices should be goal-driven rather than prescriptive, and multiple measures may be available to achieve a specific objective. The current language appears to require sandbags, and it is more appropriate to request use of measures that avoid or minimize appropriate potential effects, while providing flexibility in determining measures that are well-suited to a given application.

Erosion control and storm water pollution prevention plans should be approved by the San Diego Regional Water Quality Control Board, and the approved plan provided to the CPUC rather than having the CPUC approve the plan. This measure should be modified to reflect this.

#### **Mitigation Measures G-5a and 6a, Page D.5-19 and D.5-20**

Mitigation measures G-5a and G-6a must be deleted from the EIR because these are not within the purview of the CPUC. The NRC has complete jurisdiction in this area as correctly stated by the CPUC in the Draft EIR.

### **3.9 DRAFT EIR SECTION D.6 – HAZARDOUS MATERIALS**

#### **3.9.1 ISSUES**

No comment.

### **3.9.2 CHANGES TO MITIGATION MEASURES**

#### **Mitigation Measures H-1a, H-1b, and H-2a, Page D.6-21**

Mitigation measure H-1a discusses MCBCP and requirements on MCBCP. These references to MCBCP should be removed. The CPUC may make recommendations for mitigation measures on MCBCP, but should not make requirements on MCBCP.

Mitigation measure H-1b indicates that stops of duration longer than 15 minutes should require an inspection. Although SCE intends to prevent and respond to leaks, we believe the 15 minute criteria does not result in a demonstrable benefit because it would prolong the transport process and not necessarily provide a corresponding benefit. SCE recommends the following modification to this condition (H-1b):

All transport vehicles shall be inspected at the beginning of each work day and at the end of each work shift. While in transport, continual visual inspections shall be conducted by the crew. If leaks are observed during transport, appropriate action will be taken to stop the leak prior to continuance of transport. Necessary spill responses shall be conducted according to Condition H-1a.

Mitigation measure H-2a discusses MCBCP and requirements on MCBCP. These references to MCBCP should be removed. The CPUC may make recommendations for mitigation measures on MCBCP, but should not make requirements on MCBCP.

### **3.10 DRAFT EIR SECTION 3.11 – HYDROLOGY AND WATER QUALITY**

#### **3.10.1 ISSUES**

##### **Impact discussion beginning on Page D.7-3**

The Proposed Project will not result in significant impacts on hydrology and water quality, and will not exceed significance criteria listed in the Draft EIR:

- The Proposed Project will not violate water quality standards or waste discharge requirements.
- The Proposed Project will not provide additional sources of polluted runoff or otherwise degrade water quality that violates applicable standards.
- There will be no adverse effect on groundwater.
- There will be no alteration of existing drainage patterns.
- There will be no adverse effects on surface runoff.
- There will be no adverse alteration within a 100-year floodplain that would affect adjacent property.
- There will be no exposure of people or structures to risks involving flooding.

Therefore, the Proposed Project, including all three transport options should be approved by the CPUC.

#### **Impact W-2, Page D.7-4**

This section states that refueling of vehicles will take place off the beach. Because the beach is on MCBCP, this discussion should be entirely removed from the EIR. The PEA states that refueling will not be permitted on the beach portion of the route unless an emergency occurs. If the CPUC wishes to make a recommendation to MCBCP, this statement regarding impacts for W-2 should be modified to reflect the potential need for refueling on the beach in the case of an emergency. Although refueling is not planned on the beach, emergency refueling should be possible without risk to the beach environment or adjacent marine habitat.

#### **3.10.2 CHANGES TO MITIGATION MEASURES**

Not applicable.

#### **3.11 DRAFT EIR SECTION D8 – LAND USE, RECREATION, AND MILITARY OPERATIONS**

##### **Environmental Setting and other Subsections, beginning on Page D.8-1**

This section discusses the environmental setting on MCBCP. Reference to MCBCP, military operations, and conditions on MCBCP should be removed from this section because MCBCP has sole authority on MCBCP.

##### **Camp Del Mar Recreational Facilities, Page D.8-2**

The discussion regarding facilities on MCBCP related to Camp Del Mar and the recreational facilities should be removed from the EIR. It should also be noted that all facilities on MCBCP, including recreational facilities, are not public facilities and are present on MCBCP to support the military mission. As such, all facilities are operated at the discretion of the U.S. Marine Corps and are subject to change at the discretion of MCBCP.

##### **Figure D.8-1, Notable Land Uses in the Vicinity of the Proposed Project, page D.8-3**

This figure refers to activities and conditions on MCBCP. The portions on MCBCP should be removed. The Coastal Zone appears to extend too far inland in most situations. We believe that it is bounded by I-5 along most of the route. The map should be modified accordingly to reflect the properly designated Coastal Zone in this area.

### **Impact discussion beginning on Page D.8-9**

The Proposed Project will not result in significant impacts on land use, recreation, and military operations, and will not exceed significance criteria listed in the Draft EIR:

- The Proposed Project will not conflict with applicable land use plans, policies, or regulations.
- The Proposed Project will not physically divide an established community.
- The Proposed Project will not create long-term disturbances that would disrupt an established land use.
- There will be no increase in the use of existing neighborhood or regional parks and recreational facilities with no adverse effects on such parks and facilities.
- There will be no adverse disruption of recreational activities, including at San Onofre State Beach (or even on the non-public Marine Corps facilities on MCBCP).
- There will be no affect on Prime or Unique Farmland or Farmland of Statewide Importance.
- There will be no conflict with zoning for agriculture or Williamson Act contracts.

Therefore, the Proposed Project, including all three transport options should be approved by the CPUC.

### **3.11.2 CHANGES TO MITIGATION MEASURES**

#### **Mitigation Measure L-2a, Avoid Peak Recreational Usage, Page D.8-18**

Mitigation measure L-2a includes requirements on MCBCP. Reference to and requirements on MCBCP should be removed from this mitigation measure. The CPUC may make recommendations to MCBCP for mitigation measures, but they should not be requirements. It should also be noted that the Proposed Project will not adversely affect recreational facilities on MCBCP or their use. The recreational facilities at Camp Del Mar are located along a restricted portion of the beach that is bounded by existing military uses, which include active use of the boat basin, offices, maintenance yards, and operation of heavy amphibious tracked vehicles and other heavy military vehicles from the area of the boat basin along the back side of the RV parking area and then along military roads to the beach and on the beach road to the north. The RSG transport along the Beach and Road Route will not be substantially different from these existing uses or adversely affect existing uses. There will be no change in the environmental baseline with regard to these matters. Environmental review of potential effects in this area of MCBCP, however, will be addressed by MCBCP during its NEPA review and permitting.

Table D.8-2 includes MCBCP as a Responsible Agency and discusses MCBCP. MCBCP should be removed as a Responsible Agency and reference to MCBCP should be removed.



### **3.12 DRAFT EIR SECTION D.9 – NOISE AND VIBRATION**

#### **3.12.1 ISSUES**

##### **D.9 Noise and Vibration, Page D.9-1**

This section discusses noise effects on MCBCP, and this discussion should be removed from the EIR. It should be noted that the discussion of noise on MCBCP generally ignores and discounts the noise from military baseline condition operations along the transport route, which includes large caravans of military vehicles with equipment equal to or louder than that proposed for the SCE transport, such as tanks, tracked amphibious vehicles, troop carriers, helicopters, trucks, and the like.

##### **Transport at Night, Page D.9-5**

SCE requests deletion of the following sentences: “Transport would occur during daytime hours. However, during the night, some noise would also be created by minor amounts of miscellaneous work for servicing vehicles, moving mats, and security operations (SCE, 2004d – Response 44).” Although transport is planned during daylight hours for the most part along the beach, some transport may occur at early morning and early evening. Also, transport at the I-5 bypass of Skull Canyon, other crossings/transport on I-5 plus nearby areas, and on some paved roads on the MCBCP (not at San Onofre State Beach) is likely to occur at night to minimize traffic impacts as directed by Caltrans or the MCBCP.

##### **Impact discussion beginning on Page D.9-5**

The Proposed Project will not result in significant impacts relative to noise and vibration, and will not exceed significance criteria listed in the Draft EIR:

- The Proposed Project will not expose people to or generate excessive noise levels in excess of local rules, regulations, or standards.
- The Proposed Project will not expose people to or generate excessive ground-borne vibration or noise levels.
- There will be no permanent increase in ambient noise levels.
- There will be no substantial temporary or periodic increase in ambient noise levels that would affect key receptors in the project vicinity.

Therefore, the Proposed Project, including all three transport options should be approved by the CPUC.

### **3.12.2 CHANGES TO MITIGATION MEASURES**

#### **Mitigation Measures N-1a and N-1b, Pages D.9-11**

Reference to portions of the base on MCBCP and requirements on MCBCP should be removed from these mitigation measures. The CPUC may make recommendations to MCBCP for consideration during NEPA review.

### **3.13 DRAFT EIR SECTION D10 – PUBLIC SERVICES AND UTILITIES**

#### **3.13.1 ISSUES**

No comment.

#### **3.13.2 CHANGES TO MITIGATION MEASURES**

##### **Mitigation Measure U-1a, Page D.10-13**

Change the following sentence: “The Applicant shall contact Underground Service Alert...” to “The Applicant shall contact an appropriate underground digging alert service, such as Underground Service Alert, ....”

There are several suitable digging alert services, and a single service may not be available at the time the project is implemented. This change provides flexibility in achieving the desired objective of this mitigation measure.

It should be noted in the EIR that this mitigation measure is only a recommendation for portions of the project on MCBCP.

##### **Mitigation Measure U-2a, Page D.10-13**

It should be noted in the EIR that this mitigation measure is only a recommendation for portions of the project on MCBCP.

##### **Table D.10.6, Page D.10-13**

This table includes reference to MCBCP. Requirements on MCBCP and citation of MCBCP as a responsible agency should be removed from this table. The CPUC may make recommendations to MCBCP for mitigation.

### **3.14 DRAFT EIR SECTION D.11 – SOCIOECONOMICS**

No comment.

### **3.15 DRAFT EIR SECTION D.12 – SYSTEM AND TRANSPORTATION SAFETY**

#### **3.15.1 ISSUES**

This section of the Draft EIR discusses issues related to safety that are entirely within the purview of the NRC.

#### **Figure D.12-1 SONGS Emergency Planning Zone Map, Page D.12-3**

There are only two designated circles that should be shown on Figure D.12-1:

1. 10-mile Emergency Planning Zone for the San Onofre Nuclear Generating Station (SONGS): This would be a 10 mile circle with SONGS in its center. The SONGS Emergency Plan calls for evacuation of this entire region if a worst case accident were to occur.
2. 50-mile Ingestion Pathway Zone for the San Onofre Nuclear Generating Station (SONGS): This would be a 50 mile circle with SONGS in its center. The SONGS Emergency Plan calls for the monitoring of all food products and milk grown or produced within this 50-mile region in the event of a worst case accident at SONGS with a release of radiation.

The incorrect circles shown on Figure D.12-1 in the Draft EIR should be removed from the EIR. There should be no other circles shown than those listed above.

#### **Citation of 10 CFR 50.59 Correction, Page D.12-21**

Because of the 10 CFR 50.59 rule change implemented by the NRC several years ago, the second sentence in the second paragraph on Page D.12-21 should be changed as noted below:

Modifications such as reinforcement of existing structures or floors, construction of new platforms or structures, and modifications to cranes and the impact of these modifications on equipment important to safety may be assessed against 10 CFR 50.59 criteria to determine if prior NRC approval is required.

#### **3.15.2 CHANGES TO MITIGATION MEASURES**

#### **Impact S-6 and Mitigation Measure G-6a address NRC preempted Issues, Page D.12-29**

The discussion of Impact S-6 and mitigation measure G-6a deal with issues that are preempted by the NRC from CPUC jurisdiction and should be removed from the EIR.

### **3.16 DRAFT EIR SECTION D.13 – TRAFFIC AND CIRCULATION**

#### **3.16.1 ISSUES**

##### **Comment on Figure D.13-1 on Page D.13-1**

Figure D.13-1 indicates the roadway system in the project area. This figure shows several roads on MCBCP, including Vandegrift Boulevard, Stuart Mesa Road, Las Pulgas Road, El Camino Real, Basilone Road, San Mateo Road, and portions of Old Highway 101. These roads on MCBCP are not open to the public, and should not be considered part of the public transportation system in the region. Reference to roads on MCBCP and treatment of this topic for portions of the Proposed Project should be removed from the EIR.

##### **Number of Workers in D.13.3.3 Staging and Preparation, Page D.13-11**

Change the first sentence of the first paragraph of Section D.13.3.3 from “Staging and preparation activities would involve an additional 1,000 workers...” to “Staging and preparation activities would involve a portion of the additional 1,000 workers (approximately 200 workers)....”

##### **Impact discussion beginning on Page D.13-9**

The Proposed Project will not result in significant impacts on traffic and circulation, and will not exceed significance criteria listed in the Draft EIR:

- The Proposed Project will not cause a substantial increase in traffic.
- The Proposed Project will not cause LOS standards to be exceeded.
- There will be no increase in hazards from design features or incompatible uses.
- There will be no adverse effect on emergency access.
- There will be no conflict with adopted policies, plans, or programs supporting alternative transportation.
- There will be no increase in roadway wear from the Proposed Project.

Therefore, the Proposed Project, including all three transport options should be approved by the CPUC.

#### **3.16.2 CHANGES TO MITIGATION MEASURES**

##### **Mitigation Measure T-1a, Page D.13-17**

MCBCP is listed as a responsible agency for this mitigation measure. As stated in the cover letter, MCBCP has sole authority for environmental review on MCBCP and

analysis of effects and mitigation measures on MCBCP should be removed from the EIR. MCBCP should also be removed as a responsible agency in Table D.13-6.

### **Mitigation Measure T-3a, Page D.13 -17**

Information provided in several deficiency letter responses demonstrate that the potential impact with the proposed mitigation of staggering the shift changes over three periods is adequate mitigation to reduce traffic impacts. It should not be necessary to schedule the normal shift change outside worker expectation. As indicated in previous data submittals on this topic, a maximum of 2,000 extra employees (1,000 of which are affiliated with routine refueling and maintenance outage) traveling in two shifts staggered over 3 periods will result in 6 vehicular shifts for only a short duration. This results in approximately 200 vehicles per shift change (assuming 1 to 2 persons per vehicle). The worst case effect on I-5 is approximately 200 additional vehicles at a given period's shift change. Furthermore, 50% would be expected to be southbound, 50% northbound. It is estimated that this would represent 1% of the peak hour volume on I-5. We believe there is no need to require an off-peak shift change condition for this project. This minor effect does not exceed significance criteria stated in the Draft EIR, D.13, Traffic and Circulation, and mitigation measures for this issue should be removed from the EIR.

## **3.17 DRAFT EIR SECTION D.14 – VISUAL RESOURCES**

### **3.17.1 ISSUES**

#### **Figures D.14-1 and D.14-2 through D.14-8, Page D.14-3 and beginning on Page D.14-5**

Figure D.14-1 refers to Landscape Units, but it does not appear to identify Landscape Units by Number. Landscape Units should be identified on the figure.

Figure D.14-2 appears to show views that are inappropriate to the visual assessment. It is uncertain where photo A is located and whether it is a view from I-5 or old Highway 101. This location should be identified, or removed if it is not within the area of potential effect for the project. Photo B shows views of the Coastal Bluff and Beach at San Onofre State Beach that are outside the area of potential effect for the project (these views are not possible from public viewing points along the proposed transport route), and should be removed from the EIR. Photo C appears to have been taken from within the boundaries of MCBCP, and if so, it should be removed from the EIR because it is on MCBCP and should be excluded from CEQA analysis.

Photo D on Figure D.14-3 shows views of the Coastal Bluff and Beach at San Onofre State Beach that are outside the area of potential effect for the project (these views are not possible from public viewing points along the proposed transport route), and should be removed from the EIR.

Photos A and B on Figure D.14-4 show views from the I-5 viewing area on the southbound lane of I-5 on MCBCP. The foreground shows the MCBCP Uniform training area, which is part of the proposed Beach and Road Transport Route. It should be noted that military vehicles operate on this area in view of receptors at the view point on a regular basis and the results of these activities are evident in this photo. However, reference to MCBCP and impacts and mitigation measures on MCBCP should be removed from the EIR (the CPUC may make recommendations to MCBCP for consideration during NEPA environmental review). Photos C and D are of facilities on MCBCP and should be removed from the EIR.

It should be noted that Photos B and D of Figure D.14-6 clearly show levels of heavy equipment operation and military uses on MCBCP that are very similar to the activities that will result from the Proposed Project and that demonstrate the compatibility of the Proposed Project with the visual character and environmental baseline on MCBCP. However, reference to MCBCP and impacts and mitigation measures on MCBCP should be removed from the EIR (the CPUC may make recommendations to MCBCP for consideration during NEPA environmental review). Photos B and D are of facilities on MCBCP and should be removed from the EIR.

#### **Impact V-1, beginning on Page D.14-27**

The discussion for Impact V-1 states that the Proposed Project along the Beach and Road Route would represent a highly prominent, strongly contrastive visual element of industrial character as seen by viewers groups during overland transport from the Del Mar Boat Basin to SONGS. This discussion in the Draft EIR appears to influence the analysis in the Draft EIR and is inconsistent with significance criteria for environmental impacts assessment on visual resources as well as the environmental baseline and should be modified to accurately reflect conditions in the area of potential effect.

Reference to, discussion of, and requirements on MCBCP that will be reviewed by MCBCP during NEPA evaluation should be removed from the EIR. This issue especially applies to the discussion in this section of the EIR regarding the recreation area at Camp Del Mar. It should be noted that offloading and transport along the Beach and Road Route on MCBCP will generally not be visible to the public. This comment applies specifically to the area at Camp Del Mar (including the Boat Basin and recreation area), and along most of the beach portion of the route (views from I-5 are generally blocked by bluffs and vegetation). Only two portions on the beach of the Beach and Road Route are likely to be viewable by people traveling on I-5: along the Santa Margarita River valley, and along the Las Pulgas exit at Red Beach on MCBCP. Depending on the location of the transporter at the time of transport, which will affect the distance and total viewable time from I-5, and the reasonable period of time available to the vehicle on I-5 for such views, total viewable times are expected to be in the order of just a few seconds. Such views of military vehicles and operations, including tanks, amphibious tracked vehicles, helicopters, Harrier jets, night lighting, and flares at night are common place along this portion of the route and in these areas. Therefore, the transport vehicles are completely consistent with this environmental baseline in these areas. Similar considerations apply

along the entire Beach and Road Route for portions of the transport on MCBCP, including the dirt and paved roads along I-5, which are also heavily used by MCBCP for its training mission.

The Draft EIR states that KOP 1 on San Onofre State Beach represents a location where visitors to the beach may experience potential significant adverse impacts on visual resources. This conclusion is inconsistent with the environmental baseline and significance criteria for the project and should not be presented as a potentially significant impact on visual resources in the EIR. The justification for this request is provided below.

Transport for the Beach and Road Route and the I-5/Old Highway 101 Route will include traveling on Old Highway 101 from the State Park boundary at MCBCP to the SONGS site along the parking area and some campgrounds on the State Park. Transport for the MCBCP Inland Route will include traveling on Old Highway 101 near the northerly access point to the northern portion of the State Park. The primary concern stated in the Draft EIR appears to be associated with views from the State Park for the Beach and Road, and I-5/Old Highway 101 routes on Old Highway 101. The environmental baseline for this portion of Old Highway 101 includes the following features from east to west: I-5 running parallel, the railroad running parallel, Old Highway 101 and State Park parking, picnic tables and camping areas, upland bluffs habitat, the beach at the base of the bluffs, and the Pacific Ocean in the distance. Old Highway 101 on the State Park is not visible from the beach because views in that direction are blocked by the bluffs.

Transport on Old Highway 101 would be east of the picnic tables/camping areas, and in between the picnic tables/camping areas and I-5/railroad. Viewers in KOP 1 have views to the east of I-5, the railroad, and State Park traffic on Old Highway 101. I-5 is within a few hundred feet of these viewers and the railroad is much closer. As stated in the Draft EIR traffic section, tens of thousands of vehicles pass this area per hour during peak travel periods on I-5, and travel on I-5 occurs all day and all night long. Vehicles on I-5 include cars, trucks, buses, and other vehicles. It is not unusual for large equipment to be transported on I-5. The Proposed Project transport equipment is of similar nature to traffic on I-5. At least four trains pass this area each day. These trains pass immediately to the east of and next to Old Highway 101 through the State Park. Traffic from the use of Old Highway 101 within the State Park occurs on a regular basis.

The transport of the RSGs will be visible for only a short period of time to users of the State Park who happen to be looking towards I-5 and the railroad, or perhaps to the north or south along the transport route. It is reasonable to assume that the transporter will only be substantially viewable to a stationary viewer looking in these directions for a maximum distance of 100 yards to the north or south. Assuming a very low traveling speed range of 1 mile per hour (0.5 yards per second) to 3 miles per hour (1.5 yards per second) on Old Highway 101 within the State Park and a maximum view of 200 yards (100 yards in each direction), the maximum viewable exposure to an observer in the picnic and camping area would range from approximately 2.2 minutes to 6.7 minutes. The traveling speed on Old Highway 101 within the State Park is actually expected to be

in the range of at least 5 to 10 miles per hour; therefore, the actual viewable time of the transporter will be even less. A viewing duration of even 2 to 7 minutes does not represent a significant impact on visual resources or receptors, especially relative to the significance criteria in the Draft EIR.

It should be noted that viewers within KOP 1 who wish to view the top of the bluffs and the beach will have unobstructed views of these features because the transporter will be behind them, and it will pass behind them in a very short period of time. The transporter will not create an obstacle to these views from the picnic and camping area. We have to assume that anyone who exposes themselves to the views of the transporters from within the State Park will choose to do so because it provides something of interest to them. It should also be noted that the transporter will not be visible to viewers who are on the beach because viewing of Old Highway 101 from that vantage point is not possible. Therefore, the only views of the transporter for State Park users will be from the picnic and camping area and the top of the bluffs from trails at distance in limited areas (because the existing vegetation will block some views from trails), and these views will be limited to generally less than 7 minutes to viewers who specifically choose to look that way. Furthermore, the views will not substantially deviate from the existing visual baseline for views to the east.

Evaluation of the specific significance criteria listed in the Draft EIR documents that this transport will not result in potential significant impacts on visual resources because:

- The project will not have a significant adverse effect on a scenic vista because it does not obstruct views to the west (Pacific Ocean) for users of the picnic areas, camping areas, or bluff tops. Views of I-5, the railroad, and 101 are not scenic vistas, and the transport is consistent with the environmental baseline for these easterly views. Views of the transporter from I-5 will be limited to just a few seconds and will not be different from baseline conditions.
- The project will not substantially damage scenic resources. No damage to scenic resources will occur.
- The project will not substantially degrade the existing visual character or quality of the site and its surroundings (no changes to such character or quality will result from the project).
- The project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

None of the significance criteria were exceeded; therefore, the project will not result in potentially significant adverse effects on visual resources. This section, including mitigation measures, should be modified or removed accordingly from the EIR. Discussion in this greater section and the EIR stating that the MCBCP Inland route is clearly preferred with respect to reduced levels of adverse effects on visual resources should be modified to state that there are no significant impacts associated with any of the transport options, and no difference between them with regard to visual resources.



### **3.17.2 CHANGES TO MITIGATION MEASURES**

#### **Mitigation Measure V-1a, Page D.14-45**

Mitigation measure V-1a refers to requesting a decision on closure of San Onofre State Beach from State Parks. This mitigation measure should be removed. The SCE PEA included a letter from State Parks dated January 28, 2004, which states that State Parks does not anticipate significant effects on the Park and mitigation measures similar to those for the SONGS Unit 1 RPV Project are expected to address potential concerns that they may have. SCE has stated that it does not anticipate the need to close the State Park to allow transport on Old Highway 101. There are no significant visual impacts that will result from this transport and closure of the park is unlikely to mitigate for transport-related effects of any nature on visual resources. This mitigation measure should be removed.

#### **Mitigation Measure V-1b, Noticing at San Onofre State Beach, Page D.14-45**

SCE agrees with this requirement for noticing at San Onofre State Beach with regard to transport through the Park. As stated above, reference to Park Closure is not warranted and should be removed from this mitigation measure.

#### **Mitigation Measure V-1c, Page D.14-45**

This mitigation measure makes a requirement on MCBCP, and should be removed from the EIR. The CPUC may make recommendations to MCBCP for consideration during NEPA environmental assessment; however, such recommendations would not constitute required mitigation measures in the EIR.

#### **Mitigation Measure V-2a, Page D.14-46**

Mitigation measure V-2a discusses potential disturbance to roadway and landscape within San Onofre State Beach Park. Such potential disturbances would only occur along Highway 101. SCE has already stated that it will work with State Parks to restore such areas, if disturbance actually occurs, to predisturbance conditions acceptable to State Parks. This mitigation measure does not clearly state the need to restore disturbed areas to predisturbance conditions and includes some potential for changes, such as requirement for use of native species in landscaping, that may be contrary to State Parks management of these facilities. It is important to note that restoration to predisturbance conditions, which is part of the Proposed Project and not a mitigation measure per se, avoids significant adverse effects on visual resources. Use of native species in landscaping where none previously existed has nothing to do with potential impacts on visual resources (i.e., there is no relationship to the environmental baseline). It is also important to note that State Parks should take the lead for approving such potential restoration on the State Park so that measures are not required that are contrary to their management of the Park and their mission. This mitigation measure should be revised to

require restoration of predisturbance conditions, and approval by State Parks rather than the CPUC of plans on the State Park.

**Mitigation Measure V-5a, Page D.14-46**

This mitigation measure is not consistent with the impact assessment or our comments on Biology mitigation measures. In particular, it calls out revegetation with scrub species, which would be inappropriate in areas that do not support scrub. Revegetation as part of a mitigation measure that changes the visual character of a site from the predisturbance character would be, in itself, a potential adverse impact on visual resources. This mitigation measure should be modified to require restoration of predisturbance grades and vegetation. This mitigation measure should not apply to lands on MCBCP, although the CPUC may make recommendations to MCBCP for consideration during NEPA environmental review of portions of the project on MCBCP.

**Table D.14-2, Pages D.14-46 and D.14-47**

This table should be modified to remove reference to MCBCP and requirements on MCBCP. Reference to MCBCP as a Responsible Agency, such as in V-1c and V-5a, should be removed.

**3.18 DRAFT EIR SECTION E – COMPARISON OF ALTERNATIVES**

**Table E-1 Proposed Project vs. Transportation Route Alternatives, Pages E-3 and E-4**

This table compares impacts along the three transportation route options. As stated earlier in this series of comments, the three transportation routes are all part of the Proposed Project and represent options, not alternatives under CEQA. SCE requests the CPUC approve all three options from this table. Therefore, it is not appropriate to determine an environmentally superior alternative transport route, and reference to such a route in the EIR should be removed.

The analysis of the transport options above clearly demonstrates the need to change the classifications shown in this table if a comparison of transport options (which are not transport alternatives) is still included in the EIR. The primary changes that need to be made are in the areas classified as clearly preferred or otherwise misclassified for the MCBCP Inland route in the Draft EIR. These areas include Air Quality, Geology, Soils, and Paleontology, Land Use, Recreation, and Military Operations, and Visual Resources.

As described above for Section D.2 (Air Quality), there appears to be miscalculations in the Draft EIR's assessment of relative impacts on air quality for the transport options. The Draft EIR correctly states that no significant impacts are expected to result from any of the transport options; however, it incorrectly calculates total emissions from transport along each route option such that the Beach and Road Route has the highest total emissions even though it is the shortest route in terms of distance and duration. The

ranking of total emissions per route actually correlates well with the total distance of each route such that the lowest emissions occur along the Beach and Road Route and the highest emissions occur along the MCBCP Inland Route. Therefore, classifications should be changed under Air Quality in this table to reflect Slightly Preferred for the Beach and Road Route, and Less Preferred for the MCBCP Inland Route. The I-5/Old Highway 101 route could remain unchanged.

As described above for Section D.5 (Geology, Soils, and Paleontology), the likelihood of significant adverse impacts resulting from the effects of transport on the San Onofre Bluffs is very low and it is unreasonable to expect adverse effects will result from this transport. There is no technically defensible justification for the conclusion that such effects are likely to occur and that the MCBCP Inland Route is, therefore, clearly preferred. This issue was addressed during the SONGS Unit 1 RPV Project and no adverse effect was identified. This classification should be lowered, and rankings of all routes should be changed to reflect No Preference. SCE is willing; however, to perform the requested geology study to further ensure that such risks are avoided, no matter how minor a risk they are.

As described above for Section D.8 (Land Use, Recreation, and Military Operations), no significant effects on the use of San Onofre State Beach are expected to result from transport of the RSGs. This is further confirmed in the letter from State Parks that was included in the PEA and described in the above text. No changes in the use of the State Park are expected to result from the transport of the RSGs, and there is no discriminator among the transport options. Reference to potential effects of transport on recreation at the Camp Del Mar Recreation Area on MCBCP, a military base wholly dedicated to its military mission and not a public recreation facility, must be removed from consideration in the EIR. Furthermore, the analysis of such effects in the Draft EIR are not appropriately justified on MCBCP because there will clearly be no change in the environmental baseline which includes regular, ongoing operation of large sea vessels in the boat basin, unloading of large equipment, and operation of many large amphibious and land military vehicles on the identical path the transporter will follow. Therefore, areas on MCBCP must not be used as discriminators for options in the EIR. The rankings of these options should be changed to No Preference for this resource area.

As described above for Section D.14 (Visual Resources), no significant effects on visual receptors or visual resources are expected to result from any of the transport options, including on San Onofre State Beach. Therefore, there are no discriminators among the transport options, and the rankings should be changed to No Preference.

The changes discussed in this comment clearly tip the scales of an environmentally preferred option towards the Beach and Road Route and this change should be reflected in the EIR. However, it should also be noted that aside from potential adverse effects on traffic on I-5 that can be readily mitigated, all transport options are environmentally neutral in an overall sense and that all transport options should be approved by the CPUC as there are no significant adverse constraints to these transport options in part or in whole.

### **3.19 DRAFT EIR SECTION F – OTHER CEQA CONSIDERATIONS**

#### **F.1.1 Growth Caused by Direct and Indirect Employment, Page F-1**

Section F.1.1 discusses 1,000 additional workers in reference to staging through disposal. This discussion is misleading because it suggests that 1,000 workers will be added and that these 1,000 extra workers will be present for the duration of the project. This section should be modified to reflect the actual case, which is that up to 1,000 additional workers will be required for staging through disposal.

#### **Table F-1 Cumulative Scenario – Projects, Pages F-3 and F-4**

According to Officials within the City of San Clemente the following statistics should be used regarding housing development planned or under construction in San Clemente and the EIR should be modified to reflect these numbers:

- Talega (at final build-out): 3,900 homes
- Coastal Marblehead Property: 313 homes

### **3.20 DRAFT EIR SECTION G – NRC LICENSE RENEWAL**

No comment.

### **3.21 DRAFT EIR SECTION H – MITIGATION, MONITORING, AND REPORTING**

#### **Table H-1 Mitigation Monitoring Program – APMs, Pages H-6 through H-9**

It should be noted that SCE intends to implement the APMs for the Proposed Project; however, the portions of the project on MCBCP will be subject to MCBCP approval and the APMs may be modified based on MCBCP's NEPA review and administration of the Real Estate License. Therefore, the EIR should note that references to APMs on MCBCP by the CPUC are only recommendations to MCBCP.

#### **APM CR-1 and CR-2 for Cultural Resources in Table H-1, Page H-7**

Reference to Historic El Camino Real, which is on MCBCP, should be removed from this APM and replaced with reference to Old Highway 101 within the State Park to reflect appropriate coordination with Caltrans. State Parks should also be added for this area. Therefore, reference to responsible agencies should include reporting to Caltrans and State Parks, and copying the CPUC.

**APM Geo-1 for Geology and Soils in Table H-1, Page H-7**

The San Diego Regional Water Quality Control Board will be responsible for approving erosion control measures through construction storm water pollution prevention plans (SWPPP). Such erosion control measures will only be required when appropriate ground disturbance activities occur. Therefore, reference to responsible agencies should include reporting to the San Diego Regional Water Quality Control Board and copying the CPUC.

**APM Haz-1 for Hazards and Hazardous Materials in Table H-1, Page H-7**

APM Haz-1 is within the purview of the NRC, and should be removed from the EIR.

**APM Hydro-1 and Hydro-2 for Hydrology and Water Quality in Table H-1, Page H-8**

Refer to the comment above for APM Geo-1, and make appropriate changes to these APMs.

**APM Traffic-1 through Traffic-5 for Traffic and Transportation, Pages H-8 and H-9**

Caltrans will be the lead responsible agency for these APMs, and the CPUC should only be copied.

**APM Traffic-6 for Traffic and Transportation, Page H-9**

Change the text in the row labeled APM Traffic-6 from "Shifts will be staggered to spread the traffic over large periods of time to avoid adverse effects." to "Shifts will be staggered over three periods."

**3.22 DRAFT EIR SECTION I – PUBLIC PARTICIPATION**

No Comment.

**3.23 DRAFT EIR SECTION J – REPORT PREPARATION**

No comment.

**3.24 APPENDIX 1, NOTICE OF PREPARATION**

No comment.

### **3.25 APPENDIX 2, BIOLOGICAL RESOURCES**

This appendix deals with marine resources that are not within the area of potential effect for the Proposed Project; therefore, this appendix should be removed from the EIR.

### **3.26 APPENDIX 3, CULTURAL RESOURCES**

No comment.

### **3.27 APPENDIX 4, SUMMARY OF PERTINENT FEDERAL REGULATIONS**

No comment.