

RESOLUTION NO. 2021-119

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, IN SUPPORT OF THE ACTION FOR SPENT FUEL NOW COALITION

WHEREAS, the San Onofre Nuclear Generating Station (“SONGS”) is a retired commercial nuclear power plant located approximately 30 miles from the City of Newport Beach (“City”);

WHEREAS, SONGS has been in the decommissioning process since 2013 and as of August 2020, all spent nuclear fuel has been packaged in stainless steel canisters that are designed for both storage and transportation; however, the spent nuclear fuel remains onsite;

WHEREAS, the federal government has not assumed title to, liability for, or transported the spent fuel at SONGS, as it was required to do beginning in 1998 under the Nuclear Waste Policy Act of 1982, Pub. L. No. 97-425 (Jan. 7, 1983), 96 Stat. 2201 (codified as amended at 42 U.S.C. ch. 108 § 10101 et seq.) and by contract;

WHEREAS, nearly \$41 billion (including interest income) has been paid into the Nuclear Waste Fund managed by the U.S. Department of Energy, including almost \$1 billion from SONGS customers;

WHEREAS, the lack of a national policy prevents removal of the spent fuel from SONGS, impeding the full decommissioning of the plant and restoration of the site;

WHEREAS, the SONGS Strategic Plan, developed by a team of independent national experts, recommends the formation of a coalition of stakeholders to spur federal action aimed at removing spent fuel from SONGS;

WHEREAS, interim and long-term offsite storage options are important to enhance the health, safety and security, of residents and businesses located in Orange County; and

WHEREAS, “Action for Spent Fuel Solutions Now” is a coalition of local governments, utilities, business organizations, labor leaders, Native American leaders, environmental groups, and other community members with the goal of encouraging the federal government to provide offsite storage and/or permanent disposal solutions for spent nuclear fuel.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby support the efforts of Action for Spent Fuel Solutions Now to relocate spent nuclear fuel away from SONGS and the California coastline.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 30th day of November, 2021.



Brad Avery
Mayor

ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



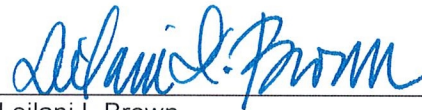
Aaron C. Harp
City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2021-119 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 30th day of November, 2021; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Brad Avery, Mayor Pro Tem Kevin Muldoon, Council Member Noah Blom, Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Will O'Neill
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 1st day of December, 2021.



Leilani I. Brown
City Clerk
Newport Beach, California

