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Comment Received From: Becky Steinbruner

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Petition for Inspection and Copying Confidential UL9540A Test Results

Dear Chief Counsel,

I represent Ban Lithium BESS in Santa Cruz County and hereby file a Petition for Inspection or Copying of the Seahawk BESS applicant's UL9540A Test Results, deemed Confidential on July 2, 2026.

In compliance with Title 20 Section 2506 (a), I hereby submit the attached letter from Regulatory Expert Mr. Phillip Carranco as new information that has become available and a change in circumstances that has occurred that I do feel materially affected the decision of the California Energy Commission regarding the confidentiality status of UL9540A Test Results.

I understand that the Applicant in Docket Number 26-OPT-02 filed an "Application for Confidential Designation" (TN 270292, 270291, 270290, 270289, 270288, 270287) for Appendix 3.16A, UL9540A test reports. Subsequently, on July 2, 2026, the Executive Director of the CEC granted confidentiality for the version of Appendix 3.16A that was submitted by the Applicant on May 27, 2026, based on the Applicant's allegation that the submittal contained trade secrets. (TN 271254, p. 210/210).

Ban Lithium BESS in Santa Cruz County is concerned that the Executive Director extending the grant of confidentiality to subsequent application submittals involving the UL 9540A test reports places public safety at great risk. Sequestering such critical public safety data would significantly and adversely impact transparency and public access to information essential to assessing the impacts caused by this Project.

1. The Executive Director's July 2, 2026 Decision Prioritizes Corporate Economics Over Public Safety.

Mr. Carranco explains that the UL9540A test results are a highly technical, data-driven profile of a battery system's behavior during and induced, catastrophic thermal runaway event. If the applicant is allowed to sequester such technical core data, local first responders are deprived of the specific data required to safely mitigate any future thermal runaway or system malfunction incidents.

As Mr. Carranco points out in his attached Expert Letter, local fire officials will require the technical data in the UL9540A test result documentation to formulate Emergency Operations Plans, tactical and suppression water supply pre-planning, and evacuation planning. Furthermore, under California SB 283, local fire officials must sign off on all plans for the Seahawk BESS facility and verify the modules comply with NFPA 855 Clearance and Separation Distances that are dependent upon the chemistry of the batteries that will be used in operation. Without access to or knowledge of the UL9540A

To the Honorable Commissioners and Staff of the California Energy Commission,

As an expert in the field Regulatory Compliance Engineer, I am writing to formally address a critical bottleneck and public safety vulnerability in the permitting of Battery Energy Storage Systems (BESS) across California.

While the CEC has taken admirable strides to streamline clean energy deployment such as the "Opt-In" permitting procedures under Assembly Bill 205 and the publication of the California Energy Storage Permitting Guidebook there is a growing, highly concerning trend: developers withholding or heavily redacting full UL 9540A Test Reports when submitting project files to local Fire Marshals and county Authorities Having Jurisdiction (AHJs).

Under the guise of protecting proprietary intellectual property, developers are increasingly providing only high-level executive summaries. I urge the CEC to issue clear, statewide guidance establishing that local Fire Marshals must be provided the full, unredacted UL 9540A test report as a mandatory condition of the local permitting process. Allowing redacted submittals directly compromises local emergency response safety and severely delays the permitting pipeline.

1. Why Redactions Compromise Public Safety

- A UL 9540A report is not a simple "pass/fail" certificate; it is a highly technical, data-driven profile of a battery system's behavior during an induced, catastrophic thermal runaway event. When a developer redacts the technical core of this document, they deprive local first responders of the specific data required to safely mitigate an incident:
- Deflagration and Explosion Modeling: Local fire departments must verify compliance with NFPA 68 (Explosion Protection by Deflagration Venting) and NFPA 69 (Explosion Prevention Systems). To do this, fire protection engineers and marshals require the raw Cell-Level gas composition data (specifically the volumetric flow rates and precise percentages of highly volatile gases like H₂ and CO) to ensure exhaust and venting systems can prevent an explosive atmosphere from building up inside an enclosure.
- Tactical Water and Suppression Planning: The Unit-Level Heat Release Rate (HRR), measured in kilowatts or megawatts, determines the potential thermal load of a full-scale rack fire. Redacting this data leaves local fire crews blind to the actual scale of a potential thermal event, preventing them from accurately calculating structural boundary ratings and water supply demands.
- Clearance and Separation Distances: NFPA 855 establishes a default 3-foot separation distance between BESS units and adjacent structures. Developers routinely seek to reduce these clearances to fit more units on-site. However, a local Fire Marshal cannot safely approve a variance without reviewing the unredacted Unit-Level radiant heat flux and surface temperature data to confirm that an adjacent rack or structural wall will not ignite from radiant heat transfer.

2. How Redactions Cause Severe Permitting Delays

Ironically, developers who withhold the full report to speed up approvals or protect intellectual property end up causing the very delays they fear:

- The Review Standoff: When a Fire Marshal receives a redacted report or an abbreviated summary, they cannot complete their statutory safety reviews under Chapter 12 of the California Fire Code (CFC). Because they bear the legal liability of signing off on a facility, they will issue repeated, extensive Requests for

Information (RFIs). This back-and-forth stall can add months or even quarters to the permitting schedule.

- **Expensive Custom Modeling Mandates:** In the absence of specific, unredacted laboratory data, AHJs are forced to assume worst-case, conservative defaults. This legally obligates developers to commission expensive, third-party Computational Fluid Dynamics (CFD) gas dispersion models and structural blast analyses to prove safety, adding tens of thousands of dollars in unbudgeted engineering fees.

3. Balancing Intellectual Property and Public Review

The developer's concern regarding public disclosure and the Freedom of Information Act (FOIA) is understandable, but it is a solvable administrative problem. It should never be solved by depriving public safety officials of raw engineering data.

Municipalities and counties have robust, legal mechanisms to protect trade secrets. Fire departments regularly handle highly sensitive hazardous material business plans (HMBPs), tier II chemical inventories, and industrial facility blueprints under strict, legally protected "Confidential Business Information" (CBI) or proprietary exemptions from public records requests.

Conclusion & Action Requested

For California to meet its aggressive energy storage targets safely, local officials must be treated as trusted partners, not adversaries.

I respectfully request that the California Energy Commission update its permitting frameworks, guidebooks, and joint agency advisories to explicitly declare that local Fire Marshals and county AHJs must have access to the complete, unredacted UL 9540A Test Report under protected, confidential review protocols.

We cannot expect local fire departments to draft effective Emergency Operations Plans (EOPs) or put their firefighters' lives on the line without the full chemical and thermal profile of the systems they are tasked with protecting.

Thank you for your leadership and dedication.

Sincerely;

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