

ORIGINAL

Decision No. 73278

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
PACIFIC GAS AND ELECTRIC COMPANY for
a certificate of public convenience
and necessity to construct, install,
own, operate, maintain and use a
nuclear fueled power plant in the
County of San Luis Obispo, together
with transmission lines and related
facilities.
(Electric)

Application No. 49051
(Filed December 23, 1966)

(Appearances are listed in Appendix A)

INTERIM OPINION

Applicant's Request

Pacific Gas and Electric Company requests a certificate of public convenience and necessity under Section 1001 of the Public Utilities Code to construct, operate and maintain a nuclear fueled power plant at a site in Diablo Canyon, San Luis Obispo County, together with transmission lines and related facilities.

Public Hearing

After due notice public hearing was held before Commissioner Gatov and Examiner Patterson at San Luis Obispo on February 16, 17 and 28, March 1, 2, 29, 30 and 31, at San Francisco on April 12, 13 and 14 and again at San Luis Obispo on April 26, 27 and 28, May 10, 11, 12, 24, 25 and 26, 1967.

The matter was submitted subject to the receipt of concurrent opening briefs and concurrent reply briefs which have been received and it is now ready for decision.

Applicant presented evidence in support of the application through 17 witnesses and 41 exhibits. Four other witnesses testified in favor of the proposal, 18 additional supporting exhibits were received, and supporting statements were made by approximately 60 individuals most of whom represented governmental, civic or other organizations.

Those in opposition to a part or the whole of the project presented 32 exhibits, the testimony of 12 witnesses and statements by three individuals.

The Commission staff did not present any evidence but it took an active part through extensive cross-examination of witnesses.

Proposed Power Plant

The power plant, as proposed, would be located upon a 685 to 785-acre site near the mouth of Diablo Canyon in San Luis Obispo County. The site is on the coast approximately 7 miles northwest of Avila Beach and 12 miles southwest of the City of San Luis Obispo. The 585 acres south of and adjoining Diablo Creek has been leased from the private landowner for a term of 99 years with an option to renew for an additional 99 years.^{1/} The 100 to 200 acres required on the north side of the creek is in the process of being acquired from another private owner.

^{1/} By Decision No. 71441, dated October 18, 1966, in Application No. 48806, P.G. and E. was authorized to guarantee loans by other parties to San Luis Obispo Bay Properties, Inc., an affiliate of the property owner.

The power production facilities will be situated on a sloping terrace set back several hundred feet from the ocean and 70 to 100 feet above sea level. The San Luis Mountains rise sharply in back of the plant site and it is planned that the 500 kv switchyard will be located in Diablo Canyon more than one-half mile from the ocean and at an elevation higher than the generating unit. It appears the switchyard will not be visible from ground level at the site of the power production facilities.

The nuclear power unit for which authorization is sought under this application is expected to have a net electrical output of 1,060,000 kilowatts. The unit will include a nuclear fueled steam generating system, a turbine-generator and the necessary reactor and turbine auxiliaries together with related steam plant equipment, including high voltage step-up transformers and switching equipment.

The reactor system will be a pressurized-water, closed cycle, forced circulation type, fueled with slightly enriched uranium dioxide enclosed in zirconium alloy tubes. Water circulated through the reactor will act as a coolant and moderator. Control will be effected through neutron absorbing control rods and a soluble chemical neutron absorber. Steam from the steam generator will be supplied to the turbine at approximately 506° Fahrenheit and 710 pounds per square inch pressure. Ocean water will be circulated in the condenser cooling system at a rate of approximately 829,000 gallons per minute. Looking ahead to expected future expansion the intake structure is being designed to handle sufficient cooling water for three units, and the record shows that applicant contemplates the eventual installation of a total of six units.

The switchyard area as shown in Exhibit No. 5 is sized to accommodate switchgear for six units but the initial installation of equipment will be only that necessary for one or two units.

The reactor containment structure will consist of a reinforced concrete vertical cylinder with a flat base and a hemispherical dome. A welded steel liner attached to the inside face of the concrete shell will assure a high degree of leak tightness.

Load Growth and Resources

The peak load growth in applicant's gross service area has been 8.54% compounded annually over the last eight years. Applicant has conservatively estimated future growth at rates which average 6.52% compounded annually through the year 1972 when it is contemplated the Diablo Canyon nuclear unit will be required. Estimates have also been carried forward from that year to 1980 at an annual compounded rate of 6.95%. The historical peak loads and estimates as set forth in Exhibit No. 3 may be summarized as follows:

<u>YEAR</u>	<u>ACTUAL</u>	<u>ESTIMATED</u>		<u>ANNUAL GROWTH MW</u>
		<u>AVERAGE YEAR</u>	<u>ADVERSE YEAR</u>	
1958	4,154			
1959	4,769			615
1960	5,310			541
1961	5,698			388
1962	5,830			132
1963	6,300			470
1964	6,769			469
1965	7,357			588
1966	7,994			637
1967		8,360	8,440	366
1968		8,980	9,060	620
1969		9,540	9,620	560
1970		10,250	10,330	710
1971		10,900	10,980	650
1972		11,680	11,760	780
1973		12,500	12,580	820
1974		13,380	13,460	880
1975		14,320	14,390	930
1976		15,300	15,380	990
1977		16,360	16,440	1,060
1978		17,490	17,570	1,130
1979		18,700	18,780	1,210
1980		19,990	20,070	1,290

To help meet the growth in power needs as illustrated by the above figures applicant has planned the following additions to its generating capacity:

Moss Landing Unit 6	735 MW in Summer 1967
Moss Landing Unit 7	735 MW in Spring 1968
Geysers Unit 4	26.7 MW in Winter 1968
Geysers Unit 5	50 MW in Winter 1971
Belden Hydro Plant	117 MW in Winter 1969
Nuclear Unit -- Diablo	1060 MW in Spring 1972

These additions plus firm power available from others will result in 1972 in a firm power capacity of 13,621 megawatts to meet an estimated 1972 total peak demand of 11,600 megawatts^{2/} leaving a margin in a dry year of 2,021 megawatts or 17.4% after allowance for overhaul. Without the proposed Diablo Canyon unit the margin would drop to 8.3%. These figures compare with recorded margins of 17.3%, 11.1%, 17.7%, 19.7%, 25.7% and 15.3% for each of the years 1961 through 1966.

In order to meet a reliable operation date for the spring of 1972 applicant presented a construction schedule which calls for the start of work on the access roads and utilities in the fall of 1967.

Site Selection

In selecting the general location for the proposed generating plant applicant gave considerable weight to the relationship which will exist between loads and generating resources by 1972 in the various geographical regions of its service area.

^{2/} This differs from the estimated peak demand in the preceding tabulation due to exclusion of loads of interruptible customers.

Exhibit No. 4 shows that without the Diablo Canyon unit the southernmost area designated as Bakersfield and which includes all or portions of Kern, Santa Barbara, San Luis Obispo, Kings and Tulare counties will have a deficiency of about 1300 megawatts by 1972, the largest deficiency of the eleven areas into which the system is divided. By locating the proposed plant in the southern part of the system this deficiency will be reduced and a witness for applicant testified that improved system reliability and reduced transmission losses will result.

In selecting a specific site applicant was virtually constrained to look only at the coastal region because of the enormous quantity of cooling water which is required for a plant of the proposed size. Exhibit No. 19 shows a comparison of eleven south coastal area sites which were considered, ranging from Pt. Sierra Nevada on the north to Jalama on the south. The exhibit shows comparisons on the basis of circulating water, topography, land availability, transmission right of way, physical features, community acceptance, and transportation. The extent of investigation of each site varied depending upon preliminary evaluation of the various factors.

The record shows that after several possible sites had been considered interest centered by the year 1962 on a site of 1121 acres in the sand dunes near Nipomo which had been zoned for heavy industrial use. After applicant announced it had acquired this acreage in late 1963 a strong movement by the Sierra Club and others developed to preserve the Nipomo Dunes as a scientific and recreational area. This was about the time the State Resources

Agency and the Health and Welfare Agency - Department of Public Health and Coordinator of Atomic Energy Development and Radiation Protection began collaboration with those state entities that had particular interests in conservation or protection of the natural environment from the effects of power plant installations. Those entities include the Department of Fish and Game, Department of Conservation, Department of Parks and Recreation, Department of Water Resources, Department of Harbors and Watercraft and the Water Quality Control Board. Members from each of these entities comprise the Resources Agency Task Force on Power Plant Siting in California, which together with members from Public Health and Coordinator have been active with applicant and other utilities in considering possible plant sites.

It was indicated to applicant by the Sierra Club, the State Resources Agency and others that a power plant at Nipomo would not be acceptable unless located well back from the shore line and off the sand dunes. The setback discussed varied from 4000 feet to one and one-eighth miles. Such a setback would increase costs considerably and in applicant's opinion make the plant economically unacceptable.

Applicant with the assistance of the State Resources Agency, County Planning Commission, Sierra Club and other organizations turned its attention to other possible sites along the South Coastal Region and finally in the summer of 1966 it appears that agreement was reached on Diablo Canyon as being a satisfactory alternative to the Nipomo Site.

Applicant then conducted an intensive investigation to establish the suitability of the site from all aspects of safety,

and acceptability from the standpoint of minimal effects on the environment. This investigation included detailed studies and reports from consulting experts in the fields of geology, seismology, marine biology, oceanography and structural engineering.

Transmission Lines

To connect the proposed power plant to its interconnected system applicant proposes to construct two 500 kv single circuit-transmission lines and a single 230 kv double-circuit line. One 500 kv line would extend eastward from the plant for some 84 miles, and south of the City of San Luis Obispo to Midway substation; the other 500 kv line would extend generally northeastward from the plant some 79 miles to Gates substation. Both of these lines would connect at these substations to applicant's 500 kv intertie system. The physical separation of these two lines would insure greater reliability of service than would be the case if they were to follow a single route. The two lines would handle somewhat more than the output of the proposed unit but an additional circuit would be required upon construction of a second generating unit at the site. The single 230 kv line would be only about 10 miles long and would connect the plant to the existing Morro Bay-Mesa 230 kv line and would be used for plant start-up and emergency station service power.

Estimated Plant Costs

The estimated cost of constructing the facilities based on price levels as of September, 1966 and including firm manufacturers' bids for the turbine-generator and nuclear steam-supply

system may be summarized as follows:

<u>Item</u>	<u>Cost</u>	
Production facilities	\$153,633,000	
Step-up substation	<u>8,910,000</u>	
Total plant		\$162,543,000
Terminal substation	6,277,000	
Transmission	<u>19,593,000</u>	
Subtotal		25,870,000
Total Investment		\$188,413,000

If a conventional thermal unit of the same capacity were to be constructed at the Diablo Canyon site its estimated cost including transmission and substation facilities would be \$149,153,000. It is estimated that fuel costs for such a unit would be higher, however, and the total cost of energy would also be higher than for the nuclear unit.

Estimated Cost of Power

Because of the large investment and because of the low incremental heat rate the nuclear unit would be operated at the highest capacity factor possible. The estimates supporting the economic feasibility of the project are shown on both an 80 percent and 90 percent capacity factor basis. The testimony shows, however, that applicant expects to attain a 90 percent capacity factor operation. At 90 percent capacity factor it is estimated the Diablo Canyon nuclear unit will produce power at 4.04 mills per kwhr. A second unit at that site would produce power at 3.88 mills per kwhr or 3.96 mills per kwhr for the two units. These figures

are for cost of power at the generating plant.

To deliver the power into the system requires use of the project's step-up, transmission and terminal substation facilities. With these costs included the delivered costs into the system at 90 percent capacity factor become 4.61 mills per kwhr for one unit and 4.39 mills kwhr for two units.

These costs were testified to be lower than the costs of power from any of applicant's existing thermal power plants or from Units 6 and 7 at Moss Landing and were compared with a 1965 average system cost of 6.97 mills per kwhr (5.2 for hydro and 8.17 for thermal production).

Applicant also presented estimated costs for power delivered into its system from comparable units if they could be located on the beach at the Nipomo site, at a 4000-foot setback at the Nipomo site and at the South Moss Landing site, the latter a site which applicant owns and plans to develop ultimately. These estimated costs at 90 percent capacity factor may be summarized as follows:

	<u>One Unit</u> Mills per	<u>Two Units</u> kwhr
Diablo Canyon - Nuclear	4.61	4.39
Diablo Canyon - Conventional	5.47	-
Nipomo Beach - Nuclear	4.53	4.38
Nipomo 4000-foot setback - Nuclear	4.68	4.53
South Moss Landing - Nuclear	4.59	4.46
South Moss Landing - Conventional	5.03	-

Safety

Applicant presented considerable testimony as to the design features and steps which will be taken to insure that there will be no undue hazard to the public. The design features include in addition to the inherent safety of this type of reactor, the reactor containment structure, multiple barriers to limit the release of radioactivity, a safety injection system for emergency core cooling, air recirculation coolers, containment spray in the safety injection system, multiple sets of protective controls, and backup and emergency power supplies.

Applicant's consulting geologist after making an extensive study of the site including the deep exploratory trenches, testified that the site has a good bedrock foundation with only insignificant faults that have shown no movement for at least 100,000 and possibly millions of years.

A consulting seismologist testified as to the maximum size earthquakes that can be expected to occur on active faults located some 20 to 50 miles from the site and a consulting structural design engineer testified and presented a study showing that the plant can be designed and constructed to operate safely during and after such earthquakes.

An oceanographer presented a study and testimony which indicated that seismic sea waves or tsunamis would present no design or operating problems for the plant.

Ecological Effect of Plant on Marine Life

Witnesses for applicant testified that the ocean in the vicinity of Diablo Canyon is turbulent and that adequate mixing of the warm water discharge will occur. A marine biologist studied the marine life in the vicinity and concluded that although some cold water species might be displaced they would be replaced by warm water species but with no net decrease in fauna and flora.

With respect to the low level radioactive waste products which will be released into the cooling water discharge from time to time, the record shows that the amount of such releases will be fixed by the Atomic Energy Commission. On the assumption the releases would be similar to the limits allowed at applicant's Humboldt Bay nuclear unit at Eureka, an expert in radiation biology testified for applicant that there would be no detectable effect on the marine population in Diablo Cove or surrounding waters.

Licenses and Permits

The status of licenses and permits which applicant must secure in order to construct and operate the proposed plant and associated facilities are set forth in Exhibit No. 25. Applicant has obtained from the County of San Luis Obispo a use permit for the plant at the proposed site provided it is constructed with approval of this Commission; also use permits or equivalents for the proposed transmission lines from the Counties of San Luis Obispo, Fresno, Monterey, Kern and Kings. It has also executed an agreement with the Resources Agency State of California, Exhibit No. 26, which, in effect, indicates that all matters relative to the plant

which would affect conservation of the natural resources have been or will be resolved to the satisfaction of the agency.

In addition to the authority being sought herein the two other major items of authorization applicant must secure are from the United States Atomic Energy Commission, first a construction permit, application for which was filed January 17, 1967, and second an operating license for the plant. It is anticipated that hearings will soon be held in connection with the application for the construction permit but the operating license would not be applied for nor acted upon until the plant has been virtually completed.

Opposing Testimony

Some nine individuals testified in opposition to the proposed plant being located at Diablo Canyon on the basis that it would be an unnecessary encroachment upon a unique coastal area which has been virtually untouched by the inroads of man. Two of these witnesses were sponsored by the Scenic Shoreline Preservation Conference Inc. (Conference) and three were employees of the State Division of Beaches and Parks who were subpoenaed by the Conference. The others while assisted by counsel for Conference in varying degrees, appeared as individual conservationists who were interested in preserving Diablo Canyon in its natural state. All of these individuals spoke with great sincerity and some most eloquently of the desirability of preserving more of the public domain for public use as parks, recreational areas or simply open spaces.

The canyon and surrounding Point Buchon area was described as the only significant coastal area south of San Francisco without either an improved road or railroad passing nearby. The stand of

live oak in the canyon which will be largely obliterated by the switchyard was described as one of unusual density with individual trees of great size. Other trees are big leaf maple, laurel and the relatively rare Bishop pine. The watershed was stated to be particularly unusual for California as it supports a perennial stream whose flow varies but little as the seasons change.

No specific idea or plan was advanced as to how the Diablo Canyon area could and would be preserved in its natural state but the hope was expressed repeatedly that ways might be found if applicant's proposal were to be denied. The record clearly shows that neither the State Department of Parks and Recreation nor any other agency have any plans for developing the Diablo Canyon area as a park site.

The testimony of three individuals was directed solely at the proposed transmission line routings. One was a property owner located some three miles from the proposed route of the line to Gates substation and the other two expressed concern as to the possible hazard to aviation the proposed line to Midway substation could create south of the City of San Luis Obispo.

The Sierra Club played an important role prior to this proceeding in urging applicant to seek a site other than the one at Nipomo, and although individuals who stated they were members of the club presented their own views, no testimony or evidence was presented in this proceeding on behalf of the club nor did the Sierra Club make a formal appearance.

Discussion

The evidence has clearly established the need for the power plant by the year 1972, the economics of the project as being reasonable, the overwhelming support for the project by the local community, the safety of the project aside from radiation hazard considerations,^{3/} and the ability of applicant to finance and construct the project.

The only issues which remain for consideration are:

- (1) possibilities of using an alternative site, and
- (2) the impact of the proposed plant on the environment.

Turning our attention to the first issue, the record shows that none of the alternative sites in the South Coastal area are as suitable as Diablo Canyon. Whereas the Nipomo Beach site ranks high in efficiency, a location on the beach is clearly unacceptable and, in any event, the Division of Beaches and Parks is wisely planning to develop that area for park use. In addition to several other shortcomings, a setback location at Nipomo would not be economical, particularly when it becomes necessary to add additional generating units.

The possibility of an inland site (closer to load center) using cooling water from the proposed State-Federal San Joaquin Valley Master Drain was considered by applicant and was advanced by the Conference in argument as a realistic possibility. The record

^{3/} Radiation hazards are subject to the exclusive jurisdiction of the United States Atomic Energy Commission. Northern California Association to Preserve Bodega Head and Harbor Inc. v. Public Utilities Commission; Pacific Gas and Electric Company, 61 C 2d 126 (1964), also Section 274 of the Atomic Energy Act of 1964.

shows, however, that there is too much uncertainty of the time of completion and of the quantity of water available from that project to make it feasible to plan an electric generating facility of the magnitude needed, which would be dependent upon water from that project.

Another alternative which was explored in depth on the record and which was strongly supported by the Conference in argument was the South Moss Landing site. Applicant did not consider this as a suitable alternative as its considerably greater distance from Midway substation, 195 miles as compared with 84 miles from Diablo Canyon, would require longer transmission lines with greater exposure to line outages and an adverse effect on system stability. The record shows that although a first unit at South Moss Landing would be comparable economically with one at Diablo Canyon, the cost with succeeding units favors the Diablo Canyon site. Of perhaps even more significance is the fact that with the projected continued growth of electrical load, applicant will soon need to develop additional sites such as South Moss Landing as well as Diablo Canyon and others.

With respect to the second issue the record shows that the plant will have a minimal effect on the marine fauna and flora, there will be no pollution of the atmosphere such as from a conventional thermal plant, and the release of radioactive materials into the atmosphere will be subject to limitations imposed by the Atomic Energy Commission. The location of the switchyard in the canyon will destroy a large portion of the live oak stand but will permit that facility to be well concealed from coastal or offshore viewing. The power plant itself will be situated on the marine

terrace in full view from points along the coast or offshore.

From the extensive and often eloquent testimony of the conservationists we recognize that the Diablo Canyon site is one of unusual natural beauty. We also recognize from the testimony of the engineers and other expert consultants that the site possesses that rare combination of physical and geographical features which makes it suitable as a location for a major nuclear power plant.

After weighing these opposing factors we find that the public interest requires the use of the Diablo Canyon site by applicant for a nuclear power plant despite the impact it will have on the environment.

In our recent interim opinion^{4/} concerning the undergrounding of electric and communications services and facilities we stated " . . . the time had long passed when we could continue to ignore the need for more emphasis on aesthetic values in those new areas where natural beauty has remained relatively unspoiled . . .".

The same philosophy holds true in locating a power plant in an area of natural beauty such as we have here and we recognize our responsibility to insure that the impact on the environment will be held to a minimum and that aesthetics will receive adequate consideration.

4/

Decision No. 73078 dated September 19, 1967, in Case No. 8209.

Findings

We find that:

1. Applicant has need for a 1,060,000 kw generating unit in the southern portion of its system by the year 1972.
2. The economics of the project as supported by the estimates presented are not unreasonable.
3. The project has the overwhelming support of the local community.
4. There is no evidence in the record concerning safety within our jurisdiction which would cause us to reject the proposed project as being unsafe.
5. Applicant has the ability to finance and construct the project.
6. There is no alternative project which will better meet the needs of applicant and the public.
7. The proposed project will not create irreconcilable conflicts with conservation, ecology and aesthetics provided the plant, switchyard and attendant facilities are designed in an aesthetically pleasing manner.
8. Present and future public convenience and necessity will require the construction and operation by applicant of a nuclear power unit rated at approximately 1,060,000 kilowatts at the Diablo Canyon site, together with transmission lines and other appurtenances generally as described by applicant in this proceeding but subject to the conditions that the certificate is interim in form and may be made final by further order of the Commission upon issuance by the United States Atomic Energy Commission of final authorization to construct and operate the nuclear energy plant.

The certificate hereinafter granted shall be subject to the following provision of law:

The Commission shall have no power to authorize the capitalization of this certificate of public convenience and necessity or the right to own, operate, or enjoy such certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such certificate of public convenience and necessity or right.

The action taken herein is for the issuance of a certificate of public convenience and necessity only and is not to be considered as indicative of amounts to be included in future proceedings for the purpose of determining just and reasonable rates.

It is concluded that the application should be granted to the extent set forth in the order which follows.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Pacific Gas and Electric Company to construct, operate and maintain a nuclear fueled power generating unit of approximately 1,060,000 kilowatts capacity together with appurtenant facilities and transmission lines generally as described by applicant in this proceeding, but subject to the condition that the certificate is interim in form and may be made final by further order of the Commission on the establishment by evidence in the record that final authority has been obtained from the Atomic Energy Commission to construct and operate the nuclear energy plant.

2. Prior to construction applicant shall submit an artist's rendition of the project based on the architect's design.

3. Applicant shall file with this Commission a detailed statement of the capital costs of the project including transmission lines and other appurtenances within one year following the date on which the unit is placed in commercial operation.

4. The authorization herein granted shall expire if not exercised within five years from the date hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of NOVEMBER, 1967.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

APPENDIX A

LIST OF APPEARANCES

For Applicant: F. T. Searles, by John C. Morrissey,
Philip A. Crane, Jr., and Ross Workman.

Protestants: Andrew Renetzky, Arch E. Ekdale, Harry C. Murphy, Thomas B. Adams, by Andrew Renetzky and Thomas B. Adams, for O. C. Field and Ruby Hale Field; Lyders & McKaskle, by Paul L. McKaskle, for Scenic Shoreline Preservation Conference, and Fred Eissler, for self.

Interested Parties: Chickering & Gregory, Sherman Chickering, Donald J. Richardson, Leslie P. Jay and C. Hayden Ames, by C. Hayden Ames and Leslie P. Jay, and Stanley Jewell, for San Diego Gas and Electric Company; Stanley J. McElhaney, for Labor and General Construction Local 1222, Santa Maria; Gene A. Blanc, for State Office of Atomic Energy Development and Radiation Protection; Lyle Carpenter, for County of San Luis Obispo; Irving J. Hogan, for self; M. A. Walters, for International Brotherhood of Electrical Workers; William L. Knecht, for San Luis Obispo County Farm Bureau and California Farm Bureau Federation; Harold Johnson and Mayor Clell W. Whelchel, for City of San Luis Obispo; Muller, Woolpert & McWhinney, by Wickson R. Woolpert, for Nationwide Development Company, San Luis Obispo; Remy L. Hudson, for San Luis Obispo County Development Association; W. H. Ahrendt, Sr., for Pacific Coast Development and Recreation Association; Hal Stroube and Crossman & Weaver, by Bernard S. Crossman, for Robert B. Marre and San Luis Obispo Bay Properties, Inc.; Donald Campbell, for San Luis Obispo County Farm Bureau; James W. Powell, District Attorney, by Scovil F. Hubbard, Deputy District Attorney, for County of San Luis Obispo; Ian I. McMillan, for self; Paul N. McCloskey, Jr., for Committee for Green Foothills; Brian R. Van Camp, for The Resources Agency, The Transportation Agency, The Department of Public Health, The Co-ordinator of Atomic Energy Development & Radiation Protection, all of the State of California; Paul McKeehan, for California Wildlife Federation; Frank M. King, for San Leandro Chamber of Commerce; and David C. Hansen, for Hayward Chamber of Commerce.

For Commission Staff: Vincent V. MacKenzie, Counsel, and Melvin E. Mezek.

WILLIAM M. BENNETT, CONCURRING OPINION

While I concur -- reluctantly -- in today's order, I am compelled to point out that little has been learned from the series of mistakes which led to the rejection of a nuclear plant at Bodega Bay. The record makes it abundantly clear that the initiative here as to the selection of nuclear sites -- precious coast line -- is clearly in the hands of the utility. This comes about because of its power of condemnation of property given to it by the people and secondly but more importantly because the State of California has no plan or comprehensive program for the preservation of beach land as against nuclear plants. It is plain to me that the recreational needs of man are just as important as the energy requirements, indeed perhaps more so. And yet aware of the fact that nuclear plants are going to dot the California landscape in increasing numbers, the public utilities are left to themselves to pick and choose desirable beach properties for utility construction purposes. What is called for is attention by the Legislature -- if no one else -- to the concept of zoning an entire coast line. Nuclear plants of all public utilities should be considered with the possibility of placing all of them whether separately owned or not in a common setting which would insure a minimum of interference with recreational areas. And this is a function which should be undertaken by this Commission in a broad investigation to determine how many nuclear plants are to be constructed for all reasonable time and where located. Absent a broad development program for location of these plants, the precious dwindling beach area is going to go as has much of the other natural beauty of California.

I regret the failure of the Sierra Club to participate in these proceedings. It occurs to me that they could have made a significant contribution to the record herein so far as the issue of aesthetics is concerned. The Sierra Club has a great responsibility in proceedings such as this and that responsibility will grow and will play a vital part in other proceedings involving other beach sites and other nuclear plant proposals.

It may be coincidence, it may be lack of planning or it may be an insensitivity upon the part of utility management to the need of man for an environment which retains the purity of the natural scene which somehow has heretofore always led to the selection of a beach site which is a thing of great and untouched beauty. Whether at Bodega Bay or at the splendid beach at Camp Onofre or at San Luis Obispo, as here, the public utility and Pacific Gas & Electric now on a second occasion has selected a location which is the ideal of conservationists who have a broader outlook for the true and the beautiful than cold engineering judgment. This is why it is imperative that the public utilities be directed in the selection of a site by the undertaking of an investigation as to their future plans for nuclear plants. This is why the State of California through this agency should select those least desirable beach locations whose destruction will have a minimal impact upon the ecology. Utility management is not infallible indeed utility planners have an almost inescapable attraction to the true and beautiful as construction sites. The use of such areas for recreation is at best a secondary consideration with Pacific Gas & Electric in this case and at worst is not even considered.

There are areas along the coast line and in the inland waters of this state some of which are singularly unattractive and contain no great recreational realities or potentialities.


These are the places where the public utility industry of California should be told to place its nuclear plants.

I would remind the electric utilities of this state -- Pacific Gas & Electric, Southern California Edison, San Diego Gas & Electric, at present that Californians are deeply concerned about the dwindling natural landscape and public utilities because of the public trust they have must consider questions involving more than a cold engineering judgment. In the future our children are going to look to us in amazement and anger at the State of California which this generation is readying to hand over to it.

I should also point out that this Commission is the last agency other than the Atomic Energy Commission to scrutinize a utility as here. There is presently no single agency nor common hearing place where a local agency, another state division or agency, this Commission and most importantly of all the public may know of such proposals and effectively participate in the decision making process. And because of this dichotomy of authority a steam roller operation is created, consents are secured on a local basis involving a statewide question and then this Commission is confronted with other decisions of lesser bodies in which it did not participate nor did any significant portion of the public. California is long overdue for a statewide approach to the preservation of beauty and because beauty is the concern of all of us, natural settings such as beaches and other areas should not be left at mere local judgments or utility initiative.

I should also point out that this is the third proceeding involving the hard choice between energy and beauty and again the staff of this Commission has made no showing on behalf of the public -- it has left the selection of a site entirely to the public utility and has left the attempt to preserve the area

such as here to those individual conservationists with individual resources as are available to them to make the case for the preservation of another stretch of beach. Such a one sided battle is never going to be won by the conservationist which again makes it highly important that the Sierra Club whether it agrees or disagrees with the selection of a utility site must participate in the proceeding.

/s/ WILLIAM M. BENNETT

WILLIAM M. BENNETT
Commissioner

DATED: November 7, 1967
San Francisco, California