

Decision No. 74182

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of SOUTHERN CALIFORNIA EDISON
COMPANY and SAN DIEGO GAS &
ELECTRIC COMPANY for a Certificate
that Present and Future Public
Convenience and Necessity require
or will require the construction
and operation by Applicants of a
new nuclear electric generating
station at Camp Pendleton,
California, together with the
transmission lines and other ap-
purtenances to be used in con-
nection with said station.

Application No. 45231
(Filed March 11, 1963)
(Amended February 28, 1968)

OPINION AND ORDER

By Decision No. 67180 dated May 5, 1964 in Application No. 45231 this Commission, by Interim Order, granted to Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) a certificate of public convenience and necessity "to construct and operate a nuclear power unit rated at approximately 395,000 kilowatts at the San Onofre site together with transmission lines and other appurtenances generally as described by applicants 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 secured from the Atomic Energy Commission to construct and operate the nuclear energy plant, and that all other franchises, licenses, or permits have been secured as required by law" (62 CPUC 651, 661). On

February 28, 1968 applicants filed their amendment to application requesting that the interim order be made final. The amended application was served in accordance with the Commission's procedural rules and no protests have been received. A public hearing is not necessary. Based on the amendment to application the Commission makes the following findings of fact.

Findings of Fact

1. On March 2, 1964, the United States Atomic Energy Commission (AEC) issued Provisional Construction Permit (Construction Permit No. CPPR-13) in Docket No. 50-206, to SCE, SDG&E, Bechtel Corporation and Westinghouse Electric Corporation. Said Provisional Construction Permit was in full force and effect from its date of issuance until March 27, 1967 when the Provisional Operating License was issued.
2. Construction of the new nuclear electric generating station, now referred to as Unit No. 1 of San Onofre Nuclear Generating Station (Unit No. 1), commenced on or about July 15, 1964. The date of completion of construction of Unit No. 1 (that is, the date after which nuclear fuel could have been loaded into the reactor pursuant to an operating license from the AEC) was April 3, 1967.
3. On November 5, 1964, SCE and SDG&E entered into Special Nuclear Material Lease Agreement No. 264 with the United States of America, acting through the AEC, which established the terms and conditions applicable to the distribution of special nuclear material to SCE and SDG&E, pursuant to Section 53 of the Atomic Energy Act of 1954, as amended. Said Lease Agreement No. 264, as subsequently amended, is now in full force and effect.

4. Provisional Construction Permit No. CPPR-13, as amended, was issued on the basis of a description of a conceptual reactor core design for Unit No. 1 which was considered to have a capability to produce 1210 megawatts (thermal), which, based on expected plant thermal efficiency, is equivalent to an electrical output of approximately 395,000 kilowatts (gross). During development of the final design, it became apparent that the core could, in fact, operate safely at a greater thermal capacity. Therefore, SCE and SDG&E requested authority from the AEC to operate the reactor in Unit No. 1 at power levels up to 1347 megawatts (thermal), which, based on expected plant thermal efficiency, is equivalent to an electrical output of approximately 450,000 kilowatts (gross).

5. On March 27, 1967, the AEC issued Provisional Operating License DPR-13 authorizing operation of the reactor at power levels up to a maximum of 1347 megawatts (thermal). Said license was issued pursuant to 10 CFR, Section 50.57, which provides in subparagraph (a) thereof as follows:

"As an intermediate procedure prior to issuance of an operating license pursuant to sec. 50.56, the Commission may issue a provisional operating license in a proceeding where findings required for the issuance of a final operating license cannot be made because (1) construction of the facility has not been completed, or (2) there are involved features, characteristics, or components of the proposed facility as to which it appears desirable to obtain actual or further operating experience before issuance of an operating license for the full term, up to forty (40) years, requested in the application."

Since applicants will have to obtain actual operating experience with Unit No. 1, applicants are unable to state at this time when an operating license for the full term of forty (40) years will be issued by the AEC.

6. SCE and SDG&E have obtained and will maintain financial protection in such amounts as may be required by 10 CFR Section 140.11, in the form of effective policies of liability insurance from private sources.

7. On June 3, 1966, the AEC issued a Special Nuclear Material License to SCE (License No. SNM-962) and SCE and the AEC entered into Indemnity Agreement No. B-31 pursuant to and in compliance with 10 CFR Section 140.20. Said Indemnity Agreement No. B-31, as amended effective March 27, 1967, is now in full force and effect, in compliance with Section 170 of the Atomic Energy Act of 1954, as amended.

8. All other franchises, licenses, or permits necessary for the construction and operation of Unit No. 1 have been secured as required by law, including a resolution from the San Diego Regional Water Pollution Control Board prescribing requirements for the discharge of liquid wastes into the Pacific Ocean from Unit No. 1, a radioactive material license from the State Department of Public Health, and an "easement lease" from the State Lands Commission for the installation of the circulating water conduits.

9. Provisional Operating License DPR-13 issued by the AEC is final authority within the meaning of Decision No. 67180 and, therefore, no useful purpose will be served by continuing the Interim Order in effect.

10. Public convenience and necessity require that the Interim Order dated May 5, 1964 be made final and that the final order

authorize the construction and operation of Unit No. 1 at an electrical output of approximately 450,000 kilowatts (gross).

The Commission concludes that a certificate of public convenience and necessity should be granted as set forth in the following order.

IT IS ORDERED that the Interim Order issued by Decision No. 67180 is hereby made final and applicable to a rating of approximately 450,000 kilowatts (gross) for Unit No. 1.

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

Dated at San Francisco, California, this 28th day of MAY, 1968.

[Signature]
President

[Signature]
[Signature]
[Signature]
Commissioners

Commissioner William N. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.