Decision **PROPOSED DECISION OF ALJ O'DONNELL** (Mailed 10/21/08)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for Authorization to: (1) Replace San Onofre Nuclear Generating Station Unit Nos.2 & 3 (SONGS 2 & 3) Steam Generators; (2) Establish Ratemaking for Cost Recovery; and (3) Address Other Related Steam Generator Replacement Issues.	Application 04-02-026 (Filed February 27, 2004)

DECISION MODIFYING DECISION 05-12-040 TO ALLOW USE OF AN ALTERNATIVE TRANSPORTATION ROUTE FOR REPLACEMENT STEAM GENERATORS AT SAN ONOFRE NUCLEAR GENERATING STATION

Summary

In Decision (D.) 05-12-040, the Commission granted the application of Southern California Edison Company (SCE) for approval of its steam generator replacement program (SGRP) for San Onofre Nuclear Generating Station Unit Nos. 2 & 3 (SONGS). The Commission also certified the Final Environmental Impact Report (Final EIR) and the Mitigation Monitoring, Compliance and Reporting Program included in the Final EIR, pursuant to the California Environmental Quality Act (CEQA).

The Final EIR determined that the Camp Pendleton Marine Corps Base (Camp Pendleton) Inland Route Alternative is the environmentally preferred alternative for transporting the replacement steam generators from the port of delivery to SONGS. The Final EIR recognized that any transportation route using the Camp Pendleton facilities requires the approval of the Camp Pendleton

Commanding General. The Marine Corps conducted an environmental analysis pursuant to the federal National Environmental Policy Act (NEPA) and, on July 3, 2008, issued a Final Environmental Assessment (Final EA) and a Finding Of No Significant Impact indicating the Beach and Road Route as the preferred alternative.[1] The Marine Corps will rely on the Final EA in issuing SCE a permit to transport the replacement steam generators across Camp Pendleton. As a result, SCE asks that D.05-12-040 be modified to allow it to use the Beach and Road Route in compliance with the Final EA.

The Final EIR fully evaluated several alternative routes for transporting the replacement steam generators including the Beach and Road Route. The Beach and Road Route was not the Final EIR's preferred route. However, because the Final EIR found the Beach and Road Route would not result in any significant and unavoidable environmental effects, the Commission can approve it without the need for findings that would otherwise be necessary pursuant to CEQA Guidelines § 15091(a).

A Subsequent EIR is not required pursuant to CEQA Guidelines § 15162 because use of the Beach and Road Route would not cause any new significant environmental effects or a substantial increase in the severity of previously identified impacts. Thus, additional CEQA review is not required and SCE's request to use the Beach and Road Route is approved.

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[1] The Beach and Road route is referred to in the Final EA as the Beach and Old Highway 101 Route.

Comments on Proposed Decision

No responses to SCE's petition to modify D.05-12-040 were filed and this decision grants the requested relief. Therefore, pursuant to Public Utilities Code Section 311(g)(2) the 30-day comment period may be waived. However, the proposed decision was mailed to the parties in order to provide the opportunity for comments. No comments were filed.

Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Jeffrey P. O'Donnell is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Marine Corps conducted an environmental analysis pursuant to NEPA and issued a Final EA and a Finding Of No Significant Impact indicating the Beach and Road Route as the preferred alternative for transporting the replacement steam generators across Camp Pendleton.

2. The Final EIR fully evaluated several alternative routes for transporting the replacement steam generators including the Beach and Road Route.

3. The Final EIR concluded that the Beach and Road Route would not result in any significant and unavoidable environmental effects.

4. The Beach and Road Route was not the Final EIR's preferred route.

5. All necessary CEQA review of using the Beach and Road Route for transporting the replacement steam generators across Camp Pendleton has occurred.

Conclusions of Law

1. The Commission can approve the Beach and Road Route without the need for findings that would otherwise be necessary pursuant to CEQA Guidelines § 15091(a).

2. A Subsequent EIR is not required pursuant to CEQA Guidelines § 15162 because use of the Beach and Road Route would not cause any new significant environmental effects or a substantial increase in the severity of previously identified impacts.

3. Additional CEQA review is not required.

4. SCE's request to use the Beach and Road Route should be approved.

5. This order should be effective immediately to allow SCE to complete the SGRP as soon as possible.

O R D E R

IT IS ORDERED that:

1. Decision 05-12-040 is modified to allow Southern California Edison Company to implement its steam generator replacement program for San Onofre Nuclear Generating Station Unit Nos. 2 & 3 by using the Beach and Road Route for transporting the replacement steam generators across Camp Pendleton Marine Corps Base.

2. Application 04-02-026 is closed.

This order is effective today.

Dated _____, at San Francisco, California.