

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL**

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**In the Matter of  
South Texas Project Nuclear Operating Co.  
Application for the South Texas Project  
Units 3 and 4  
Combined Operating License**

**Docket Nos. 52-012, 52-013**

**October 8, 2010**

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**INTERVENORS' RESPONSE TO APPLICANT'S STATEMENT OF FACTS  
PURSUANT TO 10 C.F.R. 2.710**

The Intervenor hereby respond to the Applicant's Statement of Facts.

**II. SAMDAs**

C. Controverted. Expressed in 2009 dollars the lowest-cost SAMDA is \$131,000.<sup>1</sup>

F. Controverted. To the extent that this assertion suggests there are no cost-effective SAMDAs it is controverted because the lowest-cost SAMDA is \$131,000.<sup>2</sup>

**III. STNOC's SAMDA Evaluation in ER Sections 7.3 and 7.5S.5**

H. Controverted. Expressed in 2009 dollars the lowest-cost SAMDA is \$131,000.<sup>3</sup>

**IV. ERCOT Cost Data**

A. Controverted. Applicant's replacement power costs in the ER §§ 7.3 and 7.5S.5 are understated.<sup>4</sup>

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<sup>1</sup> Johnson II, p. 3.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Johnson Report, December 21, 2009, pp. 2-7.

- B. 1. Controverted. To the extent that this assertion suggests that 2008 ERCOT data are unrepresentative of trends in gas prices it is controverted.<sup>5</sup>
- C. Controverted. Applicant's replacement power costs are understated.<sup>6</sup> The lowest cost SAMDA is \$131,000.<sup>7</sup>

## **V. Intervenor's Replacement Power Cost Estimates**

- A. Controverted. The lowest cost SAMDA is \$131,000.<sup>8</sup>
- B. Controverted. The lowest cost SAMDA is \$131,000.<sup>9</sup>

## **VI. ERCOT Market Effects**

- B. Controverted. The lowest cost SAMDA is \$131,000.<sup>10</sup>
- C. Controverted. The lowest cost SAMDA is \$131,000.<sup>11</sup>

## **VII. Price Spikes**

- B. Controverted. The lowest cost SAMDA is \$131,000.<sup>12</sup>
- C. Controverted. The lowest cost SAMDA is \$131,000.<sup>13</sup>

## **VIII. Grid Outages**

- A. Controverted. The frequency of loss of grid suggested by Applicant must be considered in light of, for example, the 2003 blackout that occurred in the Northeast United States and rolling blackouts that occurred in California in 2000-2001.<sup>14</sup>

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<sup>5</sup> Johnson II, p. 3, ¶s 8,9.

<sup>6</sup> Johnson Report, December 21, 2009, pp. 2-7.

<sup>7</sup> Johnson II, p. 3.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Johnson, p.7.

E. Controverted. The lowest cost SAMDA is \$131,000.<sup>15</sup>

Respectfully submitted,

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<sup>15</sup> Johnson II, p. 3.

<sup>15</sup> Id.

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 8, 2010 a copy of the above and foregoing was served by the Electronic Information Exchange on the following recipients:

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*Signed (electronically) by Robert V. Eye*

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