

August 16, 2011 (4:30 pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

In the Matter of:

Docket No. 52-012, 52-013

SOUTH TEXAS PROJECT NUCLEAR
OPERATING COMPANY,
Application for the South Texas Project
Units 3 and 4
Combined Operating License

DATE: 15 AUG 2011

**SAPRODANI ASSOCIATES' WRITTEN
LIMITED APPEARANCE STATEMENT**

1. DESCRIPTION OF PROCEEDING

On August 2, 2011, the U.S. Nuclear Regulatory Commission (NRC) issued a written notice (No. 11-144) which stated in relevant part that: "...An Atomic Safety and Licensing Board (ASLB) panel will hear oral argument and conduct an evidentiary hearing, beginning Aug. 17 in Austin, Texas, in the South Texas Project Combined License (COL) proceeding. . . Individuals or groups not admitted to the proceeding can submit 'written limited appearance statements' to the ASLB. *Id.* at 1-2.

WRITTEN LIMITED APPEARANCE STATEMENT

I. The NRC and the licensee failed to adequately consider and address the alternatives to the COL request to offset the need for increased output capacity of the licensee's electric grid, through energy conservation, installation of energy efficient appliances, and renewable energy sources.

A) Brief Explanation of the Basis for the Statement.

The South Texas Project Nuclear Operating Company (STPOC) COL request does not

comply with the National Environmental Policy Act, 42 U.S.C. §4321, et seq. ("NEPA") because its Environmental Report (ER) fails to adequately assess the potential for renewable energy and energy efficiency and conservation as an alternative to the COL request. *See*, 10 C.F.R. §51.53(c)(3)(iv). Over the years, there have been remarkable increases in the efficiency of solar energy systems and wind energy systems to power entire homes and to generate excess electric power back to the STPOC electric grid. Moreover, energy efficient appliances like on-demand electric hot water heaters can reduce a homeowner's electric power consumption by at least 50% or more. *See*, <http://saprohani-associates.com/On-Demand Hot Water Systems.html>. Replacing incandescent lamps with fluorescent lamps, installing ceiling fans, copper condensers in air conditioning systems, solar clothes dryers, etc. all serve to reduce the energy demands on STPOC's electric grid, so much so, that implementation of these renewal energy systems and energy conservation would actually reduce the load-demand on STPOC's electric grid to the extent that STPOC would be forced to shut-down existing power plants for lack of need.

B) This is a Valid Statement Pursuant to 10 C.F.R. 2.309

The specific issue of fact and law to be controverted is whether STPOC's Environmental Report sufficiently assesses the potential for renewable energy and energy efficiency and energy conservation as a substitute for the increase in electric power output due to the proposed COL request. 10 C.F.R. §2.309(f)(1)(i). Since there are serious factual differences concerning the opportunities for renewable energy and energy efficiency and energy conservation, there is a genuine dispute with regard to the sufficiency of the COL request. This issue is also within the proceeding's scope. 10 C.F.R. §2.309(f)(1)(iii), (f)(2)(for issues under NEPA, petitioner shall file

contentions based upon the ER). NEPA mandates that the NRC consider the environmental impacts of the action STPOC requests, and the NRC rules implement this mandate. 10 C.F.R. Pt.51. Therefore, this issue is material to findings that must be made in this proceeding. 10 C.F.R. §2.309(f)(1)(iv).

There are many ways to replace the increased electric generation anticipated by STPOC's COL request. As an initial matter, the easiest alternative is to eliminate the need for the electric power increase through demand side options. For all these reasons, STPOC's ER is insufficient in consideration of alternative energy and energy efficiency and energy conservation and this Statement should be considered by the ASLB and admitted in the record.

CONCLUSION

For all the foregoing reasons stated above, Saprodani Associates' Written Limited Appearance Statement should be considered by the ASLB and admitted in the record in the instant action.

Respectfully submitted,



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• **Docket, Hearing**

From: Thomas Saporito [saporito3@gmail.com] on behalf of Thomas Saporito [thomas@saprodani-associates.com]
Sent: Monday, August 15, 2011 7:09 PM
To: Docket, Hearing
Cc: Gibson, Michael; Eser, Jonathan; Jaczko, Gregory; DeMiranda, Oscar
Subject: Docket Nos. 52-012, 52-013 (South Texas Project Nuclear Operating Co.)
Attachments: 2011.08.15 SA Written Limited Appearance Statement.pdf

Attached, please find "*Saprodani Associates' Written Limited Appearance Statement*" in connection with Docket Nos. 52-012, 52-013, South Texas Project Nuclear Operating Company's (Combined Operating License) request.

Kind regards,

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