

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chairman  
Dr. Gary S. Arnold  
Dr. Randall J. Charbeneau

In the Matter of

NUCLEAR INNOVATION NORTH AMERICA  
LLC

(South Texas Project Units 3 and 4)

Docket Nos. 52-12-COL and 52-13-COL

ASLBP No. 09-885-08-COL-BD01

September 8, 2011

MEMORANDUM AND ORDER

(Adopting Transcript Corrections and Partially Closing Evidentiary Record)

On August 18, 2011, the Board held an evidentiary hearing in Austin, Texas to receive testimony and other evidence with respect to Contention CL-2 in this proceeding.<sup>1</sup>

On September 2, 2011, the Parties jointly filed proposed transcript corrections for the evidentiary hearing concerning Contention CL-2.<sup>2</sup> After reviewing the proposed corrections, the Board hereby adopts the corrections set forth in Appendix A to this memorandum and order and deems the transcript of the August 18 evidentiary hearing, which constitutes the official record of events at the evidentiary hearing,<sup>3</sup> to be revised in accord with those corrections.

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<sup>1</sup> Although the Board planned to conduct a hearing on Contention DEIS-1-G the following day (August 19, 2011), Intervenors' expert witness experienced a medical emergency that precluded his attendance. Tr. at 1649-53. As a result, an evidentiary hearing on Contention DEIS-1-G will be rescheduled, subject to the availability of the Board and Parties.

<sup>2</sup> Joint Proposed Transcript Corrections for Evidentiary Hearing on Contention CL-2 (Sept. 2, 2011) at 1.

<sup>3</sup> See 10 C.F.R. § 2.327(b).

The Board also hereby closes the evidentiary record for Contention CL-2.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD  
*/RA/*

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Michael M. Gibson, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 8, 2011

APPENDIX A

<b>Page</b>	<b>Line(s)</b>	<b>Correction</b>
Cover Page	N/A	For the Docket Number, change "52-013-COI" to "52-013-COL"
1424	4	Change "ANDREW" to "ANDREA"
1425	1	Change "Intervenor" to "Intervenors"
1425	1-2	Change "Sustainable Energy and Economic Development Coalition" to "Sustainable Energy and Economic Development Coalition, South Texas Association for Responsible Energy, and Public Citizen"
1426	5	Change "Jeffery" to "Jeffrey"
1426	17	Change "NRC4" to "NRRC4"
1427	3	Change "INTR1, 2 to 4" to "INTR1, INT2 to 4"
1427	9	Change "INTR50 and 55" to "INTR50 and 55, INT51 to 54"
1429	20	Change "Esser" to "Eser"
1431	11	Change "statues" to "statutes"
1431	20	Change "advanced boiling water reactor" to "Advanced Boiling Water Reactor"
1431	22	Change "advanced boiling water reactor" to "Advanced Boiling Water Reactor"
1432	1	Change "advanced boiling water reactor" to "Advanced Boiling Water Reactor"
1434	3	Change "Intervenors" to "Intervenors"
1437	4	Change "reactor" to "reactors"
1439	25	Change "the we've" to "we've"
1441	21	Change "arrangements" to "arrangement"
1444	3	Change "supposed" to "suppose"
1458	13	Change "Esser" to "Eser"
1460	1	Change "NRC4" to "NRRC4"
1462	15	Change "INTR50 and INTR55" to "INTR50 to INTR55"
1464	10-13	Change "The board denied that motion in part, purely to preserve our position, and we like to just renew our objection to those same portions" to "The board denied that motion in part. Purely to preserve our position, we would like to just renew our objection to those same portions"
1465	11	Change "The" to "the"
1468	4	Change "you do" to "you to do"
1468	22	Change "INTR50, and INTR55" to "INTR50, INT51 to 54, and INTR55"
1485	9	Change "in previous" to "in a previous"
1488	24	Change "what really matters in the 13.75 percent" to "are what really matters and the 13.75 percent"
1492	15	Change "Price" to "price"
1493	18	Change "and example" to "an example"
1494	4	Change "stabile" to "stable"
1494	6	Change "stabile if natural gas prices are stabile" to "stable if natural gas prices are stable"
1495	18	Change "that in" to "that in the"
1500	9	Change "went to a zonal" to "went to a nodal"

1501	16	Change "Some it" to "Some of it"
1503	24	Change "shell" to "shale"
1503	25	Change "gas a fairly stabile" to "gas has a fairly stable"
1504	1	Change "Energy Institute" to "energy institute"
1504	2	Change "stabile" to "stable"
1507	25	Change "remains" to "remained"
1508	1	Change "stabile" to "stable"
1512	8	Change "\$93,000" to "\$983,000"
1512	11	Change "please." to "please?"
1514	12	Change "wasmarked" to "was marked"
1515	16	Change "R000045" to "R20045"
1515	18	Change "wasmarked" to "was marked"
1516	12	Change "three" to "there"
1517	11	Change "new reg, BR-0184" to "NUREG/BR-0184"
1517	17	Change "new reg" to "NUREG"
1517	20	Change "new reg" to "NUREG"
1518	16	Change "44.7 megawatt" to "44.7 million megawatt"
1518	18	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1518	21	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1518	23	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1519	2	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1519	5	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1519	9	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1519	14	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1519	18	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1519	20	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1519	23	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1520	3	Change "more I made money on that transaction but" to "more, I made money on that transaction, but"
1520	20	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1521	2	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1521	12	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1521	18	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1522	6	Change "MR. ZIMMERLY" to "MR. PIENIAZEK"
1523	15	Change "EISs. But for the DOE, the NRC" to "EISs both for the DOE and the NRC,"
1523	16	Change "COLAs and" to "COLAs, and"
1526	9	Change "Billing" to "Boiling"
1526	12	Change "SAMDA" to "SAMDAs"
1528	15	Change "MR. PIENIAZEK" to "JUDGE ARNOLD"
1529	15	Change "vision" to "fission"
1530	11	Change "1-A" to "1a"
1531	14	Change "7.B -- 7.A or 7,B" to "7B -- 7A or 7B"
1531	15	Change "9.B" to "9B"
1531	17	Change "9.B" to "9B"
1531	18	Change "9.5" to "9B"
1532	5	Change "9.5" to "9B"
1534	1	Change "1-B" to "1b"
1538	14	Change "made" to "make"

1538	18	Change "1-C" to "1c"
1542	1	Change "Local Cost Adjustment" to "local cost adjustment"
1543	2	Change "8.1.1" to "A.1.1"
1543	10	Change "8.1.1" to "A.1.1"
1543	15	Change "9-B" to "9B"
1543	16	Change "9-B" to "9B"
1544	17	Change "Action" to "Document"
1545	7	Add an opening quotation mark before "This"
1545	11	Add a closing quotation mark after "costs."
1545	20	Add a period at the end of the sentence
1546	22	Change "credit" to "credited"
1547	5	Change "new reg, the R-0184" to "NUREG/BR-0184"
1550	18	Change "Spender" to "Spencer"
1551	2	Change "two proceedings" to "two contentions"
1551	11	Change "2336" to "2.336"
1551	23	Delete "JUDGE GIBSON:"
1552	1	Change "MR. SPENCER" to "JUDGE GIBSON"
1552	2	Change "JUDGE GIBSON" to "MR. SPENCER"
1552	5	Change "MR. SPENCER" to "JUDGE GIBSON"
1552	6	Change "JUDGE GIBSON" to "MR. SPENCER"
1552	8	Change "obligation's" to "obligations"
1552	9	Change "MR. SPENCER" to "JUDGE GIBSON"
1556	25	Change "reviewed multitude" to "reviewed a multitude"
1557	18	Change "new Reg BR-0184" to "NUREG/BR-0184"
1564	7	Change "it's" to "its"
1568	10	Change "a" to "an"
1571	21	Change "Beyond" to "beyond"
1573	8	Change "the California" to "California"
1587	19	Change "have been" to "had been"
1594	5	Change "on 15" to "15"
1598	17	Change "0501" to "05-01"
1608	1	Change "SAMDA" to "SAMDAs"
1608	17	Change "minor variations and design" to "minor variations on design"
1612	10	Change "That" to "that"
1615	24	Change "line 8 and 9" to "lines 8 and 9"
1618	17	Change "believe" to "belief"
1619	4	Change "you opinion" to "your opinion"
1620	2	Change "you position" to "your position"
1625	1	Change "Esser" to "Eser"
1626	12	Change "back I" to "back, I"
1630	15	Change "percent meaning" to "percent, meaning"
1631	11	Change "didn't didn't" to "didn't"
1633	22	Change "and accident" to "an accident"
1636	6	Change "2-C" to "2c"
1637	4	Change "9-B" to "9b"
1637	12	Change "benefit. When" to "benefit when"
1637	21	Change "costs when" to "costs, when"

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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NUCLEAR INNOVATION NORTH AMERICA LLC ) Docket Nos. 52-012-COL and 52-013-COL  
(NINA) )  
)  
(South Texas Project Units 3 and 4) )  
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Adopting Transcript Corrections and Partially Closing Evidentiary Record)** have been served upon the following persons by the Electronic Information Exchange.

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Docket Nos. 52-012-COL and 52-013-COL

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[Original signed by Nancy Greathead]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 8<sup>th</sup> day of September 2011