

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

November 29, 2011

MEMORANDUM AND ORDER

(Adopting Transcript Corrections and Closing Evidentiary Record)

On October 31, 2011, the Board held an evidentiary hearing in Rockville, Maryland to receive testimony and other evidence with respect to Contention DEIS-1-G in this proceeding.¹

On November 22, 2011, the Parties jointly proposed transcript corrections for the evidentiary hearing concerning Contention DEIS-1-G.² 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 October 31 evidentiary hearing, which constitutes the official record of events at the evidentiary hearing,³ to be revised in accord with those corrections.

¹ Tr. at 1692-1865.

² Joint Proposed Transcript Corrections for Evidentiary Hearing on Contention DEIS-1-G (Nov. 22, 2011) at 1.

³ See 10 C.F.R. § 2.327(b).

The Board also hereby closes the evidentiary record for Contention DEIS-1-G. As the hearing on Contention DEIS-1-G is the second and final hearing on environmental matters in this proceeding, this memorandum and order closes the evidentiary record for environmental matters.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 29, 2011

APPENDIX A

Page	Line(s)	Proposed Correction
1694	3	Change "1714" to "1712"
1694	10	Change "FRantz" to "Frantz"
1700	18	Change "Severe Mitigation Design Alternatives" to "Severe Accident Mitigation Design Alternatives"
1701	19	Change "Nuclear Regulatory" to "Nuclear Regulatory Commission"
1711	14	Change "There is" to "There are"
1712	8	Change "2.324" to "2.325"
1712	9	Change "witness." to "witness?"
1712	13	Change "hand." to "hand?"
1712	18	Change "perjury." to "perjury?"
1713	22	Change "TXU and Reliant CPS" to "TXU, Reliant, and CPS"
1715	12	Change "with a minute as whether" to "with me a minute as to whether"
1717	15	Change "DEIS 1G" to "DEIS-1-G"
1719	9	Change "that there is no enough reliable" to "that there is not enough reliable performance"
1719	11	Change "on most of the recent" to "on the most recent"
1724	23	Change "Texas. The" to "Texas, the"
1728	16	Change "years 2008 and 2009" to "years (2008 and 2009)"
1728	17	Change "disappear. And" to "disappear, and"
1728	23	Change "if a year its stops." to "if a year." It stops."
1729	3	Change "data the" to "data, the"
1729	12	Change "so that" to "so for that"
1730	6	Change "base" to "based"
1734	25	Change "forecast. And" to "forecast, and"
1738	21	Change "ERCOT have" to "ERCOT, have"
1738	25	Change "moth balling" to "mothballing"
1739	21	Change "stand." to "stand?"
1739	22	Change "hands." to "hands?"
1740	2	Change "perjury." to "perjury?"
1742	2	Change "DEIS-1G" to "DEIS-1-G"
1754	14	Change "2012 ," to "2012,"
1756	4	Change "was that had" to "was that it had"
1756	10	Change "did not-" to "did not have—"
1756	11-13	Change "are not in the final equations is adoption of energy efficiency standards, either building codes or the public utility." to "they are not in the final equations—is adoption of either building codes or the public utility efficiency standards."
1757	4	Change "Code" to "Codes"
1757	24	Change "The Texas" to "the Texas"
1760	3	Change "817" to "8-17"
1760	10	Change "methodology, or" to "methodology or"
1760	12	Change "of emerging" to "of other emerging"
1760	22	Change "out intent" to "our intent"
1761	6-7	Change "of the statewide actions in 2010. And much" to "of

Page	Line(s)	Proposed Correction
		statewide actions in 2010 and”
1767	4	Change “inadmissible” to “admissible”
1769	19	Change “really other than ERCOT” to “really—other than ERCOT—”
1769	20	Change “forward the” to “forward that”
1770	17	Change “This from” to “This is from”
1770	23	Move the quotation mark from before “The ACEEE” to before “new residential”
1771	5	Change “reads there seems” to “reads there it seems”
1771	6	Change “sector” to “sectors”
1771	18	Change “I would” to “It would”
1771	21	Change “need is Table” to “need Table”
1775	1	Change “8.6” to “8-6”
1775	13	Change “1,386” to “1,389”
1775	14	Change “1,386” to “1,389”
1782	23	Change “In Appendix C.1 of STP008,” to “Appendix C.1 of STP008”
1785	21	Change “truth this” to “truth, this”
1786	8	Change “DEIS 1.G” to “DEIS-1-G”
1788	17	Change “same is all” to “same in all”
1790	1	Change “line to” to “line 3 to”
1793	23	Change “Evaluation” to “Evaluations”
1794	7	Change “study” to “study that”
1802	4	Change “And the” to “And they”
1802	19	Change “Forth” to “Fort”
1806	17	Change “to first” to “to the first”
1808	7	Change “answered helped” to “answer helped”
1813	19	Change “estimation. The” to “estimation the”
1818	21	Change “increase load” to “increased load”
1820	15	Change “comma” to “,”
1823	12	Change “multiply a 100” to “multiply by 100”
1824	13	Insert Judge Charbeneau as the speaker
1827	17	Change “Powell’s testimony” to “Power’s testimony”
1828	2	Change “powers flawed” to “power is flawed”
1828	3	Change “and complete” to “and incomplete”
1828	11	Change “region” to “region.”
1829	21	Change “an admission” to “an omission”
1829	22	Change “an admission” to “an omission”
1829	25	Change “an admission” to “an omission”
1830	6	Change “of admission” to “of omission”
1830	9	Change “of DEIS” to “of the DEIS”
1830	17	Change “today, did” to “today, it did”
1834	11	Change “cycle plans” to “cycle plants”
1834	20	Change “this plan” to “this plant”
1834	24	Change “sixth largest” to “six largest”
1839	12	Change “prediction of” to “prediction of a”
1845	23	Change “D IS-1G” to “DEIS-1-G”
1845	23	Change “ethical energy” to “electrical energy”

Page	Line(s)	Proposed Correction
1846	4	Change "evaluation contentions" to "evaluation of contentions"
1846	16	Change "that FEIS" to "that the FEIS"
1847	5	Change "FEIS reasonable" to "FEIS is reasonable"
1847	6	Change "my areas" to "many areas"
1847	10	Change "was a need" to "is a need"
1847	25	Change "our cost" to "ERCOT"
1848	1	Change "capacity and demand and the reserves" to "capacity, demand, and reserves"
1848	2	Change "But even" to "But even if"
1848	3	Change "considered the" to "considered, the"
1848	7	Change "agree it's" to "agree, it's"
1848	10	Change "both these" to "both of these"
1848	23	Change "fall. there" to "fall, there"
1849	9	Change "they time" to "the time"
1850	9	Change "won't effect" to "won't affect"
1850	19	Change "is shows" to "it shows"
1851	1	Change "staff, and" to "staff and"
1851	7	Change "ratio" to "issue"
1851	12	Change "its contention" to "this contention"
1851	19	Change "58 Federal Register at 55.909" to "68 Federal Register at 55,909"
1851	20	Change "55.910" to "55,910"
1851	23	Change "with proposing" to "with proposed"
1852	7	Change "in NEPA" to "with NEPA"
1852	17	Change "impact of the building energy posed on new" to "impact of the building energy codes on new"
1853	2	Change "double or double" to "double or triple"
1853	4	Change "and disability" to "admissibility"
1853	11	Change "little rate" to "little weight"
1853	20	Change "characters such" to "factors such"
1853	22	Change "would about" to "would be about"
1854	14	Change "factors effecting" to "factors affecting"
1854	19	Change "is to by" to "is by"
1855	2	Change "generously base" to "generously estimated base"
1857	4	Change "a new for" to "a need for"
1861	11	Change "did it adopt" to "did adopt"
1861	18	Change "in tent" to "intent"
1863	5	Change "also a" to "also be a"
1863	10-12	Change "Well, one of those future code updates are not currently contention." to "Well, those future code updates are not currently part of the contention."

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
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 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
MEMORANDUM AND ORDER (ADOPTING TRANSCRIPT CORRECTIONS AND CLOSING
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Docket Nos. 52-012-COL and 52-013-COL
MEMORANDUM AND ORDER (ADOPTING TRANSCRIPT CORRECTIONS AND CLOSING
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[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 29th day of November 2011