

**Contra Costa Power Plant Unit 8 (00-AFC-1C)
Amendment Petition to Add PG&E as an Owner, Extend the
Construction Milestones, and Add Four Facility Enhancements
(July 5, 2006 Business Meeting Agenda Item 8)**

ERRATA

**Prepared by: Christopher Meyer and Paul Kramer
July 3, 2006**

DOCKET 00-AFC-1C
DATE <u>JUL -3 2006</u>
RECD. <u>JUL -3 2006</u>

Errata Justification

PG&E and Mirant expressed a concern that the understandings in staff's analysis could be read to require that it "exhaust" the avenue of consultation with the Resource agencies before it could propose to use an alternative cooling method. That was not staff's intent and we have modified understanding 2 to avoid such an implication. They are free to propose an alternative cooling method at any time.

In the same vein, staff did not intend that PG&E's obligation to participate in the resource agency consultations continue past the time when it obtains approval of an alternative cooling method. A statement indicating an understanding of the conditions of certification and agreement to comply with those conditions and understandings 1 through 3, as modified below, is sufficient to satisfy the requirement for a Change of Ownership petition.

Upon further reflection, staff believes it appropriate to provide a clarification that any construction on the cooling system that occurs before the cooling method question is resolved must not preclude the use of an alternative cooling method. We propose an additional understanding 3 to that effect.

Errata

In order to differentiate from the underline/strike-out in the original analysis indicating proposed changes in the permit, staff used different formatting to show errata changes here. Errata additions are shown **bold double underlined**, while errata deletions are shown ~~**bold double underlined**~~. The proposed changes are as follows:

Staff recommends approval of the proposed modification and change of ownership with the understanding that:

- 1) PG&E and Mirant will obtain Energy Commission approval of an amendment reflecting a new mitigation program which mitigates the cooling system impacts to a less than significant level and is acceptable to the federal and state resource agencies, and obtain all required permits

prior to the start of operation. (The previously drafted Biological Opinions from the USFWS and the National Marine Fisheries Service would not satisfy this requirement.)

- 2) If such a mitigation program ~~cannot be~~ is not developed and/or the federal permits ~~cannot be~~ are not obtained, PG&E and Mirant will obtain approval of an amendment switching to an alternative cooling method (such as reclaimed water) prior to beginning operation.
- 3) Until the resource agency permits are obtained, Unit 8 will be designed and constructed in such a manner that will not preclude the switch to an alternative cooling technology.