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March 2, 2009 (4:42 pm)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF
DOCKET NOS. 52-012
AND 52-013-COL

FROM:

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Topeka, Kansas 66603

Karen Hadden
SEED Coalition, Executive Director
1303 San Antonio, #100
Austin, Texas 78701

Eliza Brown,
SEED Coalition, Clean Energy Advocate
1303 San Antonio, #100
Austin, Texas 78701

Matthew Johnson
Public Citizen's Texas Office
1303 San Antonio
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Susan Dancer
South Texas Association for Responsible Energy
P.O. Box 209
Blessing, TX 77419

Bill Wagner
2203 Bolfbarde
Bay City, TX 77414

TO:

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemakings and Adjudications Staff
HearingDocket@nrc.gov

Associate General Counsel for Hearings
Enforcement and Administration
Office of the General Counsel
Washington, DC 20555-0001
OGCmail@nrc.gov

March 2, 2009

Request for Sensitive Unclassified Non-Safeguards Information (SUNSI) regarding Combined License Application for the South Texas Project Nuclear Power Plant Units 3 and 4

Dear NRC:

The above-listed individuals request access to Sensitive Unclassified Non-Safeguards Information (SUNSI) as potential parties who will seek to intervene in and expect to have standing in the case regarding Combined License Application for the South Texas Project Nuclear Power Plant Units 3 and 4 of South Texas Project Nuclear Operating Company (STPNOC), in accordance with 10 CFR 2.309 and the Federal Register notice of hearing and opportunity to petition for leave to intervene (Vol. 74, No. 33, Friday, February 20, 2009).

Susan Dancer is with South Texas Association for Responsible Energy is lives in Blessing, receiving mail at P.O. Box 209, Blessing, Texas, 77419. Bill Wagner resides at 2203 Bolfbarde, Bay City, Texas, 77414. They are seeking access to SUNSI documents. As citizens living near the proposed units, their health and safety are foremost among their particularized interests that could be harmed by the construction and operation of two additional nuclear reactors at Comanche Peak and they expect to gain party status in the intervention process for South Texas Project Units 3 and 4.

Also seeking SUNSI access is Karen Hadden, 1303 San Antonio St, #100, Austin, Texas, 78701, Executive Director of the Sustainable Energy and Economic Development (SEED) Coalition, a statewide nonprofit (501c3) organization with members who expect to gain standing in the intervention, including those individuals listed here previously and others who are within 50 miles of the proposed reactors. Access to SUNSI is also sought for Eliza Brown, Clean Energy Advocate for SEED Coalition, at the same address, 1303 San Antonio St, #100, Austin, Texas, 78701, also on behalf of SEED Coalition members.

Also seeking SUNSI access is Matthew Johnson, 1303 San Antonio, Austin, Texas, 78701, with Public Citizen's Texas Office. Public Citizen also has members within 50 miles of the proposed reactors and expects to gain standing in the intervention on their behalf.

Attorney Robert Eye, of Kauffman & Eye, is also seeking SUNSI access as legal counsel for the individuals and organizations referenced above. His address is 112 SW 6th Avenue, Suite 202, Topeka, Kansas 66603.

All the individuals seeking SUNSI access have the technical competence, knowledge and skills to evaluate and use the information that would be made available. If need be, we agree to be bound by the terms of a Non-Disclosure Agreement or Affidavit and protective order setting forth terms and conditions to prevent unauthorized or inadvertent disclosure of SUNSI information.

The information provided in STPNOC's Environmental Report is insufficient in order for us to meaningfully participate in the intervention process. For example, there are literally hundreds of instances in the Environmental Report where information was not included for proprietary reasons, citing "commercial and financial" or "competitive advantage," yet without viewing it, there is no way to determine if the information withheld could have significant bearing on our contentions. We believe our case could be harmed without access to this information.

Tables 1.3-1 and 1.3-3 estimating the total project costs is one example of necessary information left out of the environmental report. If ratepayers in at least one municipal utility market have the costs of nuclear power from STP incorporated into their electricity rates, they have the right to know the expected costs of the project, as they will be affected financially by the project.

Access to this information is critically needed for us to fully review the license application. We are trustworthy and reliable leaders in our community.

Our Environmental Scoping Comments detailed numerous questions and concerns. SUNSI regarding STP Units 1 and 2 and STPNOC's COLA for Units 3 and 4 is necessary in order for us to fully understand and effectively research the many issues of concern that we have identified and to effectively participate in the intervention process.

Thank you.

Robert V. Eye
Kauffman & Eye
112 SW 6th Ave., Suite 202
Topeka KS 66603
785.234.4040
bob@kauffmaneye.com

Hearing Docket

From: Robert V. Eye [bob@kauffmaneye.com]
Sent: Monday, March 02, 2009 4:42 PM
To: Hearing Docket; OGEmail@nrc.gov
Cc: Karen Hadden
Subject: STP SUNSI request Docket Nos. 52-012, 52-013
Attachments: STP SUNSI request.doc

Attached please find the above-referenced request for access to STP SUNSI materials.
Please contact me if there are questions or you require additional information.
Thank you.
Robert V. Eye

Received: from mail2.nrc.gov (148.184.176.43) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.291.1; Mon, 2 Mar 2009
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Message-ID: <49AC52C2.9090609@kauffmaneye.com>

Date: Mon, 2 Mar 2009 15:42:26 -0600

From: "Robert V. Eye" <bob@kauffmaneye.com>

User-Agent: Thunderbird 2.0.0.19 (Windows/20081209)

MIME-Version: 1.0

To: HearingDocket@nrc.gov, OGCmail@nrc.gov

CC: Karen Hadden <karen@seedcoalition.org>

Subject: STP SUNSI request Docket Nos. 52-012, 52-013

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