

Hearing Docket

From: Robert V. Eye [bob@kauffmaneye.com]
Sent: Friday, June 05, 2009 12:46 PM
To: Hearing Docket
Cc: OGCmail@nrc.gov; Frantz, Steven P.; Karen Hadden; Eliza Brown; Diane Curran
Subject: Comanche Peak/SUNSI access request
Attachments: CP SUNSI.pdf

Attention: Rulemaking and Adjudications Staff

Attached is a request for access to specified SUNSI designated information related to the pending Comanche Peak COLA adjudication.

Thank you,
Bob Eye

DOCKETED
USNRC

June 5, 2009 (12:46pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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Date: Fri, 5 Jun 2009 11:46:26 -0500

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

User-Agent: Thunderbird 2.0.0.21 (Windows/20090302)

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To: HearingDocket@nrc.gov

CC: OGCmail@nrc.gov, "Frantz, Steven P." <sfrantz@morganlewis.com>,
Karen Hadden <karen@seedcoalition.org>,
Eliza Brown <eliza.seedcoalition@gmail.com>,
Diane Curran <dcurran@harmoncurran.com>

Subject: Comanche Peak/SUNSI access request

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Kauffman & Eye

Attorneys & Counselors at Law

Kelly J. Kauffman, J.D.
kelly@kauffmaneye.com

Columbian Building
112 S.W. 6th Avenue, Suite 202
Topeka, Kansas 66603-3850

Telephone: 785-234-4040
Fax: 785-234-4260
www.kauffmaneye.com

Robert V. Eye, J.D.
bob@kauffmaneye.com

June 5, 2009

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-001

Sent by email to HearingDocket@nrc.gov

Attention Rulemakings and Adjudication Staff

RE: Luminant Generation Co., LLC, Comanche Peak COLA, Dockets 52-034, 52-035
74 Fed. Reg. 6177 (Feb. 5, 2009)/ Access to SUNSI

Dear Rulemakings and Adjudications Staff:

We represent the Petitioners, SEED Coalition, *et al.* in the above-referenced matter. The Petitioners have filed a Petition to Intervene and Request for Hearing. There has been no ruling to date on whether the Petitioners have standing in this matter. However, the NRC staff in its Answer to the Petition reviewed the allegations regarding standing of the Petitioners and determined that the Petitioners have standing to participate in this adjudication. Staff Answer, p. 9.

The purpose of this correspondence is to request access to information submitted by the Applicant, Luminant Generation Company, to the NRC referenced in its correspondence dated May 26, 2009, regarding the requirements under 10 C.F.R. 52.80(d) and 10 C.F.R. 50.54(hh)(2). The Applicant has designated this information as sensitive unclassified non-safeguards information (SUNSI).

The Petitioners have submitted a contention in this adjudication related to the above-referenced regulatory requirements. The NRC Staff has determined that, at least in part, the contention should be admitted in this adjudication. Staff Answer, p. 28. The information requested herein relates to a contention advanced by the Petitioners in the above-referenced matter. In order for the Petitioners to meaningfully participate in the adjudication it is necessary to review the requested information. To the best of the requesters' knowledge, there is no publicly available version of the requested information.

The individuals currently requesting access to the subject information are Karen Hadden, Eliza Brown and the undersigned. Ms. Hadden and Ms. Brown are affiliated with the SEED Coalition, Diane Curran of Harmon, Curran, Spielberg & Eisenberg, L.L.P., 1726 M St. NW, Suite 600, Washington D.C. 20036 who is a consultant for the Petitioners, and the undersigned counsel to the Petitioners. Depending on the nature and extent of the information at issue we may also find it necessary to designate others to whom access would be extended and would request such access as needed once we have made an initial evaluation of the subject information.

Thank you for your attention to this matter and if there are questions or you require additional information please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Eye", written in a cursive style.

Robert V. Eye

Copy emailed to:

Associate Gen. Counsel for Hearings,
Enforcement and Administration
Office of Gen. Counsel,
OGCmail@arc.gov

Steven P. Frantz
sfrantz@morganlewis.com