

June 15, 2009

Steven P. Frantz
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(Via E-mail: sfrantz@morganlewis.com)

RE: Notice of NRC Staff Granting of Request for Sensitive Unclassified Non-Safeguards Information
Luminant Generation Company LLC, Comanche Peak Nuclear Power Plant, Units 3 and 4, Docket Nos. 52-034 and 52-035

Dear Mr. Frantz:

On June 5, 2009, the NRC Staff received a request for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) contained in correspondence from Luminant Generation Company LLC to the NRC Staff dated May 22, 2009. A copy of the request is enclosed. After evaluating the request, the NRC Staff has determined that it should be granted as explained in the response to the requestors dated June 15, 2009. A copy of the response is enclosed.

Pursuant to the "Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation" (SUNSI/SGI Order)(74 FR 7936), the NRC Staff evaluated the SUNSI access requests to determine whether (1) there is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding, and (2) there is a legitimate need for access to SUNSI. The NRC Staff has determined that Ms. Karen Hadden, and Ms. Eliza Brown meet the requirements of the SUNSI/SGI Order, and therefore should have access, along with their legal counsel, to the information in the May 22, 2009 correspondence regarding the requirements under 10 C.F.R. 52.80(d) and 10 C.F.R. 50.54(hh)(2).

The SUNSI/SGI Order provides that, "...a party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of such a request." As counsel for the Applicants, you are hereby provided notice that the SUNSI request is granted.

A proposed Protective Order and an Affidavit of Non-Disclosure are enclosed for your consideration. I will be in contact to discuss filing a Joint Motion for entry of the proposed Protective Order. If you have any questions concerning this matter, please contact me at 301-415-6305 or via e-mail at james.biggin@nrc.gov.

Sincerely,

/Signed Electronically By/

Counsel for the Staff
James P. Biggin, Senior Attorney
Office of the General Counsel
Mail Stop O 15 D-21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

CC: See Attached List

Enclosures: Request for Access to SUNSI from Robert Eye, Attorney (June 5, 2009)
NRC Staff Response to Request for Access to SUNSI (June 15, 2009)
Proposed Protective Order and Affidavit of Non-Disclosure

Docket Nos.: 52-034 and 52-035

CC Via E-mail:

NRC Hearing Docket
(hearingdocket@nrc.gov)

Robert V. Eye
(bob@kauffmaneye.com)

Eliza Brown
(eliza.seedcoalition@gmail.com)

Karen Hadden
(karen@seedcoalition.org)

Rafael Flores
(Rafael.flores@luminant.com)