

From: Robert V. Eye [bob@kauffmaneye.com]  
Sent: Thursday, November 05, 2009 6:41 PM  
To: Docket, Hearing  
Cc: OGCMailCenter Resource; Vrahoretis, Susan; Spencer, Michael; Karen Hadden; Eliza Brown  
Subject: request for ISG 06-12

TO: Office of the Secretary  
FROM: Robert V. Eye  
RE: SUNSI request/ ISG 06-12  
DATE: 11.5.09

I am counsel for Intervenors in Docket No. 52-034, 52-035 (Comanche Peak Units 3 & 4) and Docket No. 52-012, 52-013 (South Texas Project Units 3 & 4). Comanche Peak was the subject of a notice of hearing in 74 Fed. Reg. 6177 (February 5, 2009). South Texas Project was the subject of a notice of hearing in 74 Fed. Reg. 7934 (February 20, 2009).

The Intervenors in both dockets are identified in the respective petitions to intervene. The interests they seek to protect are also specified in the respective petitions.

The individuals that request access to the above-referenced document, ISG 06-12 are Karen Hadden, SEED Coalition, Eliza Brown, SEED Coalition and Robert Eye.

Intervenors need this document for meaningful participation in the adjudicatory proceeding because it clarifies or addresses issues not discussed in the Standard Review Plan governing compliance with 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2). Applicants assert that their submittals conform to NEI 06-12 and that therefore they are in compliance with 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2). However, NEI 06-12 is approved by the Commission only for operating reactors, not for new reactor submittals. ISG-16 is intended to clarify or to address issues not discussed in the Standard Review Plan by providing guidance on compliance with 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) for new reactor submittals. The Intervenors cannot meaningfully analyze applicants' claims that they comply with the guidance for new reactor submittals without having access to the guidance itself. The standard for access to ISG-16, the purpose of which is, by definition, to \*correct\* \*unclear and incomplete\* guidance, should be identical to the standard by which Intervenors were granted access to the underlying (yet unclear and incomplete) SUNSI guidance document.

Additionally, the ISG 06-12 has been referenced in both of the above-referenced dockets.

The Comanche Peak references are in Intervenors' Consolidated Response to the Answers of Applicant and NRC Staff to the Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2) September 11, 2009 at p.11, Footnote 8 -- "Interim Staff Guidance on section 50.54(hh)(2) is in the process of being developed ( See 74 Fed. Reg. 13958) for release during September, 2009. Hence, whether the Applicant's submittal is consistent with the anticipated ISG is unknown."

The South Texas references are in Intervenors' Consolidated Response to the Answers of Applicant and NRC Staff to the Intervenors' Contentions Regarding Applicant's Submittal Under 10 C.F.R. § 52.80 and 10 C.F.R. § 50.54(hh)(2)" September 15, 2009 at p.12 -- "[T]he Commission has stated its intent to provide Interim Staff Guidance 16 (ISG-16) in September 2009 on 10 CFR 50.54(hh) compliance. (September 2, 2009 Generic DCWG Meeting Slide for Interim Staff Guidance as of August 2009, ADAMS accession number ML092450022)."

It is our understanding that there are no publicly available versions of ISG 06-12.

Please contact me if you require additional information to process this request.

Thank you.

Robert V. Eye  
Kauffman & Eye  
Suite 202  
112 SW 6th Ave  
Topeka, Kansas 66603  
785 234 4040  
bob@kauffmaneye.com

E-mail Properties  
Mail Envelope Properties (4AF36286.7090905)

Subject: request for ISG 06-12  
Sent Date: 11/5/2009 6:41:08 PM  
Received Date: 11/5/2009 6:41:08 PM  
From: Robert V. Eye

Created By: bob@kauffmaneye.com

Recipients:  
Hearing.Docket@nrc.gov (Docket, Hearing)

Tracking Status: None  
OGCMailCenter.Resource@nrc.gov (OGCMailCenter Resource)  
Tracking Status: None  
Susan.Vrahoretis@nrc.gov (Vrahoretis, Susan)  
Tracking Status: None  
Michael.Spencer@nrc.gov (Spencer, Michael)  
Tracking Status: None  
karen@seedcoalition.org (Karen Hadden)  
Tracking Status: None  
eliza.seedcoalition@gmail.com (Eliza Brown)  
Tracking Status: None

Post Office:  
kauffmaneye.com

Files	Size	Date & Time
MESSAGE	16354	11/5/2009

Options  
Expiration Date:  
Priority: olImportanceNormal  
ReplyRequested: False  
Return Notification: False

Sensitivity: olNormal  
Recipients received: