December 9, 2010

Steven P. Frantz
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1111 Pennsylvania Avenue, NW
Washington, DC 20004
(Via E-Mail: sfrantz@morganlewis.com)

SUBJECT:: Notice of NRC Staff Granting of Request for Sensitive Unclassified Non-Safeguards Information
Exelon Nuclear Texas Holdings, LLC, Early Site Permit Application for the Victoria County Station Site
Docket No. 52-042

Dear Mr. Frantz:

On December 2, 2010, the U.S. Nuclear Regulatory Commission Staff (NRC Staff) received a request for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) contained in Exelon's Early Site Permit (ESP) Application. 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 December 9, 2010.

Pursuant to the "Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation" (SUNSI/SGI Order)", 75 Fed. Reg. 71467, 71470, the NRC Staff evaluated the request 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 Texans for a Sound Energy Policy ("TSEP") meets the requirements of the SUNSI/SGI Order, and therefore should have access, along with their legal counsel, to the information in Part 6 of the ESP Application that is currently withheld from the public per 10 C.F.R. § 2.390.

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

I am enclosing a proposed Protective Order and an Affidavit of Non-Disclosure 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 301-415-2472 or via e-mail at stephanie.liaw@nrc.gov.

Sincerely,

/Signed (electronically) by/

Stephanie N. Liaw
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CC: See Attached List

Enclosures: Request for Access to SUNSI from Charles Irvine, Attorney (December 2, 2010)
NRC Staff Response to Request for Access to SUNSI (December 9, 2010)
Proposed Protective Order and Affidavit of Non-Disclosure

Docket No.: 52-042

CC Via E-mail:

Mr. Charles W. Irvine
(charles@blackburncarter.com)

J. Bradley Fewell
(bradley.fewell@exeloncorp.com)