

EDO Principal Correspondence Control

FROM: DUE: 03/20/01 EDO CONTROL: G20010092
DOC DT: 02/27/01
FINAL REPLY:

Timothy L. Judson
Citizens Awareness Network

TO:

Julian, SECY

FOR SIGNATURE OF : ** GRN ** CRC NO: 01-0137

Vietti-Cook, SECY

DESC:

ROUTING:

License Transfer Application for Indian Point 1 &
2 -- Delays in Process

Travers
Paperiello
Miraglia
Norry
Reiter
Craig
Burns
Piccone, OEDO
Miller, RI
Cyr, OGC
Cordes, OCAA

DATE: 02/28/01

ASSIGNED TO: CONTACT:
NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with OCAA.

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: Feb 28, 2001 11:04

PAPER NUMBER: LTR-01-0137 **LOGGING DATE:** 02/28/2001
ACTION OFFICE: EDO

AUTHOR: TIMOTHY JUDSON
AFFILIATION: MA
ADDRESSEE: EMILE JULIAN
SUBJECT: NRC'S NEED FOR TO EXAMINE HOW IT RESPONDS TO REQUEST FOR DOCUMENTS,AS WELL AS, CONCERNS ABOUT ADAMS AND PRESERVATION OF HEARING RIGHTS

ACTION: Signature of Secretary
DISTRIBUTION: OCAA, COMMISSIONER ASSISTANTS

LETTER DATE: 02/27/2001
ACKNOWLEDGED: No
SPECIAL HANDLING: EDO/OGC.
NOTES: COORDINATE RESPONSE WITH OCAA
FILE LOCATION: ADAMS
DATE DUE: 03/22/2001 **DATE SIGNED:**

EDO --G20010092

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WesCAN: 2A Adrian Court, Cortland Manor, NY 10567 P: 914-739-6164
NYCAN: 144 North 11th St, Brooklyn, NY 11211P/F: 718-963-9105

CITIZENS AWARENESS NETWORK

February 27, 2001

Mr. Emile Julian
Rulemakings and Adjudications Staff
Office of the Secretary
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Julian,

On Friday, February 16, 2001, I contacted your office to obtain a copy of the License Transfer application for Indian Point Unit Nos. 1 and 2, filed December 12, 2000 by Consolidated Edison Company of New York, Entergy Nuclear Indian Point 2 and Entergy Nuclear Operations, Inc (Docket Nos. 50-003 and 50-247). I notified you that a member of CAN's Westchester County, NY chapter had attempted for nearly two weeks to speak to someone about this matter, both in your office and with Entergy's counsel, Mr. Levanway, but calls had not been returned. I also explained that CAN was unable to use the NRC's ADAMS system to obtain the document, and that the situation was extremely urgent since the filing date for hearing requests and intervention petitions was the next business day, Tuesday, February 20, 2000.

You suggested that I contact the NRC Project Manager for Indian Point Unit 2, Mr. Patrick Milano, and inform him that he had the Secretary's Office's permission to provide CAN with a hard copy of the application on an expedited basis. However, when I contacted Mr. Milano's office, his voice mail informed me that he would be out of the office until Tuesday, February 20. The message referred urgent matters to the Indian Point 3 Project Manager, Mr. George Wonder. Mr. Wonder returned my call later that afternoon and informed me that he was preparing a redacted version, which he would mail overnight as soon as it was ready.

By Friday, February 23, CAN still had not received a copy of the document. I contacted Mr. Milano again and informed him of the urgency of this matter. He indicated that he would attempt to send CAN an electronic version of the application via email, but that he would not be able to do so until Monday, February 26. Mr. Milano contacted me yesterday by

THE EXPERIMENT IS OVER

Web site: www.nukebusters.org E-Mail: cnycan@roofmedia.org

phone and requested my email address. He notified me that he would be sending the document that afternoon. However, CAN still has not received a copy of the application. It is now nearly 28 days since we first attempted to obtain a copy of the application.

CAN filed an intervention petition February 20 explaining this situation and requesting, among other matters, an extension of time to file contentions until CAN has been able to review the application. At that time, CAN expected that it would have obtained a copy of the application within a few days of filing the petition. At this point CAN is confounded by the difficulty members of the public might have obtaining copies of a supposedly publicly available document. Not only are we increasingly concerned about the potential infringement of our hearing rights under the Atomic Energy Act, but this problem suggests a major breakdown within the NRC in terms of its ability to respond to the public. Furthermore, if CAN's hearing rights are upheld and we are granted an extension to file contentions, this inefficiency in handling our request could create further delays in the proceeding. This is truly confounding in the case of a license transfer, since the Commission has made clear its intention that applications be processed on an expedited basis, by limiting not only the scope of proceedings, but also the time for parties to submit filings.

CAN does not believe you are personally responsible for this matter. CAN has appreciated your timeliness and responsiveness in other matters. We are bringing this to your attention so that the NRC can address it. Obviously, we are very concerned about how this delay in obtaining the applications could affect our participation in the license transfers of Indian Point 1 and 2. However, we are equally concerned about the potential implications this may have for public participation in the nuclear regulatory process. Thank you for your attention to this important matter.

Sincerely,

Timothy L. Judson, Organizer
Citizens Awareness Network

Cc: Patrick Milano, USNRC
Office of the General Counsel, USNRC
Douglas Levanway, Esq.
Brent Brandenburg, Esq.
Paul Nolan, Esq.
Jay Silberg, Esq.
Deborah Katz, CAN
Marilyn Elie, Wes-CAN