

EDO Principal Correspondence Control

FROM: DUE: / /

EDO CONTROL: G20070531
DOC DT: 07/25/07
FINAL REPLY:

Sherwood Martinelli
Peekskill, New York
(Green Nuclear Butterfly)

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 07-0499

DESC:

Entergy's Application for License Renewal -
Indian Point

ROUTING:

Reyes
Virgilio
Kane
Ash
Ordaz
Cyr/Burns
Collins, RI
Brenner, OPA

DATE: 07/30/07

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with OPA, as appropriate.

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 27, 2007 12:48

PAPER NUMBER: LTR-07-0499 **LOGGING DATE:** 07/26/2007
ACTION OFFICE: EDO

AUTHOR: Mr. Sherwood Martinelli
AFFILIATION: NY
ADDRESSEE: CHRM NRC Chairman
SUBJECT: Addresses concerns regarding Entergy's application for license renewal

ACTION: Appropriate
DISTRIBUTION: Chrm, Comrs. OPA, RAS, RF

LETTER DATE: 07/26/2007

ACKNOWLEDGED: No
SPECIAL HANDLING: Immediate release to the public via SECY/EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

EDO --G20070531

CHAIRMAN - (no subject)

From: <RoycePenstinger@aol.com>
To: <rsb1@nrc.gov>, <chairman@nrc.gov>, <ptk@nrc.gov>, <nas@nrc.gov>, <Palisadesart@aol.com>, <judya814@comcast.net>, <acer8sac@comcast.net>, <garyfromvermont@yahoo.com>
Date: 07/25/2007 9:34 PM
Subject: (no subject)

Dear NRC:

This letter addresses several issues of great concern regarding Entergy's application for license renewal, and the announcement today that the NRC has decided to accept said application for review, and is giving the public a limited window of opportunity to Request a Hearing, and File A Petition To Intervene. The issues I wish to have addressed are as follows:

1. I earlier today contacted Richard Barkley to request certain documents necessary for a complete review of Entergy's application, and prepare our contentions. These documents were requested on the advice of and expert in the nuclear reactor field of which myself, Green Nuclear Butterfly, and FUSE are not prepared to identify at this time. (Contracts still pending.) I was informed by Richard Barkley that these documents, needed to properly present our case, were removed from public access on the NRC (Adams) web site after 9/11, and that it might take some time to figure out how to accommodate our document request. These documents include A) original preliminary PSAR, B) PSAR, C) FSAR, D) UFSAR, and E) the Westinghouse Power Up Rate PSAR. These crucial documents go to the heart of Indian Point 1, 2 and 3's aging management plan, and will prove conclusively one way or another if the licensee is within NRC regulatory compliance, or is capable of being in compliance during the hoped for 20 years of additional operation asked for in the license renewal application.

It is requested, that the time clock stand still, that all pending actions be halted until such time as our group and coalition have been provided full and complete access to these necessary documents. It would be both egregious and nefarious for the NRC to hold our community to a 60 day deadline to file contentions when it is your agency holding up our rightful access to these important documents.

2. In the press release today (No. 07-091) there seems to be a significant oversight/omission that must be addressed before the NRC publishes this announcement in the Federal Registry. I draw your attention to the following quote from the NRC press release:

The NRC also received letters from the New York State Attorney General, Riverkeeper, and Friends United for Sustainable Energy (FUSE), asserting that Entergy's license renewal application was incomplete or inaccurate. Although the NRC has determined that the application contains sufficient information to docket the application, the staff will consider these comments as appropriate during the technical review process.

I find it more than disturbing that the NRC fails to mention the letters created by, and originated by myself as an individual stakeholder, and as the Chairperson of the Green Nuclear Butterfly wherein I and other co-signers raised significant objections and allegations about the incomplete nature of the Entergy application. To preserve any/all of my future legal rights, feel it imperative to have this omission corrected, so that the NRC is presenting a truthful and honest representation of the facts. It is therefore respectfully requested, that the above paragraph be corrected to include my communications on this very subject. Further, I respectfully request that my letter alleging the applications were wrongfully joined and presented as one singular application are in violation of Federal Laws, and fail to address the very real fact that Indian Point 2 LLC, and Indian Point 3 LLC are two wholly owned independently recognized corporations be included in the press release and Federal Registry to preserve my rights to defend and present this legal issue for consideration.

3. Lastly, there are several informational requests pending before the NRC that staff in the relicensing division so far have been extremely remiss in addressing in a timely fashion. There steadfast refusal to cooperate with the stakeholders living in the host community surrounding Indian Point is creating a tremendous interference with our ability to adequately review the Entergy Application, hire experts, and prepare our contentions. For this reason, we are requesting a meeting in the area of Indian Point within the next seven business days to address our concerns, fully clarify any misunderstandings, and reach agreement on the expedient production of, or access to the documents we need.
 Respectfully Submitted

Though I will be filing a more formal Request For Hearing, and Petition to Intervene within whatever time frame is eventually settled upon, it is stated here for the record, that I Sherwood Martinelli as a stakeholder living less than three miles from Indian Point, on behalf of myself individually, and all those represented under the Green Nuclear Butterfly umbrella am/are requesting a hearing, and protecting my rights for same, and to act as and intervenor.

Sherwood Martinelli
 351 Dyckman Street
 Peekskill, New York 10566
 914 734 1955

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Mail Envelope Properties (46A7FA26.0F5 : 11 : 37109)

Subject: (no subject)
Creation Date Wed, Jul 25, 2007 9:34 PM
From: <RoycePenstinger@aol.com>
Created By: RoycePenstinger@aol.com

Recipients

nrc.gov
kpl_po.KP_DO
NAS (Neil Sheehan)
RSB1 (Richard Barkley)

nrc.gov
OWGWPO04.HQGWDO01
PTK (Pao-Tsin Kuo)

nrc.gov
OWGWPO02.HQGWDO01
CHAIRMAN

yahoo.com
garyfromvermont

comcast.net
acer8sac
judya814

aol.com
Palisadesart

Post Office

kpl_po.KP_DO
OWGWPO04.HQGWDO01
OWGWPO02.HQGWDO01

Route

nrc.gov
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yahoo.com
comcast.net
aol.com

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Mime.822	13603	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 27, 2007 12:48

PAPER NUMBER: LTR-07-0500 **LOGGING DATE:** 07/26/2007
ACTION OFFICE: EDO

AUTHOR: Mr. Sherwood Martinelli
AFFILIATION: NY
ADDRESSEE: CHRM NRC Chairman
SUBJECT: Concerns This Thursday 4-26! NRC's Indian Point Annual Basement Public Meeting

ACTION: Appropriate
DISTRIBUTION: Chrm, Comrs, RF

LETTER DATE: 07/25/2007

ACKNOWLEDGED: No
SPECIAL HANDLING: Immediate release to the public via SECY/EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

CHAIRMAN - Re: This Thursday 4-26 ! NRC's Indian Point Annual Basement Public Meeting

From: <RoycePenstinger@aol.com>
To: <RSB1@nrc.gov>, <kenokin@verizon.net>, <acer8sac@comcast.net>, <garyfromvermont@yahoo.com>, <chairman@nrc.gov>, <deb@nukerbusters.org>
Date: 07/25/2007 9:46 PM
Subject: Re: This Thursday 4-26 ! NRC's Indian Point Annual Basement Public Meeting
CC: <fuse@yahoo.com>

Dear Richard:

I find it rather disconcerting that yourself, and the NRC seem bent on omitting both myself, and Green Nuclear Butterfly. First, is this letter...I raised both individually, and as Chair of Green Nuclear Butterfly many of the contentions that were also raised by FUSE, Riverkeeper, and even the State Attorney General's Office. I feel it imperative that this omission/slight be corrected before the announcement is released in the Federal Registry. As example, I share with you a paragraph from today's press release:

The NRC also received letters from the New York State Attorney General, Riverkeeper, and Friends United for Sustainable Energy (FUSE), asserting that Entergy's license renewal application was incomplete or inaccurate. Although the NRC has determined that the application contains sufficient information to docket the application, the staff will consider these comments as appropriate during the technical review process.

Though many of us are working together on the Entergy License Renewal Application, we each on certain issues have our own agenda, as well as our own stakeholder rights that must be preserved. As both you and the NRC are well aware, I and the Green Nuclear Butterfly have been either directly and/or indirectly involved in many of the documents flooding into the NRC. To preserve my and my organizations rights, I respectfully request that the record, and Federal Registry Notice be changed to adequately show my own assertions and allegations as relates to the incompleteness of Entergy's application, as well as the fraud perpetuated therein.

I would ask for and expedited decision by NRC and the commission on this request, so if necessary I can appeal same in a timely fashion in my efforts to preserve my and my organization (and those we represent) rights to redress and due process of law.

Sherwood Martinelli
351 Dyckman Street
Peekskill, New York 10566
914 734 1955

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Mail Envelope Properties (46A7FCD6.147 : 18 : 37191)

Subject: Re: This Thursday 4-26 ! NRC's Indian Point Annual Basement Public Meeting
Creation Date Wed, Jul 25, 2007 9:45 PM
From: <RoycePenstinger@aol.com>
Created By: RoycePenstinger@aol.com

Recipients

nrc.gov
 OWGWPO02.HQGWDO01
 CHAIRMAN

nrc.gov
 kp1_po.KP_DO
 RSB1 (Richard Barkley)

yahoo.com
 fuse CC
 garyfromvermont

nukebusters.org
 deb

comcast.net
 acer8sac

verizon.net
 kenokin

Post Office

OWGWPO02.HQGWDO01
 kp1_po.KP_DO

Route

nrc.gov
 nrc.gov
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 nukebusters.org
 comcast.net
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Mime.822	7055	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
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OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 27, 2007 12:48

PAPER NUMBER: LTR-07-0501 **LOGGING DATE:** 07/26/2007
ACTION OFFICE: EDO

AUTHOR: Mr. Sherwood Martinelli
AFFILIATION: NY
ADDRESSEE: CHRM NRC Chairman
SUBJECT: Concerns formal request for date change of September 2007 public meeting

ACTION: Appropriate
DISTRIBUTION: Chrm, Comrs. RF

LETTER DATE: 07/25/2007
ACKNOWLEDGED: No
SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

CHAIRMAN - Formal Request For Date Change of September 2007 Public Meeting

From: <RoycePenstinger@aol.com>
To: <RoycePenstinger@aol.com>, <rsb1@nrc.gov>, <chairman@nrc.gov>, <ptk@nrc.gov>, <nas@nrc.gov>, <Palisadesart@aol.com>, <judya814@comcast.net>, <acer8sac@comcast.net>, <garyfromvermont@yahoo.com>, <arb@nrc.gov>
Date: 07/25/2007 11:28 PM
Subject: Formal Request For Date Change of September 2007 Public Meeting

To: Chairman's Office, NRC
Richard Barkley
Dr. Pao-Tsin Kuo

This letter is a formal request for a postponement of the September Scoping Meeting outlined in the NRC's relicensing schedule laid out for the benefit of Entergy. As a stakeholder living within 3 miles of the Indian Point reactors (1, 2 and 3), I've worked diligently at the task of exercising my constitutional rights, as well as those few abridged rights still afforded by the NRC. Since April 30th when it was announced that Entergy had officially filed its application for license renewal, I have taken all necessary steps to secure and read well in excess of 10,000 pages of documents which are necessary to fully and completely understand Energy's application. Simply put, the task is a monumental one, and it is made more daunting by difficulties being presented to us from federal agencies, including the NRC and DOE.

Certain crucial documents FOIA ed from the DOE have been supplied to us within the last week. However, we have been informed that other documents necessary for our critique of Entergy's application will not be delivered before October 27th of this year. Unlike Entergy, the New York State Attorney General's Office, and even Riverkeeper, most stakeholder citizens do not have staff, do not have a budget, which puts us (we believe deliberately so) at a distinct disadvantage in protecting our rights, and meeting a very tight schedule that the NRC wants to adhere too. If, as the NRC would have us believe, their first duty is human health and safety, and if as the NRC would have us believe, they want all stakeholders treated fairly, and kept on equal footing, the schedule as currently envisioned must be changed to accommodate the reality that most affected citizen stakeholders have to live within (jobs, children, family, no funding, no budget, no staff).

It will be extremely difficult, if not impossible to complete a Petition to Intervene (Complete with supported contentions.) and the Request for hearing by the October 1st deadline established in this matter. Scheduling a public meeting on the Environmental Scoping issues during this limited 60 day window creates and unfair hardship on citizen stakeholders living within 25 miles of the Indian Point Facility. Further, certain information we'll need in presenting my/our own concerns at the public meeting/hearing are not going to be available for review and dissemination until October 27, 2007 (at the earliest). In short, crucial documents needed for presentation of our environmental concerns at this public meeting will not arrive in our hands until 38 days AFTER THE MEETING HAS BEEN HELD if the date is not changed.

For this reason, it is respectfully requested herein, that the NRC move back all envisioned and scheduled dates in the Entergy License Renewal Application process for a period of 90 days. This gives citizens stakeholders adequate opportunity to complete PENDING FOIA requests, gives NRC staff adequate time to complete and fulfill promises made to us at a meeting held earlier this summer, and allows us adequate time to review documents once we have them in hand.

Sherwood Martinelli
Green Nuclear butterfly
351 Dyckman Street
Peekskill, New York 10566
914 734 1955

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Mail Envelope Properties (46A814B5.38B : 23 : 37771)

Subject: Formal Request For Date Change of September 2007 Public Meeting
Creation Date Wed, Jul 25, 2007 11:27 PM
From: <RoycePenstinger@aol.com>
Created By: RoycePenstinger@aol.com

Recipients

nrc.gov
 kp1_po.KP_DO
 ARB (A Randolph Blough)
 NAS (Neil Sheehan)
 RSB1 (Richard Barkley)

nrc.gov
 OWGWPO04.HQGWDO01
 PTK (Pao-Tsin Kuo)

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Mime.822 9823

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

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