

EDO Principal Correspondence Control

FROM: DUE: / / EDO CONTROL: G20070646
DOC DT: 09/12/07
FINAL REPLY:

Sherwood Martinelli
Peekskill, New York

TO:

Chairman Klein

FOR SIGNATURE OF : ** GRN ** CRC NO: 07-0611

DESC:

Indian Point (EDATS: SECY-2007-0345)

ROUTING:

Reyes
Virgilio
Kane
Ash
Ordaz
Burns
Collins, RI
Cyr, OGC

DATE: 09/18/07

ASSIGNED TO: CONTACT:

NRR

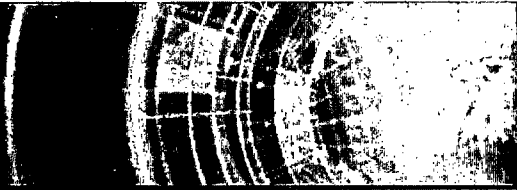
Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2007-0345

Source: SECY

General Information

Assigned To: NRR

OEDO Due Date: NONE

Other Assignees:

SECY Due Date: NONE

Subject: Indian Point

Description:

CC Routing: Region I; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20070646, LTR-07-0611

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Appropriate Action

Priority: Medium

Signature Level: No Signature Required

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: For Appropriate Action.

Document Information

Originator Name: Sherwood Martinelli

Date of Incoming: 9/12/2007

Originating Organization: Citizens

Document Received by SECY Date: 9/17/2007

Addressee: Chairman Klein, et al.,

Date Response Requested by Originator: NONE

Incoming Task Received: E-mail

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 17, 2007 09:03

PAPER NUMBER: LTR-07-0611 **LOGGING DATE:** 09/13/2007
ACTION OFFICE: EDO

AUTHOR: Sherwood Martinelli
AFFILIATION: NY
ADDRESSEE: Dale Klein
SUBJECT: Exemptions to license for Indian Pt 2 and 3

ACTION: Appropriate
DISTRIBUTION: Chairman, Comrs, OGC

LETTER DATE: 09/12/2007
ACKNOWLEDGED: No
SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC
NOTES:
FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

EDO --G20070646

CHAIRMAN - Exemptions to License for IP2 and IP3

From: <RoycePenstinger@aol.com>
To: <ptk@nrc.gov>, <fxc@nrc.gov>, <rsb1@nrc.gov>, <chairman@nrc.gov>
Date: 09/12/2007 9:51 PM
Subject: Exemptions to License for IP2 and IP3
CC: <Palisadesart@aol.com>

Dear Pao-Tsin Kuo:

According to my read of the 10CFR54 Rules and Regulations, and other sections of the code and NUREG guidance, it is my understanding that Entergy is required to provide as a part of the LRA a full and complete listing of all exemptions they wish to have carried over into the new superceding license should their application for license renewal be approved by the NRC, complete with and analysis or justification for exemption carry over.

Further research, and discussions lead me to believe that exemption can be interpreted to include in exemptions any/all relief provided to the licensee through Generic Letters, Requests for Relief which are granted by the NRC, and exemptions granted through other regulatory processes. Further, either the licensee and/or Entergy or both should have and easily attainable list of these exemptions, as they would be a part of the GDC and/or CLB. (See 54.3)

We have made other requests for the entire CLB which your staff has remained mute on, despite our right to have access to documents necessary for a full review of the LRA as affected stakeholder citizens. Since the CLB (which includes exemptions) is required to be a part of the LRA, we restate our request to be provided same (Current Licensing Basis) in and expedient fashion. If the NRC wants to claim the CLB is a living ever changing document or set of documents, please identify with specificity all documents, Generic Letters and other minutia that comprise the CLB for Indian Point 2 and Indian Point 3, so that we can locate and read said documents on ADAMS (If certain documents comprising the CLB are not currently on ADAMS, we formally request their addition to ADAMS as a part of the documents necessary for adequate citizen review of the LRA for IP2 and IP3. Additionally, since the NRC should have a simple chronological list of the exemptions granted to their licensees (as would be necessary for tracking of the CLB and for enforcement capability), we respectfully request the complete list of exemptions/relief that has been granted to IP2 and IP3 from the filing of their original applications through too today. We further request a full and complete list of the exemptions with analysis that IP2 or IP3 are requesting be carried over into their new superceding license should their LRA after review be approved. (10CFR54)

Lastly, it is our understanding that Entergy has submitted some recent amendments to their license renewal application which we have not been notified about. We respectfully request that both Susan Shapiro and I receive copies of these license renewal application amendments as soon as they are docketed, and be given 60 days to review same, and submit contentions on them. Further, this is to be considered as and ongoing request. Whenever new amendments are submitted to the NRC by Entergy, ENO, Entergy Nuclear Northeast, IP2 LLC or IP2 LLC or other parties for the license renewal application in question, we want immediate copies of the amendment submittals, and a 60 day period in which to review same, and submit contentions germane to the amendments. Further, we request copies of any LRA changes that take shape as a result of staff review, including proposed and or agreed upon future commitments too be entered into the new Superceding license, so that we can adequately have a chance to review and submit comments and or contentions on this new information that changes the LRA. Further, we formally request that all amendments or changes as they come in be published in the Federal Registry for comment and review to preserve the publics right to be fully involved in the LRA process.

Finally, we request that Susan Shapiro President of FUSE USA (palisadesart@aol.com) Sherwood Martinelli Vice President of FUSE USA (roycepenstinger@aol.com) be placed on all service lists to which Entergy belongs, or that generate documents related to or affecting Entergy and/or the Indian Point site. This request is germane to the LRA now in process at the NRC...as example, we reference Entergy's recent request for license transfers in the name of company reorganization. Such license transfers in the name of corporate house cleaning could have a dramatic effect on the LRA and provide us with additional contentions on the grounds of newly available and/or changed information/status.

Respectfully Submitted

Sherwood Martinelli
Vice President
FUSE USA
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Peekskill, New York 10566
914 734 1955

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Mail Envelope Properties (46E89734.06C : 5 : 57452)

Subject: Exemptions to License for IP2 and IP3
Creation Date Wed, Sep 12, 2007 9:49 PM
From: <RoycePenstinger@aol.com>

Created By: RoycePenstinger@aol.com

Recipients

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OWGWPO02.HQGWDO01
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kp1_po.KP_DO
 RSB1 (Richard Barkley)

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OWGWPO01.HQGWDO01
 FXC (Francis Cameron)

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OWGWPO04.HQGWDO01
 PTK (Pao-Tsin Kuo)

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Palisadesart CC

Post Office

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Route

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Files

MESSAGE
 TEXT.htm
 Mime.822

Size

4749
 5936
 12470

Date & Time

Wednesday, September 12, 2007 9:49 PM

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