

EDO Principal Correspondence Control

FROM: DUE: / / EDO CONTROL: G20070647  
DOC DT: 08/21/07  
FINAL REPLY:

Sherwood Martinelli  
Peekskill, New York

TO:

Chairman Klein

FOR SIGNATURE OF : \*\* GRN \*\* CRC NO: 07-0620

DESC:

Indian Point Sirens (EDATS: SECY-2007-0344)

ROUTING:

Reyes  
Virgilio  
Kane  
Ash  
Ordaz  
Burns  
Collins, RI  
Baker, OIS  
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-2007-0344

**Source:** SECY

## General Information

**Assigned To:** NRR

**OEDO Due Date:** NONE

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** Indian Point - Sirens

**Description:**

**CC Routing:** Region I; OGC; OIS

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20070647, LTR-07-0620

**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:** 9/14/2007

**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 14:34*

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**PAPER NUMBER:** LTR-07-0620 **LOGGING DATE:** 09/17/2007  
**ACTION OFFICE:** EDO

**AUTHOR:** Sherwood Martinelli  
**AFFILIATION:**  
**ADDRESSEE:** Dale Klein  
**SUBJECT:** September 19th enviromental scoping meeting

**ACTION:** Appropriate  
**DISTRIBUTION:** Chairman, Comrs, OGC

**LETTER DATE:** 09/14/2007  
**ACKNOWLEDGED** No  
**SPECIAL HANDLING:** Made publicly available in ADAMS via EDO/DPC

**NOTES:**  
**FILE LOCATION:** ADAMS

**DATE DUE:** **DATE SIGNED:**

**CHAIRMAN - Re: Letter Your Asked for This Morning**

**From:** <RoycePenstinger@aol.com>  
**To:** <RSB1@nrc.gov>, <chairman@nrc.gov>, <fxc@nrc.gov>, <nas@nrc.gov>, <ptk@nrc.gov>  
**Date:** 09/14/2007 9:25 AM  
**Subject:** Re: Letter Your Asked for This Morning

Gee, you are sounding a bit like Sam with that reply...I'd think the NRC would really prefer not having all this drug out at the public EIS Scoping meeting, but if necessary, sure I can brief a few people, as the whole laundry list of concerns on the DBT would more than eat up the five minutes I myself am being allowed. The NRC is adamant about only giving us four meetings, is adamant about not granting us well reasoned and deserved extensions of time while Entergy gets extensions of time to come back into compliance at will (IE, this last inspection, the sirens) and the NRC grants itself and extension of time in a LRA on the grounds there is simply too much information to wade through in the time allotted, and then as an agency, the NRC acts shocked when stakeholders like myself lose our patience, or scream to the heavens that the process is unfair and rigged. Curious here...IF you were not employed by the NRC, and were trying to cross all their overly burdensome T's meant as roadblocks to public involvement, if you were seeing the NRC granting themselves and their licensees extensions of time, while refusing to FAIRLY consider our requests, would you think the system was fair, or allege that it had become overly complicated and unfair? As one example, not only are we fighting Entergy, who has earmarked \$40 million dollars for the legal fight to get these two reactors licensed, but we seem to be fighting the very agency that is supposed to be there to protect us.

Rather humorous in a not haha fashion, that the very allegations I alleged after the August siren test are a part of the issues of inadequacy noted by FEMA in their eight page letter to Entergy, and yet the NRC barely acknowledged by filing of a compliant/allegation on the issue, as if to say they either A) do not care, or decided I was/am chicken little. Curious...how come the NRC has been silent on the siren issue, has not issued an enforcement letter or fined Entergy yet...almost a MONTH after they promised said sirens would be in compliance. For that matter, where is the MANDATORY public meeting on this important NEW violation? In 2003, the NRC granted Entergy a FIVE YEAR deferment of a required reactor vessel head inspection until 2008, despite the FACT that signs of boric acid corrosion have been identified at Indian Point in previous examinations...you can find that admission on ADAMS. Five year deferment of a critical reactor vessel head, but the NRC is silent on the citizens (including now four members of Congress) formal request for a 60 day extension of the filing deadline for filing of our Formal Requests for Hearing, and Petitions to Intervene.

Not trying to take this out on you personally, just very frustrated and angry at the NRC right now for a system that is defacto unfair to host communities. For the past two weeks, I have put in, on average, 19 hours a day, seven days a week working on our contentions, am tired, and frustrated that many of the documents we deserve to have are tied up in NRC attempts to delay their FOIA obligations with hair splitting. Further frustrated at the reality that the NRC has in hand written formal requests to:

- A) Postpone the September 19th EIS Scoping Meeting because of improper notice in the FR.
- B) Extend the filing deadline until two agencies of the Federal Government have completed their obligations under FIOA, and we have had adequate time to review the information as it relates to Entergy's LRA, and file any necessary contentions based on that information that your own rules state we are entitled to review in properly examining the LRA.

Despite these pending formal requests, the process moves on, and the NRC has not even given us the cursory courtesy of acknowledging and/or replying to said requests. It took the agency less than a week to get a letter out in response to Entergy's most recent request for an extension of time to prepare themselves for an NRC inspection. Further, it seems more than suspect that the NRC, right in the middle of our 60 day window of opportunity to review and examine the application has schedule two NRC meetings...it is more than deliberate that the NRC's timing of their calendar takes us away from this important task, diverts our attention away from where it should be. Problem is, we cannot afford to drop the ball in being prepared for the EIS Scoping meeting either, and the NRC knows this, Entergy knows this, and from the public's perception, their appears to be a dark cloud of collusion which exists between the NRC and Entergy.

Sure this letter will find itself tossed on the same garbage heap of disregard that most of my other documents seem to have ended up, but felt it imperative to create a historical record of NRC's callous behaviors. What is truly pathetic and sad, is this...if the NRC held its licensees to the same strict adherence to the NRC rules and regulations as promulgated under 10 CFR as they seem intent on holding the public, the public would probably be far less distrustful of the NRC than we are. Unfortunately, 1000's of generic letters, and site specific requests for relief granted by the NRC show us there exists a huge set of DOUBLE STANDARDS.

Again Richard, this is not aimed at you specifically, as you seem to make a genuine attempt to be helpful to the public. Instead it is aimed at the Bo Phem's, Sam Collins's, Russell A Nichol's and Pao-Tsin Kuo's of the agency that hold public stakeholders in such low esteem, who seem incapable of being honest when addressing us, be it in letter format, or at public meetings. IE, am still waiting for Sam Collins briefing on the DBT, and Indian Points security problems that he PERSONALLY promised me back in April of this year at the Annual License Review public meeting. I guess he really does not want to explain the NRC's decision to remove and easily attainable 50 Cal. Semi-automatic rifle from the DBT. Especially not when I already know that they did, and that said weapon could easily take out Indian Point's guard towers from one mile away. Said weapon has been described in various manuals as the most deadly weapon COMMERCIALY AVAILABLE in the US of A. Or perhaps he is embarrassed at the NRC's decision to remove armor piercing ammunition from the DBT, even though said ammunition is readily available and USED by gangs out in LA?

Or instead, maybe he knows just how VULNERABLE the water intake and discharge canal is to a Terrorist attack, and believes the NRC's keeping its head in the sand on said issue will make it go away? You have a great day, and will see you and the rest of the staff at next weeks meeting.

Sherwood

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**Mail Envelope Properties** (46EA8BCC.ED8 : 15 : 28376)

**Subject:** Re: Letter Your Asked for This Morning  
**Creation Date** Fri, Sep 14, 2007 9:25 AM  
**From:** <[RoycePenstinger@aol.com](mailto:RoycePenstinger@aol.com)>  
**Created By:** [RoycePenstinger@aol.com](mailto:RoycePenstinger@aol.com)

**Recipients**

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

nrc.gov  
kp1\_po.KP\_DO  
NAS (Neil Sheehan)  
RSB1 (Richard Barkley)

nrc.gov  
OWGWPO01.HQGWDO01  
FXC (Francis Cameron)

nrc.gov  
OWGWPO02.HQGWDO01  
CHAIRMAN

**Post Office**

OWGWPO04.HQGWDO01  
kp1\_po.KP\_DO  
OWGWPO01.HQGWDO01  
OWGWPO02.HQGWDO01

**Route**

nrc.gov  
nrc.gov  
nrc.gov  
nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	6929	Friday, September 14, 2007 9:25 AM
TEXT.htm	8102	
Mime.822	16974	

**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