

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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AUTHOR: Sherwood Martinelli
AFFILIATION: NY
ADDRESSEE: Dale Klein
SUBJECT: Difficulties with NRC FOIA department
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LETTER DATE: 09/24/2007
ACKNOWLEDGED: No
SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC
NOTES:
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CHAIRMAN - Difficulties with NRC FOIA Department

From: <RoycePenstinger@aol.com>
To: <geri_shapiro@clinton.senate.gov>, <chairman@nrc.gov>, <fxc@nrc.gov>, <FOIA@nrc.gov>
Date: 09/24/2007 8:13 PM
Subject: Difficulties with NRC FOIA Department
CC: <Palisadesart@aol.com>, <ulrich@ulrichwitte.com>, <acer8sac@comcast.net>

Dear Geri Shapiro:

I am contacting you in the hopes that my Senator, Hillary Clinton can help overcome difficulties I am having with the NRC in getting access to documents necessary in citizen stakeholders having adequate access to historical documents necessary in our attempts to adequately review Entergy's License Renewal Application and form/support our contentions.

As example, choosing to play a game of semantics and hair splitting, Russell Nichols, the Public Affairs Officer in the FOIA office has been holding up a FOIA filed several months ago as he attempts to deny a fee waiver for documents FOIA. (stated fee for those documents necessary for application review \$22,000).

Further, I filed a FOIA this weekend via email, and received a quick turn around with my answer received today. The same day the New York Times ran an article by Matt Wald reporting on our not-for-profit Watch Dog group's (FUSE USA) filing of 26 contentions. In a short terse email reply, all requests were denied.

In view of the fact that a FOIA request months old is languishing in red tape over at NRC headquarters, it seems fruitless to lose valuable time in preparing our contentions trying to work with Mr. Nichols in gaining access to important historical documents. Therefore, I am contacting you in the hopes of getting Hillary Clinton's help in clearing away the red tape, and making these important documents available to me so that I can continue my research efforts as a volunteer, and Vice President of FUSE USA. Trying to cut down on use of paper, and to make it possible for all of Hillary Clinton's constituents to have access to these documents, I had requested they be put on ADAMS. FUSE USA will be more than happy to have them on ADAMS, transferred onto CD ROM, or (though a tragic waste of trees) in traditional paper format.

SPECIFICALLY NEEDED DOCUMENTS

All Historical Documents for IP1, IP2 and IP3. These historical documents (most of which are not easily available, and almost impossible to know by name, which makes locating all that more difficult) are the very back bone of the Current Licensing Basis (CLB), Design Basis (DB), and the General Design Criteria (GDC) that are the very foundation of the license, and moving forward the renewed license.

NRC regulations require licensees seeking to extend their licenses for 20 more years to list all exemptions/relief granted in the period of the current license that they wish to carry over into the period of additional operation with an analysis of each one which justifies why such exemption should be carried over into the new superceding license.

- A) We want a full and complete set of the exemption/relief granted for IP1, IP2 and IP3 -It is impossible to gauge the effectiveness of Indian Point's Aging Management Plans without reviewing them against all exemptions from 10 CFR Rules and Regulations, or other criterion.
- B) Further, we request a full and complete set of all the exemptions/relief that Entergy intends to carry over into the new superceding license, complete with justification analysis also be placed onto ADAMS.

I point your attention to 10CFR54.21 which states in part:

2) A list must be provided of plant-specific exemptions granted pursuant to 10 CFR 50.12 and in effect that are based on time-limited aging analyses as defined in § 54.3. The applicant shall provide an evaluation that justifies the continuation of these exemptions for the period of extended operation.

These exemptions should include any/all exemptions created/granted through Generic Letters to the industry or created through licensee requests for relief.

We also specifically ask for the FFDSAR for IP1, IP2 and IP3 to be loaded up onto ADAMS. Further, all versions of the FSDSAR, FSAR, FFSAR, UFSAR as well as all Safety Reports (SER), Inspection Reports, and all historical data related to violations. It is pointed out here, that one of our key contentions could not be supported if we had not been successful in getting a copy of a SER dating back to 1970.

We are requesting that ALL HISTORICAL documents for IP1, IP2 and IP3 be loaded up onto ADAMS for public use in the Indian Point License Renewal review going back to the very beginning, rather than only giving us ADAMS access to documents newer than 1999. Using the excuse that we can spend months pouring over Microfiche files searching for files is simply and unacceptable option when a community is being asked to play host for and aging nuclear reactor for 20 more years.

Further, we ask that every document claimed as Proprietary be specifically identified by title and date, and as required by NRC regulations be replaced with a specific synopsis of what the document contains complete with a summary, so that we can challenge said proprietary claim. We further make the same request for ALL DOCUMENTS or portions thereof that have been redacted for supposed Security Reasons. Lastly,

we ask that all Indian Point Documents be placed into one Master File on ADAMS for ease of locating them for review. This FOIA is to be considered and treated as and on going FOIA for the period of LRA review. We point out here, that NRC's own rules require them to weigh the public's right to know against the Licensees' desire to have the information deemed proprietary, and if the public right too know out weighs the company's desire to keep said document proprietary, even at the expense of the licensees' advantage in their industry. The NRC DOES NOT DO THIS, but instead routinely ignores their own regulations, and grants requests for proprietary status of documents as simply a matter of course. We would hope your office could help us in having every proprietary document relating to IP1, IP2, and IP3 properly reviewed by NRC staff using their own proper weighing criteria.

To put our request in perspective, Mr. Nichols has claimed that the NRC does not have a list of the exemptions granted to Indian Point in their 30 plus years of operation. Exemptions are a part of the current licensing basis, and keeping track of them goes to the very heart of A) aging management issues which are the core of the license renewal application review process, and B) must be known with certainty if the NRC is adequately protecting human health and the environment.

With the deadline for filing contentions fast approaching (Nov. 30, 2007) this plea for the Senator's help in this matter is of the utmost importance. I thank you in advance for your help and attention to this important issue facing the citizens of New York, and specifically Westchester County.

Respectfully,

Sherwood Martinelli
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Subject: Difficulties with NRC FOIA Department
Creation Date Mon, Sep 24, 2007 8:13 PM
From: <RoycePenstinger@aol.com>

Created By: RoycePenstinger@aol.com

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MESSAGE	7039	Monday, September 24, 2007 8:13 PM

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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