

EDO Principal Correspondence Control

FROM: DUE: 10/31/07

EDO CONTROL: G20070670
DOC DT: 09/21/07
FINAL REPLY:

Sherwood Martinelli
FUSE USA

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 07-0643

Dyer, NRR

DESC:

ROUTING:

2.206 - Indian Point/ADAMS Access

Reyes
Virgilio
Kane
Ash
Ordaz
Burns
Cyr, OGC
Jones, OGC
Mensah, NRR

DATE: 09/26/07

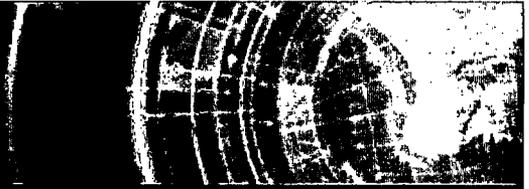
ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:



EDATS Number: SECY-2007-0376

Source: SECY

General Information

Assigned To: NRR

OEDO Due Date: NONE

Other Assignees:

SECY Due Date: NONE

Subject: 2.206 - Indian Point

Description:

CC Routing: NONE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20070670, 2.206

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: NRR

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Sherwood Martinelli

Date of Incoming: 9/21/2007

Originating Organization: FUSE USA

Document Received by SECY Date: 1/1/0001

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: E-mail

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 26, 2007 14:26

PAPER NUMBER: LTR-07-0643 **LOGGING DATE:** 09/25/2007
ACTION OFFICE: ED/GC
AUTHOR: Sherwood Martinelli
AFFILIATION: NM
ADDRESSEE: Dale Klein
SUBJECT: Adequate document access on ADAMS 2.206 request for action
ACTION: Appropriate
DISTRIBUTION: Chairman, Comrs
LETTER DATE: 09/25/2007
ACKNOWLEDGED No
SPECIAL HANDLING: EDO/OGC (Trip Rothschild)..Made publicly available in ADAMS via EDO/DPC
NOTES: Requests stay of filing deadline of Indian Point license renewal contentions until IP licensing boxes are made public in ADAMS
FILE LOCATION: ADAMS
DATE DUE: **DATE SIGNED:**

EDO --G20070670

CHAIRMAN - Adequate Document Access on Adams 2.206 Request For Action

From: <RoycePenstinger@aol.com>
To: <chairman@nrc.gov>, <rsb1@nrc.gov>, <ptk@nrc.gov>, <fxc@nrc.gov>
Date: 09/21/2007 11:14 AM
Subject: Adequate Document Access on Adams 2.206 Request For Action
CC: <geri_shapiro@clinton.senate.gov>, <Palisadesart@aol.com>, <ulrich@ulrichwitte.com>, <john@heyokamagazine.com>, <brainman2u@yahoo.com>, <igmuskala@yahoo.com>, <acer8sac@comcast.net>, <garyfromvermont@yahoo.com>, <judya814@comcast.net>, <phillip@riverkeeper.org>, <lisa@riverkeeper.org>, <mannajo@clearwater.org>, <remyc@optonline.net>, <crotonshaw@optonline.net>

Dear Chairman:

First, this is a formal 10 CFR 2.206 petition request. Earlier this week (September 19th, 2007) at the EIS Scoping meeting for the Indian Point LRA Bo Phem stated on the public record that the documents necessary for review of the Application are online at the NRC's ADAMS site.

Sec. 2.206 Requests for action under this subpart.

(a) Any person may file a request to institute a proceeding pursuant to Sec. 2.202 to modify, suspend, or revoke a license, or for any other action as may be proper.

1. This is not fully and completely true. For the most part, ADAMS so far only has documents dating back to 1999 as reiterated to me by Richard Barkley of your Region 1 staff. Therefore, Bo Phem's assertions at best were/are a HALF TRUTH.
2. Some of the historical documents are online at ADAMS, but finding them is a hodgepodge hit and miss search game as they are not all gathered in one historical file, and those historical files that are available are only the ones which some party has actually requested via FOIA.
3. Most of the historical documents HAVE NOT been transferred over onto ADAMS. Without these historical documents for IP1, IP2 and IP3 it is IMPOSSIBLE for any citizen, and perhaps even all NRC staff to have an accurate picture of the **General Design Criteria (GDC)** of the plant. Understanding the GDC of the plant is ABSOLUTELY CRITICAL to understanding the LRA (License Renewal Application) and forming our contentions, since the GDC is the CORNERSTONE of a license renewal application.

For this reason, under the provisions of 10 CFR 2.206 I am asking for an order from the Commission that would put EVERY HISTORICAL DOCUMENT up onto ADAMS organized into a centralized folder for Indian Point (including ALL HISTORICAL DOCUMENTS for IP1, IP2 and IP3). Said file would be further broken down into three sub-folders, one for each reactor licensee, and a fourth for all documents that discuss one or more Entergy sites that include one or more of the Indian Point Reactors.

Further, NRC rules relating to Proprietary Requests by licensees be weighed by the NRC against the public's right to know, and even if making the document/information public would hurt the company's financial interests, and/or see them lose their edge in the industry, if the public's need to know (especially in the case of an EIS or Licensing action) is more important, said documents are to be made public.

(i) § 2.390 Public inspections, exemptions, requests for withholding

See subsection B (5) (6)

(5) If the Commission determines, under paragraph (b)(4) of this section, that the record or document contains trade secrets or privileged or confidential commercial or financial information, the Commission will then determine whether the right of the public to be fully apprised as to the bases for and effects of the proposed action outweighs the demonstrated concern for protection of a competitive position, and whether the information should be withheld from public disclosure under this paragraph. If the record or document for which withholding is sought is deemed by the Commission to be irrelevant or unnecessary to the performance of its functions, it will be returned to the

applicant.

(6) Withholding from public inspection does not affect the right, if any, of persons properly and directly concerned to inspect the document. Either before a decision of the Commission on the matter of whether the information should be made publicly available or after a decision has been made that the information should be withheld from public disclosure, the Commission may require information claimed to be a trade secret or privileged or confidential commercial or financial information to be subject to inspection under a protective agreement by contractor personnel or government officials other than NRC officials, by the presiding officer in a proceeding, and under protective order by the parties to a proceeding. In camera sessions of hearings may be held when the information sought to be withheld is produced or offered in evidence. If the Commission subsequently determines that the information should be disclosed, the information and the transcript of such in camera session will be made publicly available.

Additionally, for every document granted proprietary protection by the NRC, the licensee is to put in its place a replacement document that provides a detailed summary of the information contained therein. This has not been done with EVERY Historical Document for IP1, IP2 and IP3. It is therefore requested, that every Proprietary document in the entire Indian Point files be reviewed in the fashion prescribed by your own rules and regulations, and where possible, released to the public via ADAMS. For those documents the NRC deems properly proprietary, require the licensee to place into the public domain via ADAMS the required DETAILED SUMMARY.

As a part of this Petition, Sherwood Martinelli points out, that citizens cannot adequately review aging management programs proposed by the licensee (IP 2 LLC and IP3 LLC) when we do not have the ability to review fully Chapter 14 of the UFSAR, which the NRC has almost fully redacted under the name of National Security. We request as a part of this petition that the NRC Commission order staff and Entergy to provide to the public a full and un-redacted version of the Safety Analysis for both plants so that we can fully understand the risks associated with Indian Point, and adequately weigh the proposed aging management plans found in the licensees LRA.

Lastly, because these documents are necessary for a complete review of the License Renewal Application, we as a part of this 2.206 application request a STAY of the clock until such time as this review is done, and all Proprietary Document issues have been resolved. Because of the important nature of this formal petition for action, and because time is crucial, it is lastly requested that this petition as much is allowable by NRC 10 CFR Rules and Regulations be expedited through the decision making process, since our deadline for filing of Contentions is November 30th, 2007.

Respectfully Submitted

Sherwood Martinelli
 FUSE USA Vice President
 351 Dyckman Street
 Peekskill, New York 10566
 (914) 734 1955

For those receiving this letter who feel this 2.206 Petition for action fair, please support our request by signing on to and endorsing the Petition by dropping a email note to the chairman at chairman@nrc.gov

You can also let Hillary Clinton know your stand on this important issue by CCing your letter to her staff at geri_shapiro@clinton.senate.gov It is VERY IMPORTANT that a candidate seeking the highest office in our land be on the RIGHT SIDE of public health and safety.

Further, post this 2.206 to your friends, and on your message boards. We need justice served, and it is wrong that the NRC is not following its OWN RULES is weighing the publics right to know against the company's desire to keep documents proprietary.

Lastly, send a copy of this Petition to ALL YOUR ELECTED OFFICIALS asking them to sign onto this reasonable 2.206 request. We need to separate the wheat from the chaff, and if your elected officials will not embrace this reasonable request, they are not deserving of your vote. Remember, the future we leave our children and grandchildren depends on who wins this fight, and right now with the NRC's help, the nuclear industry is winning the fight, and wrongfully forcing communities nationwide to play host to aged and extremely dangerous nuclear reactors for 20 more years.

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Mail Envelope Properties (46F3DFE6.87B : 9 : 51323)

Subject: Adequate Document Access on Adams 2.206 Request For Action
Creation Date Fri, Sep 21, 2007 11:14 AM
From: <RoycePenstinger@aol.com>

Created By: RoycePenstinger@aol.com

Recipients

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clinton.senate.gov

Files

MESSAGE	8000
TEXT.htm	12736
Mime.822	23868

Size

Date & Time

Friday, September 21, 2007 11:14 AM

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