

EDO Principal Correspondence Control

FROM: DUE: / / EDO CONTROL: G20070685
DOC DT: 09/26/07
FINAL REPLY:

Sherwood Martinelli
FUSE USA

TO:

Chairman Klein

FOR SIGNATURE OF : ** GRN ** CRC NO: 07-0662

DESC:

Reasonable Assurance - Indian Point
(EDATS: SECY-2007-0388)

ROUTING:

Reyes
Virgilio
Kane
Ash
Ordaz
Burns
Dyer, NRR
Cyr, OGC

DATE: 09/28/07

ASSIGNED TO: CONTACT:
RI Collins

SPECIAL INSTRUCTIONS OR REMARKS:

. For Appropriate Action.

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2007-0388

Source: SECY

General Information

Assigned To: Region I

OEDO Due Date: NONE

Other Assignees:

SECY Due Date: NONE

Subject: Reasonable Assurance - Indian Point

Description:

CC Routing: NRR

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

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Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

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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: 9/26/2007

Originating Organization: FUSE USA

Document Received by SECY Date: 9/28/2007

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: E-mail

CHAIRMAN - The Definition of Reasonable Assurance...seeking clarity.

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Dear Chairman:

On behalf of FUSE USA, and on behalf of the citizen stakeholders living within the shadow of Indian Point, we are constantly told that the evacuation plan, the DBT, and a host of other components, systems and decisions related to your licensee (Entergy) provide reasonable assurance that public health and the environment will be adequately protected.

Ascertaining that fact or even if the claim is valid requires a finite definition of what the NRC means by reasonable assurance, what they mean in the use of the word adequately. IE, in the 10 CFR 54 rules addressing the License Renewal process, it is gleaned that Aging Management programs must be adequate to provide reasonable assurance that public health and the environment will be protected.

What exactly does that REALLY MEAN? The problem is, right now the NRC's use of adequate and reasonable assurance are vague, ambiguous, ever moving targets. That fact makes it very difficult if not impossible for host communities to form and write our contentions. Without the NRC's concrete and specific definition of these terms, we as stakeholders are wrongfully being kept in the dark. This becomes even more apparent when one reviews other License Renewal cases on the NRC docket where it becomes clearly apparent that the NRC is using the vagueness and ambiguity of these words as applied to their 10 CFR rules and regulations to have very differing criteria of acceptability in meeting the rules and regulations of 10 CFR, specifically as relates to License Renewal. You cannot expect to fairly enforce regulations if they are applied differently, unequally, from one licensee to another.

Licensees and the agency regulating them have a burden to operate and regulate in "good faith". To that end, I am asking the NRC, your legal staff, to provide and/or to define VERY SPECIFICALLY and finitely the definition as used by the NRC of adequate (in all its various derivatives) and the term reasonable assurance (in all its various derivatives). The definition is requested to clarify the BENCHMARKS that clearly and concisely define the terms and requirements that a licensee and/or the NRC must meet in fulfilling NRC's own definition of these terms as they are used in the 10 CFR Rules and Regulations. We as a community cannot, and should not have to try to hit the proverbial moving target. As example, Aging Management Plans must be sufficient enough to provide reasonable assurance that the licensee can do a Safe Shut down of the reactor and adequate protect public safety. Without a clear definition of the terms reasonable assurance, and adequate.

It is imperative as our community moves forward into the LRA process for Entergy's aging reactors to know specifically the definition(s) being used by the NRC for these two terms. Based on past history, the first knee jerk response by the NRC is going to be and impulse to write me back claiming that the definition is found on ADAMS if I just take the time to search for it, put together the myriad pieces of the jigsaw puzzle. I've done that, I've spent hundreds of hours on ADAMS, read numerous NUREGS, LIC 100 recommendations, and even the rules of procedure by which the NRC is supposed to abide and operate by. Simply stated, there is no clearly defined FINITE definition of these important terms. I am placing before you a very simple, clearly stated request. Define these two terms in a finite, clearly understood definition that can be used by the stakeholders in reading NRC documents and decisions, in reviewing and preparing comments and/or contentions as relates to the immediate case of Entergy's LRA for IP2 and IP3.

Respectfully,

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For those on the CC list, I would encourage you to write the NRC yourselves demanding that these definitions be clearly and NARROWLY defined so that we can actually understand just what if any assurances our community is really afforded in Entergy's application..to gauge the adequacy of Aging Management plans, we need to know by what measuring stick they are being judged. You can send your request to the commission by writing chairman@nrc.gov. It is also suggested here, that you begin writing your ELECTED officials asking them to endorse this request for definition of the terms as they are applied to 10 CFR, and to Entergy's fatally flawed LRA. Post this to your list serves, share it with friends in your email trees. We must remove the veil of secrecy, must have a fully open and transparent license renewal process for Indian Point.

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Concealed Subject: No
Security: Standard

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Message is eligible for Junk Mail handling
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Subject: The Definition of Reasonable Assurance...seeking clarity.
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