

EDO Principal Correspondence Control

FROM: DUE: / / EDO CONTROL: G20070725
DOC DT: 10/03/07
FINAL REPLY:

Sherwood Martinelli
FUSE USA

TO:

Chairman Klein

FOR SIGNATURE OF : ** GRN ** CRC NO: 07-0686

DESC:

NRC Responses to Previous Correspondence
(EDATS: SECY-2007-0434)

ROUTING:

Reyes
Virgilio
Kane
Ash
Ordaz
Burns
Baker, OIS
Collins, RI
Cyr, OGC
Brenner, OPA

DATE: 10/11/07

ASSIGNED TO: CONTACT:
NRR Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

For Appropriate Action.

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2007-0434

Source: SECY

General Information

Assigned To: NRR

OEDO Due Date: NONE

Other Assignees:

SECY Due Date: NONE

Subject: NRC Responses to Previous Correspondence

Description:

CC Routing: OIS; Region I; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20070725, LTR-07-0686

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: 10/3/2007

Originating Organization: Citizens

Document Received by SECY Date: 10/10/2007

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: E-mail

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 10, 2007 08:58

PAPER NUMBER: LTR-07-0686 **LOGGING DATE:** 10/09/2007
ACTION OFFICE: EDO

AUTHOR: Sherwood Martinelli
AFFILIATION: NY
ADDRESSEE: Dale Klein
SUBJECT: NRC response letter

ACTION: Appropriate
DISTRIBUTION: Chairman, Comrs, OGC

LETTER DATE: 10/03/2007
ACKNOWLEDGED: No
SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:
FILE LOCATION: ADAMS
DATE DUE: **DATE SIGNED:**

EDO --G20070725

CHAIRMAN - Re: NRC response letter

From: <RoycePenstinger@aol.com>
To: <BMP@nrc.gov>, <chairman@nrc.gov>, <fxc@nrc.gov>, <rsb1@nrc.gov>, <nas@nrc.gov>
Date: 10/03/2007 11:21:52 AM
Subject: Re: NRC response letter

Dear Mr. Phem:

First, for the future, it is respectfully requested that you, the NRC not co-mingled and conjoin issues raised in numerous inquiries into one response. Such a tactic on the part of the NRC clouds issues, and further, creates unnecessary confusion wherein the NRC can actually leave key issues out of their response, while claiming to have address my correspondence. If you carefully review the various letters you rolled into this one response, you will quickly realize that you FAILED in addressing ALL ISSUES RAISED. Further, to have an accurate and illuminated record, it is necessary that issues raised in separate letters on separate dates remain separate, and be addressed singularly and individually. Your and the NRC's adherence to this request in the future is greatly appreciated.

Secondly, your synopsis of my letters is woefully incomplete, and incorrect in every scope. Further, the NRC response was/is deliberately untimely. As example, responding to my request for a postponement of the September 19th Public EIS Scoping meeting some two weeks after the meeting occurred is not only untimely, but deliberately timed to make any appeal of the NRC decision on this important issue MOOT. You, and the staff of the NRC have negligently, egregiously and wantonly abridged my constitutional rights to redress. My position on this is supported by the fact that the Chairman's own legal staff spoke to me on the phone prior to that meeting, and promised to look into this very issue, and attempt to get back to me that day with a response. Anticipating this disregard of protocol and law, I took the liberty of memorializing in writing my conversation with Mr. Davis. It is further noted here, that Chip Cameron was also made aware of this request SEVERAL WEEKS before the meeting in question.

The NRC Staff has initiated its review of the Indian Point LRA, and will continue to conduct that review in accordance with NRC practice.

First, lets BE CLEAR. There is a world of difference between conducting the NRC review of the LRA in accordance with NRC practice, and reviewing the license according to the RULES, REGULATIONS and LAW. It is suggested here that the NRC learn the differences between the two. As example, there have already been numerous changes to the LRA that you, and the NRC staff have failed to bring to the attention of the General Public...IE, the almost 400 page amendment to the license that significantly changes the CLB as defended and supported in the original license application. Each of these changes to the application, each amendment to the LRA should be noticed in the Federal Registry, with stakeholders given adequate time to submit new contentions on said changes to the application.

A notice of this extension will soon be published in the Federal Register.

Define soon. This is the identical promise found in the email sent to me by NRC staff on September 18th that notified me that my request for and extension had been granted.

(5) that a meeting be held to address your concerns regarding the NRC Staff's production of documents sought in several pending requests for information.

Seeing as one of my information requests (a properly filed FOIA) has been being batted around the halls of the NRC now for almost five months, in light of the fact that Sam Collins promise of answering specific questions dates back to April of this year, this seems like a reasonable request. Couple that with other information requests in the pipeline that have not been fulfilled, such as issues brought to the attention of Richard Barkley on the morning of September 19th, 2007 it would seem wise to have a meeting in which NRC can state specifically where in process these requests are, and when the answers and/or documents will be forth coming. If the NRC prefers, I'd be more than happy to see if one of my elected officials can work towards securing such a meeting?

I look forward to a more timely response from you...with the tight time line that the NRC has established for review of Entergy's LRA's for IP2 and IP3, it is simply unacceptable to see stakeholder inquiries languishing on your desk for three or months before you decide to respond. As example, I filed an allegation on Entergy's non-working siren system back in August, and have yet to get a response to that allegation, even in the form of a simple note acknowledging receipt of same.

Sherwood Martinelli
 351 Dyckman Street
 Peekskill, New York 10566

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Mail Envelope Properties (4703B386.10A : 14 : 33034)

Subject: Re: NRC response letter
Creation Date Wed, Oct 3, 2007 11:21 AM
From: <RoycePenstinger@aol.com>

Created By: RoycePenstinger@aol.com

Recipients

nrc.gov

kp1_po.KP_DO

NAS (Neil Sheehan)

RSB1 (Richard Barkley)

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FXC (Francis Cameron)

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CHAIRMAN

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BMP (Bo Pham)

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kp1_po.KP_DO

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TWGWPO03.HQGWDO01

Route

nrc.gov

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nrc.gov

Files

MESSAGE

TEXT.htm

Mime.822

Size

4706

6368

13201

Date & Time

Wednesday, October 3, 2007 11:21 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