

October 30, 2007

Mr. Sherwood Martinelli  
Vice President  
FUSE USA, Inc.  
351 Dyckman Street  
Peekskill, NY 10566

Dear Mr. Martinelli:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your E-mail correspondence to me of September 12, 2007, regarding the Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point) license renewal application (LRA) submitted by Entergy Nuclear Operations, Inc. (Entergy). In your correspondence, you requested that the NRC provide you with (1) a list of all documents that comprise the Current Licensing Basis (CLB) for Indian Point Units 2 and 3, (2) a complete list of all exemptions and relief requests that have been granted to Indian Point Units 2 and 3, since the filing of their original license applications to the present, (3) a complete list of the exemptions with analysis that Entergy has requested to be carried over into their new superseding license should their LRA be approved, (4) copies of any license renewal application amendments that have been filed, as well as any future amendments as soon as they are docketed (and you request that you be given 60 days to review those documents in order to submit contentions on them), and (5) "copies of any LRA changes that take shape as a result of staff review, including proposed and or agreed upon future commitments too *[sic]* be entered into the new superseding license," so that you can review and submit comments and or contentions thereon. Further, you requested (6) "that all amendments or changes, as they come in, be published in the Federal Registry *[sic]* for comment and review," and (7) that Susan Shapiro, President of FUSE USA, and you "be placed on all service lists to which Entergy belongs, or that generate documents related to or affecting Entergy and/or the Indian Point site."

With regard to your requests to be provided with various documents and material related to the Indian Point CLB and LRA, as we indicated to you by letter dated July 25, 2007, available resources do not permit the NRC staff to research and assemble the numerous documents you have requested, nor do we anticipate that such resources would be available in the foreseeable future. However, the NRC staff has made, and continues to make available to the public, a plethora of correspondence, regulatory requirements, and other documents related to the LRA and/or the Indian Point facility, which you may research at your convenience. These documents include correspondence between the licensee and the NRC Staff pertaining to the Indian Point facility in general, as well as to the LRA. These documents will be supplemented on an ongoing basis in the future, in accordance with established NRC practice. As you are aware, publicly available documents are placed in the NRC's Public Document Room (PDR) in Rockville, Maryland, and can also be accessed through the NRC's Electronic Reading Room. Members of the public may access the Electronic Reading Room libraries from computers with Internet access by going to <http://www.nrc.gov/reading-rm/pdr.html>. The ADAMS Electronic Reading Room is accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov).

S. Martinelli

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With regard to your request that all amendments or changes to the LRA, as they come in, be published in the *Federal Register* for comment and review, such documents are routinely placed in the PDR and would also be available in ADAMS. Any determination of the need to publish a notice in the *Federal Register* concerning the receipt or issuance of a particular document would be made by the NRC Staff on a case-by-case basis, in accordance with applicable law. With regard to your request that you be afforded time to review various documents before filing contentions thereon, that request raises an adjudicatory matter and is beyond the NRC Staff's regulatory authority. Finally, with regard to your request for you and Ms. Shapiro to be placed on various service lists, we have included you both on the service list associated with the Indian Point license renewal review. With regard to other documents related to general (current) licensing matters at Indian Point, we will include you on the electronic distribution list, as we have done for various other persons who expressed an interest in the Indian Point facility. However, we are unable to accommodate your request that your names be placed on all service lists to which Entergy belongs, as that would impose an unworkable burden on the NRC staff.

Thank you for your interest in the license renewal process at Indian Point.

Sincerely,

***/RA Samson Lee for /***

Pao-Tsin Kuo, Director  
Division of License Renewal  
Office of Nuclear Reactor Regulation

cc: See next page

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**/RA Samson Lee for /**  
 Pao-Tsin Kuo, Director  
 Division of License Renewal  
 Office of Nuclear Reactor Regulation

cc: See next page

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cc:

Susan Shapiro  
President  
FUSE USA  
21 Perlman Drive  
Spring Valley, NY 10977