

RAS14838

From: Sherwin Turk
To: Palisadesart@aol.com; richardbrodsky@msn.com
Date: Fri, Dec 28, 2007 5:43 PM
Subject: Re: Exhibit Clarification - Petition to Intervene WestCAN, RCCA, Sierra Club, PHASE

Dear Ms. Shapiro and Mr. Brodsky:

I just received your E-mail message, dated December 27 but sent today, December 28, at 4:46 PM, from Ms. Shapiro's "Palisadesart" E-mail address.

Your message incorrectly states that you are "clarifying and resending the following attached exhibits" upon my request, in part. Let's be clear.

You had previously sent the NRC Staff your petition to intervene and exhibits by E-mail on December 10, followed by the delivery of a CD containing the exhibits. You did not serve the Staff with a paper copy of your exhibits. We found we could not open numerous electronic files containing your exhibits, as they were corrupt and could not be accessed; many other exhibits were missing or incomplete. In our telephone conference call with you and Entergy's Counsel on December 19, you committed to send the Staff a complete paper copy of your petition and all exhibits, along with a correct table of exhibits, for delivery on Friday morning, December 21. You made other commitments to Entergy's Counsel, promising to send them certain materials by E-mail that day, to rectify the problems they had encountered with your exhibits. In return, both Entergy's attorneys and I indicated we would not file motions to strike, subject to our receipt of the promised materials within the agreed time. The Staff received your delivery on Friday, December 21, as promised. I did not request anything other than that.

I do not understand what you are attempting to file now, or whether it differs in any way from the paper copy we received from you on December 21. If you are filing anything else now, you are late. You are also late in trying to supplement or rectify your previous filings, without seeking leave to do so. Further, due to the numerous problems we have encountered with your electronic filings in the past several months, we will not even attempt to open your latest electronic files. Proper service requires a paper copy; your E-mail message and electronic transmissions do not constitute proper service.

We do not have time, nor should we have to sort through your repeated bulk mailings to try to determine what is new or different from your previous filings. If your latest E-mail messages and electronic contain anything different from the paper copy that you delivered to us on December 21, please advise me immediately, identifying any such changes.

Thank you.

Sincerely,
Sherwin Turk
Counsel for NRC Staff

CC: Beth Mizuno; Brian Newell; Christopher Chandler; David Roth; Indian Point Service List; Kimberly Sexton; Lloyd Subin; pham, bo

DOCKETED
USNRC

December 28, 2007 (5:43pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

TEMPLATE = SECY-040

SECY-02

Mail Envelope Properties (47757BF3.99A : 21 : 35538)

Subject: Re: Exhibit Clarification - Petition to Intervene WestCAN, RCCA, Sierra Club, PHASE

Creation Date Fri, Dec 28, 2007 5:42 PM

From: Sherwin Turk

Created By: SET@nrc.gov

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assembly.state.ny.us

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bestweb.net

vob CC (Daniel O'Neill)

clearwater.org

mannajo CC (Manna Greene)

entergy.com

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gw.dec.state.ny.us

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OWGWPO02.HQGWDO01
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OWGWPO03.HQGWDO01
CCC1 CC (Christopher Chandler)

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OWGWPO04.HQGWDO01
ZXX1 CC (Zachary Kahn)

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BNM1 CC (Beth Mizuno)
BPN1 CC (Brian Newell)
KDL2 CC (Kaye Lathrop)
LGM1 CC (Lawrence McDade)

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KAS2 CC (Kimberly Sexton)
LBS3 CC (Lloyd Subin)

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nycedc.com
mdelaney CC (Michael Delaney)

oag.state.ny.us
John.Sipos CC (John Sipos)

ourrocklandoffice.com
mbs CC (Susan Shapiro)

po.state.ct.us
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riverkeeper.org
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Files	Size	Date & Time
MESSAGE	3163	Friday, December 28, 2007 5:42 PM

Options

Expiration Date:	None
Priority:	Standard
ReplyRequested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

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