

**From:** Sherwood Martinelli <fuse\_usa@yahoo.com>  
**To:** <Palisadesart@aol.com>, <richardbrodsky@msn.com>, "Sherwin Turk" <SET@nrc.gov>  
**Date:** 1/1/2008 12:36:15 PM  
**Subject:** Re: Exhibit Clarification - Petition to Intervene WestCAN, RCCA, Sierra Club, PHASE  
**cc:** "Nancy Burton" <NancyBurtonCT@aol.com>, "Sherwood Martinelli" <roycepenstinger@aol.com>, "Arthur Kremer(2)" <kremer@area-alliance.org>, "Richard Brodsky" <brodskr@assembly.state.ny.us>, "Daniel O'Neill" <vob@bestweb.net>, "Manna Greene" <mannajo@clearwater.org>, "William Dennis" <wdennis@entergy.com>, "Joan Matthews" <jlmatthe@gw.dec.state.ny.us>, "Diane Curran" <dcurran@harmoncurran.com>, "Kathryn Sutton" <ksutton@morganlewis.com>, "Martin O'Neill" <martin.o'neill@morganlewis.com>, "Paul Bessette" <pbessette@morganlewis.com>, "Hearing HearingDocket" <HearingDocket@nrc.gov>, "Christopher Chandler" <CCC1@nrc.gov>, "Zachary Kahn" <ZXK1@nrc.gov>, "Beth Mizuno" <BNM1@nrc.gov>, "Brian Newell" <BPN1@nrc.gov>, "Kaye Lathrop" <KDL2@nrc.gov>, "Lawrence McDade" <LGM1@nrc.gov>, "Kimberly Sexton" <KAS2@nrc.gov>, "Lloyd Subin" <LBS3@nrc.gov>, "Bo Pham" <BMP@nrc.gov>, "David Roth" <DER@nrc.gov>, <IPNonPublicHearingFile@nrc.gov>, <OCAAMAIL@nrc.gov>, "Richard Wardwell" <REW@nrc.gov>, "Michael Delaney" <mdelaney@nycedc.com>, "John Sipos" <John.Sipos@oag.state.ny.us>, "Susan Shapiro" <mbs@ourrocklandoffice.com>, "Robert Snook" <Robert.Snook@po.state.ct.us>, "Phillip Musegaas" <phillip@riverkeeper.org>, "Victor Tafur" <vtafur@riverkeeper.org>, "Arthur Kremer" <ajkremer@rmfpc.com>, "Daniel Riesel" <driesel@sprlaw.com>, "Jessica Steinberg" <jsteinberg@sprlaw.com>, "Justin Pruyne" <jdp3@westchestergov.com>

Dear Mr. Turk:

I am not a fan of Susan Shapiro, nor for that matter a fan of the NRC. That being said, afraid I must step in here even if the board has egregiously tossed me from the process. Any one that wants to can IGNORE my rant...any one that wants to see true justice might want to step in and offer us here at FUSE USA some much needed help with our contentions, and in appealing the boards barring of me, Sherwood Martinelli...and yes, since I am currently barred, this is NOT official case correspondance, and my views are not necessarily the views of FUSE USA.

The LRA, and our initial offerings in the form of contentions ARE NOT a legal process, but instead a means by which to decide if a legal hearing will be granted. In fact, NRC rules and regulations state, "Stakeholders do not need to prove their contentions in their initial filing, but simply offer up enough proof to show there is a legitimate issue of fact or law that deserves FURTHER REVIEW.

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WE could all agree that Susan Shapiro has made a MOUNTAIN of mistakes, could state that she, as a licensed attorney should KNOW BETTER...well, she does not, and good, bad or ugly, she is the best some stakeholders can afford to have represent them, as she is WORKING FOR FREE, just like I work for free for FUSE USA. The LRA process is supposed to give citizen stakeholders opportunity to RAISE ISSUES. Instead, you Mr. Turk, and the BIASED BOARD are turning the process into a screw the average stakeholder on technicalities event, finding any way you can to avoid giving any of our contentions their fair chance to be heard. I've reviewed other contentions filed on other applications, and read statements from board members that basically say, "the petitioner brings up some very valid concerns, raises some good points, but alas the contention is not within scope, or was not prefaced properly for this venue." Regardless of the RULES, the NRC and the Atomic

Safety and Licensing Board has a superceding responsibility above ALL ELSE to protect human health and safety, and ignoring serious SAFETY ISSUES because they are not presented perfectly amounts to a dereliction of duty, even treason against our nation.

You Mr. Turk, called my house the other day as FUSE USA's offices are located in my home. You were short, nasty and impolite, even though it was you calling me during a time that most people consider Christmas Vacation. In fact, you were not happy to know that FUSE USA was/is on vacation until after January 8th, 2008, even though I know first hand that legal staff for DEC are on vacation until January 7, 2008. When I told you I was aware that the latest FUSE USA filings included exhibits burned onto CD ROM, you got rather upset, showed your distain that the NRC had not been sent a hard copy of the exhibits. When I pointed out to you that the exhibits were thousands (perhaps as much as 20,000) of pages in length, you quipped, "Oh well, litigation is expensive", as if to say, "IF YOU CANNOT FINANCIALLY AFFORD THE FIGHT, GET OUT OF IT." Yet, you wonder why I call you, and the board (made up of paid NRC staff) a bunch of "Pro Industry Pricks"? Your

statement, your nick picking prove that you, and the board have but ONE CONCERN...eliminate as many obstacles as possible to the Relicensing of the Indian Point reactors.

Curious here...did it ever occur to you Mr. Turk, that some of the supposed errors you are accusing us as stakeholders of making are not ours?

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2. I have numerous computers...older ones, ones that are running on OBSOLETE software/hardware have trouble opening certain documents. It is not the document that is the problem, it is the equipment. The federal

government is notorious for running outdated software, and no better example of outdated computer technology exists than the NRC's own ADAMS system.

Most times, when someone cannot open a given file, it is not the files problem, but points to a shortcoming in the recipients computer...IE, lacking necessary software or drivers to view said documents. I would venture to say, that your Mr Turk are having trouble reading certain files on certain DVD's because you are a computer neanderthal with few real computer skills. I'd suggest you stop using your lack of skills as an excuse to beat up on STAKEHOLDERS.

Sherwood Martinelli

Director of FUSE USA, but speaking for myself as a pissed off stakeholder living three miles from Indian Point. You don't like my voice in the process, then move me out of the area...maybe FEMA has an internment camp for people like me? Otherwise, I have a right to be heard, and will continue to express myself in this process via this email tree.

----- Original Message -----

From: Sherwin Turk <SET@nrc.gov>

To: Palisadesart@aol.com; richardbrodsky@msn.com

Cc: Nancy Burton <NancyBurtonCT@aol.com>; Sherwood Martinelli <roycepenstinger@aol.com>; Arthur Kremer(2) <kremer@area-alliance.org>; Richard Brodsky <brodskr@assembly.state.ny.us>; Daniel O'Neill <vob@bestweb.net>; Manna Greene <mannajo@clearwater.org>; William Dennis <wdennis@entergy.com>; Joan Matthews <jlmatthe@gw.dec.state.ny.us>; Diane Curran <dcurran@harmoncurran.com>; Kathryn Sutton <ksutton@morganlewis.com>; Martin O'Neill <martin.o'neill@morganlewis.com>; Paul Bessette <pbessette@morganlewis.com>; bo pham <BMP@nrc.gov>; Beth Mizuno <BNM1.TWGWPO01.HQGWDO01@nrc.gov>; Brian Newell <BPN1.TWGWPO01.HQGWDO01@nrc.gov>; Christopher Chandler <CCC1.OWGWPO03.HQGWDO01@nrc.gov>; David Roth <DER.TWGWPO03.HQGWDO01@nrc.gov>; Hearing HearingDocket <HearingDocket@nrc.gov>; IPNonPublicHearingFile@nrc.gov; Kimberly Sexton <KAS2.TWGWPO02.HQGWDO01@nrc.gov>; Kaye Lathrop <KDL2@nrc.gov>; Lloyd Subin <LBS3.TWGWPO02.HQGWDO01@nrc.gov>; Lawrence McDade <LGM1@nrc.gov>; OCAAMAIL@nrc.gov; Richard Wardwell <REW@nrc.gov>; Zachary Kahn <ZK1@nrc.gov>; Michael Delaney <mdelaney@nycedc.com>; John Sipos <John.Sipos@oag.state.ny.us>; Susan Shapiro <mbs@ourrocklandoffice.com>; Robert Snook <Robert.Snook@po.state.ct.us>; Phillip Musegaas <phillip@riverkeeper.org>; Victor Tafur <vtafur@riverkeeper.org>; Arthur Kremer <ajkremer@rmfpc.com>; Daniel Riesel <driesel@sprlaw.com>; Jessica

Steinberg <jsteinberg@sprlaw.com>; Justin Pruyne  
<jdp3@westchestergov.com>; Sherwood Martinelli (2) <fuse\_usa@yahoo.com>  
Sent: Friday, December 28, 2007 5:42:59 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

**Hearing Identifier:** IndianPointUnits2and3NonPublic  
**Email Number:** 354

**Mail Envelope Properties** (4784DEAB.HQGWDO01.OWGWPO04.200.2000007.1.139515.1)

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**Created By:** fuse\_usa@yahoo.com

**Recipients**

"Nancy Burton" <NancyBurtonCT@aol.com>  
"Sherwood Martinelli" <roycepenstinger@aol.com>  
"Arthur Kremer(2)" <kremer@area-alliance.org>  
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"Manna Greene" <mannajo@clearwater.org>  
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"Diane Curran" <dcurran@harmoncurran.com>  
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<Palisadesart@aol.com>  
<richardbrodsky@msn.com>  
"Sherwin Turk" <SET@nrc.gov>

**Post Office**  
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**Route**  
nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	9812	1/1/2008 12:36:15 PM
TEXT.htm	12922	1/9/2008 2:48:11 PM
Mime.822	26468	1/9/2008 2:48:11 PM

**Options**

<b>Priority:</b>	Standard
<b>Reply Requested:</b>	No
<b>Return Notification:</b>	None
	None

<b>Concealed Subject:</b>	No
<b>Security:</b>	Standard

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