

July 30, 2007

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Timothy F. Hagan, Director **/RA/**  
Office of Administration

SUBJECT: RESPONSE TO SHERWOOD MARTINELLI INFORMING HIM  
THAT HIS CORRESPONDENCE DOES NOT MEET THE  
REQUIREMENTS OF A PETITION FOR RULEMAKING

Your approval and signature are requested on a letter to Mr. Sherwood Martinelli informing him that his correspondence does not meet the requirements of a petition for rulemaking (Enclosure 1). The notification for the Commission is provided in Enclosure 2.

The Commission received two e-mails from Sherwood Martinelli submitted under the online name of Royce Penstinger, dated May 3, 2007, and May 16, 2007, and a letter dated May 10, 2007, which was duplicated by the May 16, 2007, e-mail concerning various aspects of Entergy's license renewal application for Indian Point Nuclear Generating Units 2 and 3. Mr. Martinelli characterized each piece of correspondence as a petition for rulemaking under 10 CFR 2.802.

In the May 3, 2007, correspondence, Mr. Martinelli requests an extension of 18 months for document review before any public meeting is held. In the May 10, 2007, and May 16, 2007, correspondence, he requests that the license renewal application be dismissed immediately for being an improperly filed application that has co-mingled or joined applications for two unique and distinct reactors.

The staff has reviewed the correspondence and has determined that these requests do not meet the Commission's criteria under 10 CFR 2.802(c)(1) for a petition for rulemaking. The petitions do not identify the regulatory issue, provide the substance or text of any proposed regulation or amendment, or specify which current NRC regulation is to be revoked or amended. Further, Mr. Martinelli has not included any amplifying or other supporting information for these particular petition requests (i.e., no relevant technical, scientific or other data) as required by 10 CFR 2.802(c)(3).

The action does not constitute a significant question of policy, nor does it affect regulations contained in 10 CFR Parts 7, 8, or 9, Subpart C, concerning matters of policy.

Enclosures:

1. Response to Mr. Martinelli
2. Commission Notice Signed by EDO

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WEEKLY REPORT TO THE COMMISSION  
OFFICE OF ADMINISTRATION

Letter To Be Signed by EDO

On \_\_\_\_\_, 2007, the Executive Director for Operations (EDO) signed a letter to Mr. Sherwood Martinelli regarding correspondence he submitted under the online name of Royce Penstinger, dated May 3, 2007, and May 16, 2007, and a letter dated May 10, 2007, which was duplicated by the May 16, 2007, e-mail concerning various aspects of Entergy's license renewal application for Indian Point Nuclear Generating Units 2 and 3. The May 3, 2007, correspondence requests an extension of 18 months for document review before any public meeting is held. The May 10, 2007, and May 16, 2007, correspondence requests that the license renewal application be dismissed immediately for being an improperly filed application that has co-mingled or joined applications for two unique and distinct reactors. Each piece of correspondence was characterized as a petition for rulemaking under 10 CFR 2.802.

The staff has reviewed the correspondence and has determined that these requests do not meet the Commission's criteria under 10 CFR 2.802(c)(1) for a petition for rulemaking. Mr. Martinelli does not identify the regulatory issue, provide the substance or text of any proposed regulation or amendment, or specify which current NRC regulation is to be revoked or amended. Further, Mr. Martinelli has not included any amplifying or other supporting information for these particular petition requests (i.e., no relevant technical, scientific or other data) as required by 10 CFR 2.802(c)(3).

This action constitutes notice to the Commission that, in accordance with the rulemaking authority delegated to the EDO, the EDO has signed this letter informing the petitioner of our response.

This action does not constitute a significant question of policy, nor would it amend regulations contained in 10 CFR Parts 7, 8, or 9, Subpart C, concerning matters of policy.

The letter to Mr. Martinelli can be found in ADAMS at ML071700510.