

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Dyer, NRR
Ref. G20070531

AUTHOR: Sherwood Martinelli

AFFILIATION: NY

ADDRESSEE: Dale Klein

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DEDMRS OPA
DEDR
DEDIA
AO

SUBJECT: due to delay in receiving DOE docs..requ for extension of time to file dormal peition to intervene in Entergy's license renewal applications process

ACTION: Appropriate

DISTRIBUTION: Chairman, Comrs, OGC

LETTER DATE: 07/25/2007

ACKNOWLEDGED No

SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

7/25/07

FUSE
(FRIENDS UNITED FOR SUSTAINABLE ENERGY)
21 PERLMAN DRIVE
SPRING VALLEY, NY 10977
(845) 371-2100 TEL
(845) 371-3721 FAX

7/25/07

Chairman's Office
Nuclear Regulatory Commission
Washington, DC 20555

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

RE: Due to delay in receiving DOE documents
Request for extension of time to file formal Petition to
Intervene in Entergy's License Renewal Application
Process:

Dear Dr. Pao-Tsin Kuo:

I, Sherwood Martinelli, living within three miles of the Indian Point nuclear reactors, on behalf of Green Nuclear Butterfly and the Stakeholders we represent, along with the other co-signers of this document, are officially requesting that due to a delay in receiving documents we have requested through FOIA from the DOE, that either the NRC delay its acceptance of Entergy's License Renewal Application for Indian Point reactors 2 and 3 until after we receive the documents from the DOE, or, in the alternative, that we be granted an extension of time to file our petition to intervene in the License Renewal Application for Indian Point 2 and 3, until 60 days after we receive such documents from the DOE.

As Stakeholders, we have been doing our due diligence in being full participating members of the public. We have received and are reviewing Entergy's application, and all of its underlying documents.

As a part of our duties and responsibilities, we made a public request at the NRC meeting on June 27, 2007 and have filed various FIOA requests with different

Departments and Agencies within state and federal government to obtain the necessary underlying documents to adequately address and present our contentions. One such FOIA request was filed with the DOE in May of this calendar year.

On July 18th, 2007 via certified mail we received part of the necessary documents for our application review from the DOE. In the attached letter (Exhibit "A") the DOE has informed us that our FOIA request was not fully completed, and the DOE expects to have the remaining documents in our hands by October 27th of this year.

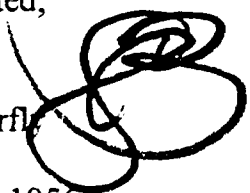
Without these documents, all of which directly relate to the NRC's relicensing processes, and which are needed for adequate dissemination and comprehension of Entergy's license renewal application, we as actively involved Stakeholders cannot fully and completely participate in the process, and we cannot fully and completely raise and defend our contentions in our 1) Petition to Intervene and 2) Request For Hearing.

Various Agencies and Departments must work together, and must be willing to account for the schedules and time constraints of one another. It would be egregiously, irresponsible, and arbitrary for the NRC to penalize Stakeholders of the host community because the DOE has protocols and legal constraints it must follow before releasing documents we are both legally entitled to and need in order to adequately represent ourselves in the public process as Stakeholders. In addition once we receive the documents from the DOE, we as Stakeholders, are entitled to 60 days to read and review such documents.

For this reason, we are respectfully requesting that either the NRC delay its acceptance of Entergy's license renewal application until after we receive the documents from the DOE, or, in the alternative, that we be granted an extension of time to file our petition to intervene in Entergy's License Renewal Application for Indian Point 2 and 3, 60 days from the date DOE has fully and completely supplied all documents and or resolved all contentions regarding the FIOA request and the DOE response (herein attached as Exhibit "A").

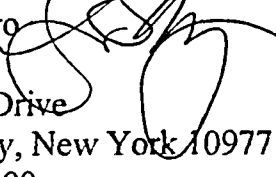
Respectfully Submitted,

Sherwood Martinelli
Green Nuclear Butterfly
351 Dyckman Street
Peekskill, New York 10566
(914) 734-1955



Co-Signers

Susan Shapiro
FUSE USA
21 Perlman Drive
Spring Valley, New York 10977
(845) 371-2100



Michel Lee, Esq.
(Chair of the Council on Intelligent Energy
& Conservation Policy)
265 Madison Rd.
Scarsdale, NY 10583
(914) 420-5624

Gary Shaw
9 Van Cortlandt Place
Croton on Hudson
(914) 271-4183

Judy Allen
24 Seifert Lane
Putnam Valley, NY 10579
845 528-6643

EXHIBIT "A"



Department of Energy

Idaho Operations Office
1955 Fremont Avenue
Idaho Falls, ID 83415

June 29, 2007

Sherwood Martinelli
351 Dyckman Street
Peekskill, New York 10566

SUBJECT: Freedom of Information Act Request 07-044 Martinelli (OM-PA-07-060)

Dear Mr. Martinelli:

This letter is in partial response to your Freedom of Information Act (FOIA) request in which you asked the Department of Energy (DOE) for documents that relate to or are created to assist the nuclear industry to identify long-term aging issues and problems of nuclear power plants.

Your request was modified in a letter dated May 29, 2007 in which you specifically asked for the following information:

1. Correspondence from NEPO that relates to research and /or effort to address licensing/re-licensing issues of nuclear facilities from 1999 to 2006, specifically reactors, and research conducted into ageing, degradation, and security issues at nuclear facilities; and
2. Correspondence between the DOE, NRC, and NEI and/or owners of nuclear facilities from 1999 to 2006 that relates to research and/or efforts to address licensing/re-licensing issues of nuclear facilities, specifically reactors, and research conducted into ageing, degradation, and security issues at nuclear facilities.

Per a letter to you dated May 30, 2007 from Abel Lopez, Director of the FOIA/ Privacy Act Office at DOE Headquarters, your request was transferred to the DOE Office of Nuclear Energy (DOE-NE) to conduct a search of its files for any documents responsive to your request. Your request to receive a waiver of fees for processing the request was also granted at that time.

The DOE-NE has conducted a thorough search of its files located both at the DOE Headquarters Office as well as the Idaho Operations Office and has found documents responsive to your request.

Enclosed, please find 18 reports that are considered responsive to Item 1 of your request. These reports have been reviewed and determined to be fully releasable to you under the provisions of the FOIA. A complete document index is also enclosed for your convenience.

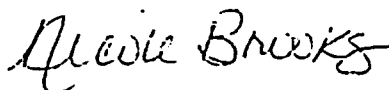
Further, several additional documents were located that may be responsive to Items 1 and 2 of your request. Due to the volume of these documents and the need to coordinate with other DOE Offices, additional time is needed to conduct a review and release determination in accordance

with the FOIA. It is estimated that a final response will be provided to you on or before October 27, 2007 regarding these additional documents.

As the Authorizing and Denying Official, it is my duty to inform you of your right to appeal this decision to the Office of Hearings and Appeals. All of the information you need to file an appeal is enclosed.

If you have any questions regarding this letter or the enclosures, please feel free to contact me at (208) 526-0709.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Brooks".

Nicole Brooks
Freedom of Information Officer, DOE-ID

Enclosures