

EDO Principal Correspondence Control

FROM: DUE: 11/01/07

EDO CONTROL: G20070700  
DOC DT: 09/28/07  
FINAL REPLY:

Sherwood Martinelli  
FUSE USA

TO:

Chairman Klein

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 07-0667

Dyer, NRR

DESC:

2.206 - Indian Point Emergency Siren System  
(EDATS: SECY-2007-0415)

ROUTING:

Reyes  
Virgilio  
Kane  
Ash  
Ordaz  
Burns  
Collins, RI  
Zimmerman, NSIR  
Cyr, OGC  
Jones, OGC  
Mensah, NRR

DATE: 10/03/07

ASSIGNED TO:

NRR

CONTACT:

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** SECY-2007-0415

**Source:** SECY

## General Information

**Assigned To:** NRR

**OEDO Due Date:** 11/1/2007 5:00 PM

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** 2.206 - Indian Point Emergency Siren System

**Description:**

**CC Routing:** Region I; NSIR; OGC

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20070700, LTR-07-0667

**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** EDATS

**Agency Lesson Learned:** NO

**Roadmap Item:** NO

## Process Information

**Action Type:** 2.206 Review

**Priority:** Medium

**Signature Level:** NRR

**Sensitivity:** None

**Urgency:** NO

**OEDO Concurrence:** NO

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:**

## Document Information

**Originator Name:** Sherwood Martinelli

**Date of Incoming:** 9/28/2007

**Originating Organization:** FUSE USA

**Document Received by SECY Date:** 10/2/2007

**Addressee:** Chairman Klein

**Date Response Requested by Originator:** 11/2/2007

**Incoming Task Received:** 2.206

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 01, 2007 16:31

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**PAPER NUMBER:** LTR-07-0667 **LOGGING DATE:** 10/01/2007  
**ACTION OFFICE:** ED/GC

**AUTHOR:** Sherwood Martinelli  
**AFFILIATION:** NY  
**ADDRESSEE:** Dale Klein  
**SUBJECT:** 2.206 formal request for emergency shut down of Indian Point Reactors

**ACTION:** Appropriate  
**DISTRIBUTION:** Chairman, Comrs, OGC

**LETTER DATE:** 09/28/2007  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** 2.206 petition  
**NOTES:** Made publicly available in ADAMS via EDO/DPC  
**FILE LOCATION:** ADAMS

**DATE DUE:** **DATE SIGNED:**

EDO --G20070700

**CHAIRMAN - 2.206 Formal Request For Emergency Shut Down of Indian Point Reactors.**

**From:** <RoycePenstinger@aol.com>  
**To:** <chairman@nrc.gov>, <fxc@nrc.gov>, <ptk@nrc.gov>, <rsb1@nrc.gov>, <nas@nrc.gov>  
**Date:** 09/28/2007 11:59:04 PM  
**Subject:** 2.206 Formal Request For Emergency Shut Down of Indian Point Reactors.  
**CC:** <geri\_shapiro@clinton.senate.gov>, <Palisadesart@aol.com>, <ulrich@ulrichwitte.com>, <acer8sac@comcast.net>, <gclary@lohud.com>

Dear Chairman's Office:

As allowed under 10 CFR 2.206, I am formally requesting immediate action from the Commission that would shut down both Indian Point 2 and 3 until such time as their emergency siren system with back up power has met ALL FEMA requirements, and passed all necessary tests required to be certified as and acceptable emergency notification siren system.

First, to put this formal request into perspective, we should review some history. On January 31, 2006, the NRC issued a Confirmatory Order Modifying License (Order) to Entergy Nuclear Operations, Inc. (Entergy or licensee) requiring the licensee to install backup power for the Indian Point siren system, as required by the Energy Policy Act of 2005, by January 30, 2007. Interestingly, perhaps to save money, to do the job on the cheap, Entergy chose a new system that FAILS to meet design basis.

On January 11, 2007, Entergy submitted a request to relax the Order, to extend the deadline to April 15, 2007. On January 23, 2007, the NRC approved Entergy's request after wrongfully finding that Entergy had made a good faith effort to comply with the Order and had demonstrated good cause to relax the Order. The NRC failed to explain how they came about deciding Entergy's good faith, but it is obvious that the community being forced to play host to this aging, dilapidated nuclear relic from days gone by disagreed then, and as it turned out, with good cause. ( I reference here the 2.206 petition of Thomas Gurdziel) It is no accident that there is now a law suit against the very company that our siren system comes from for a similar failure to perform issue at another nuclear reactor site.

On April 13, 2007, Entergy submitted a second request to relax the Order, to extend the deadline to August 31, 2007. On April 13, 2007, the NRC denied the relaxation request and stated that the NRC would consider action under the NRC's Enforcement Policy. On April 23, 2007, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty for \$130,000 (EA 07-092) to Entergy because of its failure to meet the April 15, 2007, deadline.

The NRC acts as if this \$130,000 fine was severe...we as a community disagreed, as each day the siren system is not in operation is another separate and unique violation. Further, that \$130,000 fine represents less than ONE PERCENT of the actual cost of the new siren system. Despite the fine, Entergy was given another four months to have the system up and running. Where were 120 separate fines? On or about August 24th they conducted a test which FAILED MISERABLY. I immediately informed appropriate agencies of the government, including the NRC, and it is pointed out here, that the NRC has failed completely in getting back to me on the complaint I filed over a month ago, despite the fact that FEMA findings outlined in and eight page letter to Entergy validated my complaints about the shortcoming of the system.

This week in a Journal News article by Greg Clary dated September 25th, 2007 we have just learned that Entergy has requested a face to face meeting with FEMA to find out just what they need to do to GET THE SYSTEM RIGHT.

Indian Point seeks talks with FEMA on sirens  
 By GREG CLARY  
 THE JOURNAL NEWS

(Original publication: September 25, 2007)

BUCHANAN -□Indian Point officials want a face-to-face meeting with the Federal Emergency Management Agency to make sure they know exactly what will satisfy regulators who so far have found the nuclear plant's new siren system "inadequate."

In a 12-page letter obtained by The Journal News, the company said it wants to go over in detail with FEMA officials the unresolved technical issues such as volume, sustainability of siren sound and overall system reliability.

Jim Steets, a spokesman for plant owner Entergy Nuclear, acknowledged yesterday that the in-depth, in-person discussions would further delay the new sirens' operation.

"It's impossible to know how long it will take us," Steets said. "We're committed to moving quickly, but only to FEMA's satisfaction."

We have heard Steets false promises before, have been promised a working functioning emergency siren system for quite sometime. Problem is, it has NOT BE DELIVERED, and the old system has a horrid track system of failures.

For citizens living within the shadow of Indian Point's Peak Fatality Zone, the Emergency Siren System is our first, and perhaps best chance of protecting our selves and our families in the event of a terrorist attack and/or significant radiological event at the Indian Point Entergy Center site. NRC's first response in considering these types of 2.206 petitions is to routinely dismiss them, to claim we have not raised a

basis for relief. The twin towers that no longer grace our skyline are PROOF that terrorist can mount a successful attack on American infrastructure. The deplorable condition of the systems and components of Indian Point (leaks, spent fuel leaks, serious Boric Acid Corrosion (BAC) concerns with the reactor vessel head, as well as sleeping guards show there is a very real risk of a significant radiological event at the plant.

As is witnessed by FEMA's failure of the Entergy Emergency Alarm system in August, coupled with Entergy's expressed desire to meet face to face with Entergy makes it apparent that our community's first line of defense, our early warning system if you will is not working adequately enough to protect us in the event of a significant radiological event. In short, we ARE AT RISK, and that risk can be greatly mitigated by placing both reactors into COLD SHUT DOWN until such time as the Emergency Siren system as is required by the NRC Confirmatory Order Modifying License (Order) to Entergy Nuclear Operations, Inc has been approved by, and signed off on by FEMA.

NRC's decision in August to simply take a hands off, wait for FEMA approach is unacceptable, and is placing human life at great risk should and emergency event occur at Indian Point. I am therefore implementing my legal right as a stakeholder to request formally that the Commission issue and order effective immediately that Entergy's IP2 LLC and IP3 reactors be placed into COLD SHUT DOWN until their Emergency Sirens are fully approved by FEMA and the NRC, and the system is operating within the 96 percent acceptable zone. Additionally, it is requested that the Commission use its vast discretionary powers to fine Entergy \$130,000 per day from today, September 28th, 2007 forward until such time as they have complied with the NRC's Confirmatory Order. Almost eight months after the original due date for delivery of this alarm system, and we as a community are STILL AT RISK. Yet, during that time, Entergy has found time to file License Renewal Applications, file a formal request for license transfer for over half of their fleet, and rammed through a SIGNIFICANT license amendment.

Placing the reactors into Cold Shut Down until the siren system functions as required will significantly lower our community's risks, and the fines should be adequately incentive for Entergy to place their corporate priorities where they belong, which is taking care of Public Health and Safety as JOB ONE.

Respectfully Requested,

Sherwood Martinelli  
FUZE USA  
351 Dyckman Street  
Peekskill, New York 10566  
(914) 734 1955

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**Mail Envelope Properties** (46FDCD7C.6F5 : 9 : 18165)

**Subject:** 2.206 Formal Request For Emergency Shut Down of Indian Point Reactors.  
**Creation Date** Fri, Sep 28, 2007 11:58 PM  
**From:** <[RoycePenstinger@aol.com](mailto:RoycePenstinger@aol.com)>  
**Created By:** [RoycePenstinger@aol.com](mailto:RoycePenstinger@aol.com)

**Recipients**

nrc.gov

kpl\_po.KP\_DO

NAS (Neil Sheehan)

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OWGWPO01.HQGWDO01

FXC (Francis Cameron)

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OWGWPO02.HQGWDO01

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<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	7662	Friday, September 28, 2007 11:58 PM
TEXT.htm	9431	
Mime.822	19259	

**Options**

<b>Expiration Date:</b>	None
<b>Priority:</b>	Standard
<b>ReplyRequested:</b>	No
<b>Return Notification:</b>	None

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

**Junk Mail Handling Evaluation Results**

Message is eligible for Junk Mail handling  
This message was not classified as Junk Mail

**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