

EDO Principal Correspondence Control

FROM: DUE: 11/01/07

EDO CONTROL: G20070701

DOC DT: 09/28/07

FINAL REPLY:

Sherwood Martinelli
FUSE USA

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 07-0669

Dyer, NRR

DESC:

2.206 - Indian Point (SAFESTOR)
(EDATS: OEDO-2007-0575)

ROUTING:

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

DATE: 10/03/07

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

EDATS Number: OEDO-2007-0575

Source: OEDO

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 (SAFESTOR)

Description:

CC Routing: Region I; NSIR; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20070701, SECY-07-0669

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 OEDO 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

PAPER NUMBER: LTR-07-0669

LOGGING DATE: 10/01/2007

ACTION OFFICE: ED/GC

AUTHOR: Sherwood Martinelli

AFFILIATION: NY

ADDRESSEE: Dale Klein

SUBJECT: Formal request for action..2.206

ACTION: Appropriate

DISTRIBUTION: Chairman, Comrs, OGC

LETTER DATE: 09/28/2007

ACKNOWLEDGED: No

SPECIAL HANDLING:

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

EDO --G20070701

CHAIRMAN - Docket No: 50-003 2.206 Formal Request For Action

From: <RoycePenstinger@aol.com>
To: <chairman@nrc.gov>, <rxal@nrc.gov>, <rsb1@nrc.gov>, <ptk@nrc.gov>, <nas@nrc.gov>
Date: 09/28/2007 2:23:26 AM
Subject: Docket No: 50-003 2.206 Formal Request For Action
CC: <geri_shapiro@clinton.senate.gov>, <Palisadesart@aol.com>, <gclary@lohud.com>, <acer8sac@comcast.net>

Dear Chairman

Indian Point 1 (Docket No: 50-003)

As is allowed under 10 CFR 2.206, I am formally filing this request for action as relates to your licensee Indian Point 1, which I believe and have reason to believe is in violation of its SAFESTOR status. It is these violations that cause me to request Formal Action in the form of and order from the commission which will REMOVE IP1 from SAFESTOR, and move it into official full Decommissioning status with Decommissioning to begin immediately. The following list of examples put IP1 in violation of their SAFESTOR agreement with the NRC:

1. Various components of IP 1 are wrongfully being used to support the activities and operations of other NRC licensees, specifically IP 2 LLC, and IP3 LLC.
2. IP1 has failed to repair previous leaking spent fuel pools so that current spent fuel rods at Indian Point 1 could be transferred into said refurbished pool, so that currently leaking spent fuel pool could be drained and restored to Design Basis.
3. IP1 is wrongfully trying to cross contaminate waste streams with a separate NRC licensee in their plan to use the spent fuel pool of IP 2 LLC to transfer their separately licensed materials into dry cask storage.
4. IP1 is unlawfully allowing MIXED wastes to be stored in IP1 containment area, and in various non specifically identified burial sites, thus risking human health and the environment. Said mixed waste burial sites are not fully identified and monitored, thus creating possible migration pathways for human ingestion.
5. As the copied letter, marked as Exhibit A shows, Entergy is attempting to modify the license for IP1 in such a fashion as to bring back into operation a MAJOR component of IP1, specifically the crane, and to use said crane to unlawfully CO-MINGLE licensee spent fuel waste streams by moving IP1 rods into the spent fuel pool of IP2, which is already to the point of bursting, and in fact will not have adequate rack space for a full core emergency dump after the spring turn around unless they can begin moving fuel from the pool in large quantities this fall.

These actions on the part of Entergy, and on the part of Entergy IP 1 LLC amount to a defacto significant violation of IP 1's SAFESTOR status. It is therefore requested that the commission issue and order that removes IP1 from the SAFESTOR program, and into full decommissioning status, so that Entergy can still fulfill there obligation to fully remediate IP 1 and return it to full Greenfield's use status within the 60 year period allowed for same.

Respectfully Submitted,

Sherwood Martinelli
 351 Dyckman Street
 Peekskill, New York 10566
 914 734 1955

EXHIBIT A

September 7, 2007
 Mr. Fred Dacimo
 Site Vice President - Administration
 Entergy Nuclear Operations, Inc.
 Indian Point Energy Center
 450 Broadway, GSB
 P.O. Box 249
 Buchanan, NY 10511

SUBJECT: REGARDING LETTER DATED FEBRUARY 22, 2007, ENTERGY NUCLEAR OPERATIONS INC., REQUESTED AN AMENDMENT TO INDIAN POINT UNIT 1 PROVISIONAL OPERATING LICENSE

Dear Mr. Dacimo,

By letter dated February 22, 2007, (ML070740552) Entergy Nuclear Operations Inc. requested an amendment to Indian Point Unit 1 Provisional Operating License for use of the Fuel Handling Building crane for dry spent fuel cask handling operations.

After reviewing your request, the U.S. Nuclear Regulatory Commission staff has determined that additional information is required for completing the review. Please provide the additional

information requested in the enclosure within 30 days of receipt of this letter.

If you have any questions, please call me at (301) 415-6721.

Sincerely,

/RA/

Theodore Smith, Project Manager

Decommissioning Directorate

Division of Waste Management

and Environmental Protection

Office of Federal and State Materials

and Environmental Management Programs

Docket No: 50-003

Enclosure: Request for Additional Information

cc: Indian Point Service List

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Mail Envelope Properties (46FC9DD5.250 : 15 : 62032)

Subject: Docket No: 50-003 2.206 Formal Request For Action
Creation Date Fri, Sep 28, 2007 2:23 AM
From: <RoycePenstinger@aol.com>

Created By: RoycePenstinger@aol.com

Recipients

nrc.gov

kp1_po.KP_DO

NAS (Neil Sheehan)

RSB1 (Richard Barkley)

nrc.gov

OWGWPO04.HQGWDO01

PTK (Pao-Tsin Kuo)

nrc.gov

OWGWPO02.HQGWDO01

CHAIRMAN

comcast.net

acer8sac CC

lohud.com

gclary CC

aol.com

Palisadesart CC

clinton.senate.gov

geri_shapiro CC

nrc.gov

NRGWIA01.NRGWDO01

"rxal@nrc.gov"