

To: Dyer, NRR
Ref. G20070700

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Cathy Jaegers

From: RoycePenstinger@aol.com
Sent: Thursday, January 24, 2008 9:40 PM
To: Secy; Richard Barkley; Francis Cameron
Cc: acer8sac@comcast.net; ajames@th-record.com; raudette@reformer.com; gclary@lohud.com; deb@nukerbusters.org; info@ctgreenscene.org; john@heyokamagazine.com; truegreenteam@yahoo.com
Subject: Non-Working Sirens for Entergy's Aging Indian Point 2.206 Petition Amendment

Dear Secretary:

As you are aware, I myself (Sherwood Martinelli) and FUSE USA have pending before the NRC a 2.206 Petition related to Entergy's dismal failure to have installed and functioning a new siren system. In fact, it was learned today, that the NRC has delivered a slap on the hand to Entergy in fining them a paltry sum of \$600,000 and change which pales when you compare it to the \$450 MILLION in revenues they have taken in from Indian Point since the missed August deadline. We point this out to put the fine in proper perspective with the cash flows and profits that Entergy is earning, while putting our community at risk due to their steadfast refusal to make their failing, corroded siren system JOB ONE.

Please consider this email an official addendum/amendment to our pending Petition which is supposed to be acknowledged no later than February 4th, 2008. It is noted here, that the response is already VERY LATE based on the date promised at the hearing, and we find this ODD, since the Atomic Safety and Licensing Board as this email is typed is attempting to once again dismiss FUSE USA filings/contentions because they were filed (through no fault of our own) in a untimely manner due to UPS/Staples delays and mistakes caused by the Christmas holidays...seems a bit hypocritical that the NRC does not hold itself to the same high standards that they hold non-professional average stakeholders to, but back to the point at hand.

Both FUSE USA, and Sherwood Martinelli's Petitions are officially being amended per this formal email request:

1. It has recently been learned, that inadequate maintenance and aging management procedures for the new Emergency Notification System (sirens) has lead to severe corrosion of numerous individual sirens. Not only does this put Entergy in violation of NRC orders, but additionally, now puts their Emergency Notification System in violation of their CBT, and other 10 CFR rules and regulations related to proper maintenance of safety systems meant to protect human health and the environment.
2. Said newly discovered corrosion issues are now necessitating a full and complete inspection of every single siren in the system, thus further pushing back FEMA approval of the siren system, if it can be approved at all, since said siren system selected by Entergy is outside Design Basis.
3. Said corrosion of key internal siren components due to failing gel coating, or a failure to apply it are going to require partial and/or full replacement of key components in numerous sirens, and a full and complete RETESTING of all components once said extensive repairs have occurred.
4. Further, these maintenance issues were NOT SELF REPORTED, and the corrosion was NOT NOTICED during ROUTINE maintenance and Aging Management activities.

In short, it is impossible for Entergy to have meet and fulfill its obligation to myself, FUSE USA and our community to have a fully functioning Emergency Notification system with back up power at any time in the near foreseeable future that meets all local, state and federal (FEMA and NRC) criteria, so that said system can be signed off on by FEMA and the Department of Homeland Security, since in fact and deed, the creation of DHS has eliminated FEMA's legal right to sign off on said siren system.

The old system has a horrific record, with numerous failures fully journalized and memorialized by the NRC and its staff. The new system has serious issues, and cannot be heard by the citizens. In short, I and my family, FUSE USA as and organization, and the citizens living within 10 miles of Indian Point are needlessly and recklessly having our lives and our safety jeopardized because of Entergy's refusal to abide by 10 CFR rules and regulations, and orders of this commission. Should any kind of an incident or terrorist attack occur at Indian Point, my ability, FUSE USA's ability, and the communities ability to be properly warned is not only negatively impacted, but presents the very real likelihood that we would not be notified in a timely fashion, thus placing our lives and safety in danger.

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Entergy has had more than ample time to abide by the orders of this commission, been given more than adequate latitude and exclusion from 10 CFR rules and regulations, and Congressional law. Other citizens, as well as myself and FUSE USA have on numerous occasion contacted the NRC on this matter, on more than one occasion we have requested that Indian Point reactors 2 and 3 be ordered shutdown, and Entergy's license to operate them be suspended until such time as they can abide by the orders of this commission by having a up and running, FEMA approved emergency notification system with back up power that is within Design Basis.

The Commission and NRC staff on numerous occasions have refused our calls for immediate enforcement action, or if any action was taken, it was minimal in scope, the fines far from adequate enough to bring Entergy into compliance...as is witnessed by the fact that as of the writing of this letter, they are still not in compliance, and show no sign of being in compliance soon. (Our sources inside Entergy off the record have stated Entergy is at least another year away from being able to have the sirens functioning and approved, if not longer.) NRC's failure to take significant enforcement action (shutting the reactors down), and Entergy's refusal to DO WHATEVER IT TAKES to abide by 10 CFR rules and regulations on this matter amount too negligence, and potentially dereliction of duty on the part of NRC staff, and members of the commission. Even in states that have a criminal three strikes rules, Entergy is OUT OF TIME, should have no chance for probation, should immediately be given the most harsh penalty the NRC has at their disposal, ordering of an immediate shut down of the two operating reactors at Indian Point.

It is therefore requested, that our pending petitions be amended, and the NRC Commissioners again revisit our formal request for immediate enforcement action. To protect our lives, to mitigate the chance that we would not be adequately and timely informed of a severe incident at the Indian Point facility, we are asking for and enforcement action that A) orders Indian Points 2 and 3 immediately placed into COLD SHUT DOWN, B) suspends Entergy's license to operate Indian Point 2 and 3 until such time as they are IN FULL COMPLIANCE with their DBT, CBT, and all NRC Rules and Regulations, and C) a fine is assessed on a daily basis of no less than \$500,000 until such time as the sirens have been fully signed off on, and approved by all levels of government.

Respectfully Submitted,

Sherwood Martinelli
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If you are a citizen receiving this email, you are asked to share it with your friends, put it on your list serves, and consider writing your own 2.206 Petition.

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Subject: Non-Working Sirens for Entergy's Aging Indian Point 2.206 Petition Amendment

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