

EDO Principal Correspondence Control

FROM: DUE: 05/02/08

EDO CONTROL: G20080233
DOC DT: 03/30/08
FINAL REPLY:

Sherwood Martinelli
Peekskill, New York

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO:

Wiggins, NRR

DESC:

2.206 - Indian Point Units 2 and 3
(EDATS: OEDO-2008-0276)

ROUTING:

Reyes
Virgilio
Mallett
Ash
Ordaz
Burns
Collins, RI
Cyr, OGC
Mensah, NRR
Marco, OGC

DATE: 04/03/08

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: OEDO-2008-0276

Source: OEDO

General Information

Assigned To: NRR

OEDO Due Date: 5/2/2008 5:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: 2.206 - Indian Point Units 2 and 3

Description:

CC Routing: Region I; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080233

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, Peekskill, New York

Date of Incoming: 3/30/2008

Originating Organization: Citizens

Document Received by OEDO Date: 4/2/2008

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: E-mail

Cathy Jaegers

From: SMartinelliGHS@aol.com
Sent: Sunday, March 30, 2008 4:08 AM
To: EIE Resource; Secy; CHAIRMAN Resource; shadis@prexar.com; mannajo@clearwater.org; heyokamagazine@hotmail.com; NancyBurtonCT@aol.com
Cc: info@ctgreenscene.org; acer8sac@comcast.net; deb@nukebusters.org; John Boska; Richard Barkley; Drew.Claxton@NERA.com; john.hall@congressnewsletter.net; pamelatimmins@yahoo.com; bennyzable@hotmail.com
Subject: 2.206 Formal Request for License Suspension for IP2 and IP3

To: Chairman
Executive Director for Operations
Nuclear Regulatory Commission
Washington, DC

From: Sherwood Martinelli
351 Dyckman Street
Peekskill, New York 10566

Reas: Request for action that will suspend the license for IP2 and IP3 reactors located in Buchanan, NY owned by Entergy until they are fully in compliance with all 10 CFR Rules and Regulations, as well as other local, state and federal laws and regulations, and have eliminated the environmental risks that have contributed to, and/or caused my wife's breast cancer.

Dear Executive Director:

Pursuant to my rights as a stakeholder living within the ten mile circle of death around Indian Point as are spelled out in 10 CFR 2.206 and other parts of the Nuclear Regulatory Commission's Code of Regulations, I am formally moving this agency to suspend Entergy's License for IP1, IP2 and IP3 herein after referred to collectively as Indian Point until such time as they have come into FULL COMPLIANCE with all applicable local, state and federal laws, and have reduced and/or eliminated the radiological and chemical carcinogens they are emitting into our environment (land, water and air) that have caused my wife's breast cancer, and are continuing to expose her to an unacceptable risk of additional cancers.

Statement of The Facts

The Indian Point facility has unlawfully on numerous and continuing basis dumped radiological and chemical carcinogens into the environment within 3 miles of our home located at 351 Dyckman Street. These dumps of known cancer causing carcinogens, both legal and illegal over a 10 year period of exposed and continue to expose both myself, my wife and our pets to unacceptable levels of radiological contaminants including but not limited to Strontium 90, Tritium and Cesium 137 and other chemical carcinogens used in the operation of the Indian Point reactor facility.

It is impossible to state specifically what risks we have been exposed to for two specific reasons:

1. The NRC no longer requires their licensees to track and report all contaminants they release into the environment.
2. Though Entergy monitors the area around the facility, including here in Peekskill with advanced environmental monitoring systems, they have refused to make public their findings, have refused to make the data public.

Known issues with the Indian Point facility which have, are and continue threatening our health include, but are not limited to known releases into the environment which include.

1. Yearly releases of both chemical and radiological contaminants which fall within what the NRC classifies as acceptable release criteria base on what they consider acceptable risk.

2. Numerous releases that the NRC has justified under the basis of emergency scenarios...those releases were allowed to happen based on the companies need to PRESERVE THEIR EQUIPMENT, rather than protect human health and the environment. In fact and deed, the NRC, NEI and the nuclear industry admit that a host community will experience some cases of cancers, increased levels of certain cancers because of the presence of operating nuclear reactors, while at the same time REFUSING TO DEFINE what an acceptable level of exposure to these additional radiological and chemical contaminants are, and additionally failing to take into the publics cumulative risks from that exposure is over a period of years.

3. Known hot leg leaks at the facility that contribute to an ever increasing underground plumes on the site which are migrating to, or have already reached the Hudson River.

4. Failing infrastructure including the spent fuel pools, and known failure of the reactor core and its, dome are releasing unmonitored radioactive contaminants into the environment contaminating earth, water and air, and elevating our risk to cancer. Many of these leaks are in DIRECT VIOLATION of the NRC's rules and regulations, but rather than force the company to correct the problems, stop operations until said infrastructure is fully in compliance with the rules, the NRC has routinely over 30 years granted one exemption after another to the Indian Licensee rather than hold them accountable, rather than force them to operate within the regulations, and in doing so have exposed my family into unacceptable cancer risks.

5. Further, Entergy has failed to have their siren system up and operating properly in a timely manner. This fact, the non working, non approved and ratified siren system is further elevating my wife's exposure risks should an accident occur at the facility.

In the past 18 months, as a result of Entergy being outside of compliance with the 10 CFR Rules and Regulations, because the NRC has not required them to cease operations until they are fully in compliance with ALL 10 CFR Rules and Regulations, and their own License, the increased risks we have been exposed to have now visited cancer upon our doorstep 3 times in the past 18 months.

1. We had to put our cat Boo down due to a cancerous tumor.
2. This past November we had to have a large tumor removed from one of our other cats, Chilly at great financial cost and emotional stress.
3. This past week we were informed by medical specialists in New York City that my wife has breast cancer. We are scheduled for a surgical consult this coming Thursday morning where we expect to be told she will have to have a full Mastectomy.

These cancers, my wife's breast cancer was cause in full or in part by her exposure to the legal and illegal carcinogens that the NRC and Entergy have exposed her to through negligent operations of the facility, and the NRC's refusal to properly police their licensee, their refusal to enforce 10 CFR rules and regulations as written into law. Further exposure to these dangerous contaminants are an unacceptable public health risk, endanger both my wife's health and life.

For these reasons, and is allowed under 10 CRF 2.206 I am officially petitioning the NRC for action that will suspend Entergy's License, and halt the License Renewal Process until:

1. There has been a full and complete review of ALL EXCEPTIONS, EXEMPTIONS and other variances or excuses from the rules as written that are allowing Entergy to dump contaminants into the environment.
2. Entergy releases the environmental data they have been compiling to the general public.
3. Entergy comes into FULL COMPLIANCE with all rules and NRC orders, including locating, identifying and repairing ALL LEAKS at the facility.
4. Entergy remediates and removes all radiological contaminants that are currently polluting and endangering known drinking water supplies including the Hudson River.
5. All Low Level Radioactive Waste Streams are removed from the facility to a LICENSED DISPOSAL FACILITY.
6. All pipes large and small, underground or in difficult to access areas are FULLY INSPECTED for leaks and repaired where necessary.
7. Spent Fuel pools for IP1, IP2, IP3 are fully repaired to a point of being LEAK PROOF, a claim Entergy makes in their License Renewal Application.

8. The new siren system is fully up, approved by FEMA and the NRC, and operating within the requirements.
9. All orders issued by the NRC have been fully complied with.
10. All commitments licensee has so far made but not accomplished be implemented, including going to a Closed Cooling System.
11. NRC and Entergy carry out public health studies, and provide proper medical care and financial reimbursements to all citizens who have contracted cancer as a result of their exposures to Indian Point's radiological and chemical carcinogens.

Respectfully Submitted,

Sherwood Martinelli
351 Dyckman Street
Peekskill, New York 10566
(914) 734-1955
(914) 293-7458

§ 2.206 Requests for action under this subpart.

(a) Any person may file a request to institute a proceeding pursuant to § 2.202 to modify, suspend, or revoke a license, or for any other action as may be proper.

The request must specify the action requested and set forth the facts that constitute the basis for the request. The Executive Director for Operations will refer the request to the Director of the NRC office with responsibility for the subject matter of the request for appropriate action in accordance with paragraph (b) of this section.

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Received: from mail1.nrc.gov (148.184.176.41) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.0.751.0; Sun, 30 Mar 2008
04:07:49 -0400

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X-SBRS: 1.6

X-MID: 21860227

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result: AqkBAAPn7kfNvJ0ldGdsb2JhbACCPDaNWxcBDAMEBwcUliU

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d="scan'208,217";a="21860228"

Received: from imo-d05.mx.aol.com ([205.188.157.37]) by mail1.nrc.gov with
ESMTP; 30 Mar 2008 04:07:50 -0400

Received: from SMartinelliGHS@aol.com by imo-d05.mx.aol.com
(mail_out_v38_r9.3.) id f.c31.2b9256b9 (14501); Sun, 30 Mar 2008 04:07:41
-0400 (EDT)

From: <SMartinelliGHS@aol.com>

Message-ID: <c31.2b9256b9.3520a44b@aol.com>

Date: Sun, 30 Mar 2008 04:07:39 -0400

Subject: 2.206 Formal Request for License Suspension for IP2 and IP3

To: <EIE@nrc.gov>, <secy@nrc.gov>, <chairman@nrc.gov>, <shadis@prexar.com>,
<mannajo@clearwater.org>, <heyokamagazine@hotmail.com>,
<NancyBurtonCT@aol.com>

CC: <info@ctgreenscene.org>, <acer8sac@comcast.net>, <deb@nukebusters.org>,
<jpb1@nrc.gov>, <rsb1@nrc.gov>, <Drew.Claxton@NERA.com>,
<john.hall@congressnewsletter.net>, <pamelatimmins@yahoo.com>,
<bennyzable@hotmail.com>

MIME-Version: 1.0

Content-Type: multipart/alternative;
boundary="-----1206864459"

X-Mailer: Unknown sub 34

X-Spam-Flag: NO

Return-Path: SMartinelliGHS@aol.com