

EDO Principal Correspondence Control

FROM: DUE: 11/13/08 EDO CONTROL: G20080693  
DOC DT: 10/10/08  
FINAL REPLY:

Sherwood Martinelli  
Peekskill, New York

TO:

Vietti-Cook, SECY

FOR SIGNATURE OF : \*\* GRN \*\* CRC NO:

Leeds, NRR

DESC:

ROUTING:

2.206 - Entergy Corporation/Indian Point  
(EDATS: OEDO-2008-0757)

Borchardt  
Virgilio  
Mallett  
Ash  
Ordaz  
Cyr/Burns  
Collins, RI  
Schaaf, OEDO

DATE: 10/14/08

ASSIGNED TO: CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** OEDO-2008-0757

**Source:** OEDO

## General Information

**Assigned To:** NRR

**OEDO Due Date:** 11/13/2008 5:00 PM

**Other Assignees:**

**SECY Due Date:** NONE

**Subject:** 2.206 - Entergy Corporation/Indian Point

**Description:**

**CC Routing:** Region I

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20080693

**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:** 10/10/2008

**Originating Organization:** Citizens

**Document Received by OEDO Date:** 10/14/2008

**Addressee:** Vietti-Cook, SECY

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** E-mail

## Cathy Jaegers

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**From:** SMartinelliGHS@aol.com  
**Sent:** Friday, October 10, 2008 2:57 AM  
**To:** Secy; Richard Barkley; CHAIRMAN Resource; comments@whitehouse.gov  
**Cc:** Hearing Docket; John Boska; john@heyokamagazine.com  
**Subject:** 2.206 Petition Formal Petition for Enforcement Action

Dear Secretary:

As is allowed within the confines of the fatally flawed 10 CFR Rules and Regulations, there is a means by which affected stakeholders living in the host community of a failing nuclear reactor can seek enforcement action against a license holder who is operating outside the rules established to protect human health and safety. I am formally filing this 2.206 Petition seeking enforcement action against Entergy Corporation, Indian Point 1, Indian Point 2, and Indian Point 3. I make the following allegations, state that it is my belief that your licensee is in violation of 10 CFR Rules and Regulations.

1. Entergy is required for each of its licenses at Indian Point to give adequate assurances that they have funds of an adequate nature to properly decommission their nuclear reactors, and return them to unrestricted use in the host community. By their own admission, they have admitted their secured decommissioning funds for their Vermont Yankee site in Montpelier have taken a hit of over \$40 Million dollars just in the past few months as a result of the Great Stock Market Crash of 2008 that has seen the stock market lose 35 percent of its value.

The NRC's rules are quite specific, and though it may be unfortunate for Entergy that they placed their decommissioning funds in dangerous market investments, it does not excuse them from their legal and regulatory obligations. There have already been doubts raised about the adequacy of Entergy's decommissioning funds for the Indian Point facility. As a result of the Stock Market crash, it is reasonable to assume their decommissioning funds for Indian Point have suffered a horrific hit, leaving inadequate funds in the account, putting them in VIOLATION of NRC's 10 CFR rules and regulations of no less than \$200 Million Dollars.

I therefore move the NRC to take the following enforcement actions:

- A. Order Entergy to take an immediate accounting of Indian Point Decommissioning funds, and report said funds shortcomings to the NRC in a period not to exceed 14 business days.
- B. Order Entergy to deposit adequate funds to cover short falls within 30 business days after completion of the initial audit.
- C. Suspend ALL OPERATIONS at Indian Point until such time as they are in full compliance with NRC Rules and Regulations as relate to Decommission Funds and their adequacy.

This ends first Allegation.

2. Entergy is wrongfully trying to seek Relief from Indian Point Nuclear Generating Unit No.2 which requested relief for not achieving 100% coverage during volumetric examination of certain welds during the third 10-year inservice inspection interval, which ended on March 1, 2007. They are requesting this relief not because it places undue hardship on their company and staff, but to HIDE unsafe conditions with Reactor 2, failing welds, and a failing Reactor Vessel Head. This allegation is further supported by the FACT that Entergy has ordered new reactor vessel heads for both IP2 and IP3 with scheduled replacements planned for 2011 and 2013 respectively.

They are deliberately risking human health and the environment to keep these two reactors up and operational despite failing welds and failing conditions of the reactor vessel heads in violation of 10 CFR Rules and Regulations. This can be further proved by removing the asbestos insulation and doing a FULL INSPECTION of the reactor vessel heads, as well as certain welds that I have reason to believe are failing.

In short, Entergy's Indian Point Reactors Vessel Heads and certain butt and overlap welds are failing, patches giving out, and they are trying to dance around regulations, seek relief from the regulations in a dangerous attempt to operate the reactors at peak performance for an extra 3 and 5 years respectfully until the Reactor Vessel Head replacements can be accomplished...problem is, they are taking this risk outside of the safe operating requirement spelled out in 10 CFR Rules

and Regulations, and are trying to get away with this GAMBLE by seeking a wink and a nod RELIEF from the very rules they are VIOLATING AT THIS MOMENT.

1. As a result of these violations, we seek enforcement action that would shut down both IP2 and IP3 until a full and complete examination of the reactor vessel heads and reactor internals can be completed by NRC Staff.
2. Seek enforcement action that would preclude a start up of the reactors until A) NRC has determined that the reactor vessel heads and reactor internals are safe and within the safe operating limits of 10 CFR Rules and Regulations (with granting relief and/or exemptions). or
3. Reactors remain in cold storage until such time as reactor vessel head replacement/refurbishment tasks have been fully implemented and signed off on by NRC staff after inspection.

Because my health and safety is at risk as a result of these violations of 10 CFR rules and regulations, I further asked that this 2.206 petition seeking enforcement action be expedited and fast tracked for enforcement action due to the horrific and imminent danger the citizens of Peekskill are now facing, as the risk of Reactor Vessel Head Failure is very real and very imminent.

Respectfully Submitted,

Sherwood Martinelli  
STAKE HOLDER  
351 Dyckman Street  
Peekskill, New York 10566  
(914) 293 7458

CC Senator Hillary Rodham Clinton

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From: <SMartinelliGHS@aol.com>

Message-ID: <c6d.37ba717d.362056c0@aol.com>

Date: Fri, 10 Oct 2008 02:57:04 -0400

Subject: 2.206 Petition Formal Petition for Enforcement Action

To: <secy@nrc.gov>, <rsb1@nrc.gov>, <chairman@nrc.gov>,

<comments@whitehouse.gov>

CC: <Hearing.Docket@nrc.gov>, <John.Boska@nrc.gov>, <john@heyokamagazine.com>

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Return-Path: SMartinelliGHS@aol.com