

Jaegers, Cathy

To: Leeds, NRR  
Ref. G20090487

**From:** SMartinelliGHS@aol.com  
**Sent:** Tuesday, December 22, 2009 11:05 PM  
**To:** Boska, John; Docket, Hearing; remyc@optonline.net; acer8sac@comcast.net  
**Cc:** susan.smallheer@rutlandherald.com; Sheehan, Neil; gclary@lohud.com  
**Subject:** August 22, 2009 2.206 Petition...Request for Hearing Time, and Appeal in Part

cys: EDO  
DEDMRT  
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AO  
OE  
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OGC  
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Mensch, NRR  
Marco, OGC

Dear John Bosco  
Eric J. Leeds  
Douglas Picket

First, I would like to address a matter of house keeping with you. I today received a letter dated December 17, 2009 regarding my 2.206 Petition filed via email on August 22nd, 2009. In this letter, I am told by one Eric J. Leeds that Douglas Picket is handing this particular 2.206 Petition as it makes its way through the biased and prejudice NRC process...perhaps in your agency's quest to PROTECT YOUR LICENSEES at all costs, you (from my perspective) are failing to heed your own protocols and procedures. *Baggett, OEDD*

We citizen stakeholders are encouraged, even required to file our various and assorted concerns via electronic (internet) communications to make life easier on the NRC. Yet, Eric J. Leeds as the Director of the Office of Nuclear Reactor Regulation FAILS in his letter to provide me with the email address of himself and Mr. Picket, even though I am directed to make my contacts to Mr. Picket...even if this was an inadvertent omission on the part of Eric. J Leeds, it brings into question his ability to hold such an important public position.

He shows himself in possession of certain mental frailties, either through a lack of experience, or perhaps is just getting addled in his old age...either way, such mistakes should not be taken lightly, and I would encourage Eric J. Leeds to include this important information in future communications, and would encourage his superiors to consider reassigning him to less mentally taxing duties in the future if this omission is found to be repetitious in nature. Not trying to be mean or attacking in pointing this out, but instead as a citizen stakeholder am bringing up something that worries me. The NRC and its employees are sworn to protect human health and the environment, are charged with policing the most dangerous industrial complexes known to mankind...such a charge requires bright minds and the ability to react quickly and accurately. Mr. Leeds failure to provide me with basic necessary information to facilitate communications between the parties brings into question his ability to bring to fore the necessary mental awareness to continue in his current position from my own perspective.

Secondly, which is a matter to be quickly dispensed with, I formally request that Mr. Picket contact me in writing with appropriate available dates in January for a hearing on these matters. I would further request that I be provided BEFORE THE HEARING DATE, the information and data used by the review board in ascertaining and making their preliminary decision on which Entergy owned and licensed facilities do, or do not have adequate decommissioning funds as required by the 10 CFR Rules and Regulations, including but not limited to any formula's ascertains, assurances and financial instruments (such as stock investment portfolio's, or insurance documents) presented to the NRC by Entergy in proving THEIR WORD that there are adequate funds for decommissioning of their reactors, and most specifically Indian Point 1, 2 and 3.

I have made an allegation, one which the NRC has accepted in part, and denied in part, and it is impossible for me as a Stakeholder to simply TAKE THE NRC or ENTERGY's word on such a thing as the importance of adequate funds to RESTORE THESE SITES TO THEIR PRE-USE CONDITIONS and prepare the ENTIRE SITES for unrestricted use...especially in light of the fact that LONG TERM STORAGE of spent fuel HAS NOT BEEN FACTORED into these decommissioning costs as it rightfully should be since the NRC and the DOE have FAILED MISERABLY in their congressionally ordered task of siting and building a long term storage facility for these wastes.

Further, I am formally asking for a more detailed response from the NRC on my 2.206 Petition so that I can properly formulate my appeal of that part of the decision which denies portions of my Petition and prepare myself to defend those portions still standing, specifically:

1. That part which refuses to suspend the license on those plants which do not have inadequate funds. IT is imperative that the Petition Review Board explain how they found Entergy in violation, yet failed to spell out ANY KIND OF DISCIPLINARY ACTION for these egregiously negligent actions on the part of their licensee.

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2. Specific explanation of what PROOF and mathematical formula's were use in coming to the decision that certain Entergy licensed sites supposedly do have adequate funding set aside....As example, at Indian Point, Entergy's promise to make up a \$100 million dollar shortfall in the fund at Indian Point over the next 20 years is inadequate. First, as of right now today, Entergy has NO GUARANTEE that their license renewal applications for Indian Point will be approved. Which means, the funds need to be IMMEDIATELY AVAILABLE in the amounts REQUIRED RIGHT NOW, as there is a very real chance (unless the NRC is prepared to admit the License Renewal Process is RIGGED) that those funds could start being used in the next few years. FURTHER, it is pointed out that ANY VIOLATIONS under the current license have to be fully RESOLVED AND CORRECTED before the NRC can grant a License Renewal Application.

You cannot have it both ways...they either ABIDE BY THE LAWS, and BRING THEIR Decommissioning funds UP TO DATE, or they are in severe violation of your rules, and their license...such a violation in and of itself is more than adequate reason to DENY THEIR LICENSE RENEWAL APPLICATION, and so it becomes imperative that I as a stakeholder know exactly WHAT PROOF and EVIDENCE was used by the Petition Review Board to decide that Indian Point 1,2 and three have adequate decommissioning funds on hand...simply informing me that my Petition in part was denied by the board is an unacceptable answer on part of the board.

I have made a VERY SERIOUS ALLEGATION based in part on an admission on Entergy's part that they would make their decommissioning fund WHOLE over a period of the next 20 years. A promise based in part on their own investments in a very VOLATILE stock market. Investments which LOST A GREAT DEAL OF VALUE under the watchful eyes of their current investment wizards...they guessed horribly wrong once, yet the NRC is prepared to risk OUR SAFETY by letting them gamble for 20 more years under a license extension? The funds at all Entergy sites must come into full compliance NOW, not 20 years down the road from now...we have seen what pushing problems down the road does, and it is suggested that the NRC need to look no further than the Federal Governments own deficit to see the folly of such problem solving foolishness.

Without an evidentiary discovery process, as well as a evidentiary hearing where their supposed financial experts could be cross examined can the adequacy of their avows be proven or disproved, and the NRC simply wanting to accept THEIR WORD on this important issue is inadequate and begs the question, "Is the NRC Petition Review Board been BOUGHT OFF BY THE INDUSTRY, and is there criminal RICO like decisions being made to protect what amounts to a criminal activity being run (collectively) by the NRC, EPRI, NEI and the nuclear industry to enrich themselves at the expense of Human Health and the Environment, and the host communities who are wrongfully being forced to play host to wrongfully and criminally relicensed dangerous nuclear facilities?

Yes, I am alleging a Illegal Criminal conspiracy between the nuclear industry, and the Federal Agency who is supposed to regulate it. I would offer as one example, the fact that the NRC and the DOE use our tax dollars to pay for studies done by EPRI (in conjunction with the nuclear industry and the NRC) but then they eliminate Stakeholder Ability to access those taxpayer financed reports by allowing EPRI to claim proprietary information when it comes to said reports, and to place fees on those documents that concerned stakeholders cannot afford to pay...as example, the more the NRC and the nuclear industry want to keep those reports private, the more costly they are for stakeholders to see even though taxpayers in full or in part paid for the studies and the reports generated from them. As example, I priced one CHECK document on the EPRI site that was created in joint cooperation with NEI and the NRC, and the cost to secure a copy of this 100 page report was TWENTY FIVE THOUSAND DOLLARS, even though US TAXPAYERS DOLLARS were used in the creation of said report.

3. I ask for a grace period of six months to file my full and complete appeal of those parts of the Petition Review Board's decision wherein they ruled against me...it is hoped that this 6 month period of time will allow me to access enough information (currently hidden from Stakeholders) to more adequately voice and express why the board's decision (at best) is wrong and shortsighted, and at worst is criminal in both nature and scope in presenting my appeal.

4. Lastly, the Review Board has DEFACTO admitted that Entergy is in violation of the 10 CFR rules and regulations that require them to have adequate decommissioning funds on hand for at least two of their licensed sites (Vermont Yankee and River Bend) as is witnessed by Eric J Leeds letter addressed to me regarding my 2.206 Petition for Enforcement Action. Yet, the NRC Review Board has not recommended any fines and/or punishment for this VERY SERIOUS INFRACTION.

I am therefore formally asking for another 2.206 ENFORCEMENT ACTION specifically targeted towards these two facilities and the already ADMITTED INFRACTIONS that the Petition Review Board admits to exist, and that are ONGOING in scope. Entergy has reported profits in the last three years numbering into the BILLIONS OF DOLLARS that has been funneled out to their shareholders. Simply stated, their own dividend payments to shareholders show they made a deliberate and egregiously NEGLIGENT decision to place SHARE HOLDER DIVIDENDS ahead of their responsibility to obey the laws, rules and regulations of the NRC, chose to pay stockholders rather than bring their

decommissioning funds for these two sites up to MINIMUMALLY ACCEPTABLE LEVELS. A cursory review of their corporate web page proves they had, and do have the necessary capital to make these Decommissioning Funds, WHOLE yet continue to ignore their LEGAL RESPONSIBILITIES as spelled out in the 10CFR Rules and Regulations...even if Mr, Leonard disagrees, the basic fact is simple...adherence to their duties and responsibilities agreed to in applying for and being granted a license SUPERCEDE his desire to REWARD HIS INVESTORS. I am therefore asking that IMMEDIATE ENFORCEMENT ACTION BE TAKEN IN THE FORM OF:

A) Suspension of ALL ENTERGY LICENSE RENEWAL APPLICATIONS until such time as ALL ENTERGY LICENSEE Decommissioning funds are brought up to Minimum Levels of adequacy. (As a part of this requirement, it is imperative that the NRC require the licensee to make the Decommissioning Funds whole, rather than allowing the licensee to make FUTURE PROMISES to make the Decommissioning Funds whole at some future date and time...such as 20 years out.) One has to wonder if the NRC Petition Reveiw board CHOSE TO DENY my allegations against IP 1,2 and 3 to preserve Entergy's aspirations to spin these reactors off into yet another EMPTY SHELL CORPORATION while pocketing hundreds of millions in additional profits for themselves and their shareholders, including if rumors are correct, certain key members of NRC STAFF, including some who sit on the Petition Review Board.

B) Each day that Entergy is in violation of this requirement is a SEPARATE OFFENSE, and each site is a separate offense. It is therefore formally requested that the NRC begin fining the Licensee \$50,000 per day per each separate license until such time as adequate funds ARE DEPOSITED to make these decommissioning funds FULLY WHOLE. It is further requested, that the Petition Review Board fully explain it's decision to either fine or not fine the licensee for being in violation of its 10 CFR Rules and Regulations.

C) It is requested that a full and complete investigation into Entergy's statements, guarantees, and avows related to the adequacy of the decommissioning funds be carried out by the NRC to ascertain and/or disprove my allegation that Entergy deliberately lied to and mislead the NRC in regard to the adequacy of these Decommissioning funds. If, as this stakeholder alleges it turns out that Entergy (as suspected) has lied and/or misrepresented material facts to the NRC, it is pointed out that such lies and misrepresenting IS THE MOST SERIOUS WRONG a licensee can perpetrate against the agency. It is further pointed out that such lies and misrepresentations ARE JUST CAUSE TO TERMINATE A LICENSE IMMEDIATELY. It is therefore formally requested as a part of this 2.206 request for a full investigation of this matter, that if the facts support the allegations that Entergy has lied and/or deliberately misrepresented material facts as to the adequacy of the Decommissioning Funds, that ALL ENTERGY LICENSES with the NRC (for all their various and assorted companies buried within their corporate umbrella) be immediately TERMINATED.

Respectfully Submitted

Sherwood Martinelli  
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Message-ID: <d46.51d8756b.3862f109@aol.com>

Date: Tue, 22 Dec 2009 23:05:29 -0500

Subject: August 22, 2009 2.206 Petition...Request for Hearing Time, and Appeal in Part

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