

EDO Principal Correspondence Control

FROM: DUE: 01/28/10 EDO CONTROL: G20090723  
DOC DT: 12/29/09  
FINAL REPLY:

Sherwood Martinelli  
Peaskill, New York

TO:

Chairman Jaczko

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO:

Leeds, NRR

DESC:

ROUTING:

2.206 - Indian Point Core Liner Crack  
(EDATS: OEDO-2009-0788)

Borchardt  
Virgilio  
Mallett  
Ash  
Mamish  
Burns/Gray  
Zimmerman, OE  
Caputo, OI  
Burns, OGC  
Mensah, NRR  
Marco, OGC

DATE: 12/30/09

ASSIGNED TO:

CONTACT:

NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-Rios: EDO-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** OEDO-2009-0788

**Source:** OEDO

## General Information

**Assigned To:** NRR **OEDO Due Date:** 1/28/2010  
**Other Assignees:** **SECY Due Date:** NONE  
**Subject:** 2.206 - Indian Point Core Liner Crack  
**Description:**  
**CC Routing:** OGC; OI; OE  
**ADAMS Accession Numbers - Incoming:** NONE **Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20090723 **Staff Initiated:** NO  
**Related Task:** **Recurring Item:** NO  
**File Routing:** EDATS **Agency Lesson Learned:** NO  
**OEDO Monthly Report Item:** NO

## Process Information

**Action Type:** 2.206 Review **Priority:** Medium  
**Signature Level:** NRR **Sensitivity:** None  
**Approval Level:** No Approval Required **Urgency:** NO  
**OEDO Concurrence:** NO  
**OCM Concurrence:** NO  
**OCA Concurrence:** NO  
**Special Instructions:**

## Document Information

**Originator Name:** Sherwood Martinelli **Date of Incoming:** 12/29/2009  
**Originating Organization:** Citizens **Document Received by OEDO Date:** 12/29/2009  
**Addressee:** Chairman Jaczko **Date Response Requested by Originator:** NONE  
**Incoming Task Received:** E-mail

## Simonian, Niry

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**From:** smartinellighs@aol.com  
**Sent:** Tuesday, December 29, 2009 12:35 PM  
**To:** Boska, John; Docket, Hearing; remyc@optonline.net;  
acer8sac@comcast.net; gclary@lohud.com; deb@nukebusters.org;  
CHAIRMAN Resource; senator\_reid@reid.senate.gov; Sheehan, Neil;  
Pickett, Douglas  
**Subject:** 2.206 Petition for Action At Indian Point Nuclear Reactor...Core Liner Crack

Dear NRC:

Yes, I know the routine...I file a 2.206 Petition for Enforcement Action, and the NRC does its best to ignore it, and rule in a way that does the most to protect NRC licensees, rather than public health and the environment. Be that as it may, and because I brought up Boric Acid related risks in my wrongfully dismissed Petition to Intervene (was one of my contentions) in Entergy's License Renewal Application (not my problem that the three judge panel could not deal with hearing the TRUTH), coupled with the very real Entergy Nuclear Reactor Caused breast cancer my wife and I have had to deal with in our lives, I am left with no choice but to take any and all steps I can as a citizen stakeholder to protect the health of myself, my family, and my greater community. It does sadden me though to realize the NRC and it's well paid employees are far more concerned about protecting the nuclear industry and their own jobs than they are concerned about carrying out their core responsibility, the one they are duty bound to which is protecting human health and the environment. Problem after problem is brought to the NRC's attention by concerned citizens such as myself, only to have NEI's Regulatory Robotrons decide they will take no action, or will take a wait and see approach that allows the License Renewal Process to move forward. It is this last reason more than any other that sees me filing this particular 2.206 Petition.

Rather than waste my and the NRC's precious time (it is noted here, that a major contributor to the lack of real regulatory control at America's 104 aging nuclear relics is a scary shortage in qualified employees, coupled with most of the rest of NRC's employees being burned out, or in the pockets of the industry in various incestuous ways.) re qualifying myself as a stakeholder, shall simply ask that the NRC take Judicial Notice that various and assorted filings on my part establish me as a Stakeholder entitled to file a 2.206 Petition.

Because of the similar surrounding culprits involved, I am calling this the David Besse 2.206 Petition in the hopes of getting the NRC to take IMMEDIATE ACTION in the form of immediately shutting IP 3 down, and performing a full and complete Safety Inspection and Evaluation of all Reactor Core, turbine and cooling system pipes and Safe Shutdown components of the reactor, and keeping the reactor in COLD SHUTDOWN until such time as the reactor can pass a FIT FOR DUTY final safety inspection by a team which includes equal representation from groups such as Concerned Scientists (nuclear watchdogs) Riverkeeper, local government officials (both state, county and city, and average stakeholder citizens including myself as the filer of this 2.206 Petition for Action. It is imperative in restoring PUBLIC FAITH in the regulatory process that stakeholders be allowed to have a MEANINGFUL say in the process, imperative that the NRC's process of RUBBER STAMPING it's licensees wishes like Santa Clause handing out candy canes comes to an end.

The DAVID BESSE 2.206 Petition for Enforcement Action for IP 3...Core Liner Cracks, and MASSIVE LEAKAGE of Boric Acid into the void during REFUELING OUTAGES.

Fact...for SEVERAL YEARS NOW, Entergy has been aware of a critical leak in its Reactor Core SHELL that allows some 40 gallons of Boric Acid per minute to leak into the void that exists between the inner casement of the reactor, and the concrete/rebar outer liner. Though Entergy does not specifically state how long they have been aware of this problem, they do admit they have been aware of it, and have tried (unsuccessfully) to address it for the past SEVERAL Refueling Outages...the use of the word several intones MORE THAN A COUPLE, and being aware of Entergy's Band-Aid now and repair as a last option before cataclysmic incident, it is assumed here that several as used by Entergy means no less than five refueling outages, or at least eight years...in short, this is a problem they have been aware of since almost day one of their ownership of the antiquated reactor. This leak raises numerous concerns, chief among them the adequacy of ALL AGING MANAGEMENT PROGRAMS at the Reactor Site...Aging Management Plans that place performance goals ahead of public health and safety, push off IMPERATIVE REPAIRS until future dates and times that are convenient for the licensee, even if such postponement of CRITICAL REPAIRS places the public and our environment in grave peril.

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First, let us put this leak in its proper perspective. A flow of 40 gallons a minute amounts to some 2400 gallons of Boric Acid water leaking into the void per hour. Factored out over one day of a shut down, this amounts to 57,600 gallons of leakage PER DAY during a Refueling Outage. Assuming here that this flow of Boric Acid water continues unabated for an average duration of three days, that is 172,800 gallons of water per Refueling outage, times 5 Refueling Outages for a total of LEAKED BORIC ACID of 864,000 gallons. This water has CASCADED DOWN to the foundation and eventually seeped into and through the bedrock to mix with the known 260,000 gallon plume of tritiated water under reactor three. This raises questions as to the structural integrity of the very foundation upon which IP sits, and further raises serious concerns about weakened rebar and degradation of the concrete throughout the entire inner chamber of Concrete that is the Indian Point 3 Dome.

This crisis becomes even more problematic and dangerous to human health and the environment when combined with the NRC's complete lack of knowledge about embrittlement of the Concrete Dome and inner steel liner.

The NRC has admitted knowledge of these leaks as can be ascertained by testimony heard during the License Renewal Process when Entergy Officials ADMITTED KNOWLEDGE of the leak, and admitted the leak goes back SEVERAL OUTAGES...this admission during the License Renewal Process, coupled with a cursory review of the License Renewal Application makes Entergy GUILTY of LYING on their Application for License Renewal...cause in and of itself to A) toss out the applications for IP 2 and IP 3. The specific lie...they attempted to cover up this grave issue, this MAJOR REPAIR by claiming there were no major repairs envisioned as necessary to the relicensing of the facility and its continued operation during 20 more years of operation. In short, they attempted to HIDE a MATERIAL ISSUE OF FACT in the License Renewal Process, have wrongfully denied the stakeholders adequate opportunity to raise contentions related to SIGNIFICANT structural repairs necessary at the IP3 reactors concerning a serious issue, as admitted by the NRC's own Review Board.

What we have here, is another David Besse in the making, a potential critical accident at a nuclear facility that is being pushed down the road for a period of at least five years when Entergy can combine one dangerous repair...Dome/Spray Nozzle component replacement with what would be an ATTEMPTED REPAIR of this Boric Acid leak into the Core void...meanwhile, much like David Besse, what is the real MARGIN OF ERROR that we the citizens have as the NRC wrongfully takes a WAIT AND SEE POSITION on this known cataclysmic leak? The NRC nor Entergy knows, and both are opting to risk Human Health and the Environment to preserve Entergy Profits! This is unacceptable, and the Review Board must take immediate action to bring Entergy into compliance, to force Entergy to shut down IP3 immediately, and begin immediate repairs.

For this reason, stakeholder Sherwood Martinelli formally requests the following ENFORCEMENT ACTIONS to avoid a David Besse on the Hudson River:

1. Entergy be brought up on formal charges for lying in their License Renewal Application when they stated there were no known repair issues...lying in communications to the NRC is the most serious of charges a licensee can face, and the chronological time line admitted to under oath by Entergy officials compared to the License Renewal Application and the facts contained therein prove conclusively that Entergy lied about, and/or deliberately misconstrued material facts in its application for License Renewal...a charge that gives the NRC the right to immediately TERMINATE Entergy's License to operate these facility, gives the NRC the right to order Entergy to immediately begin DECOMMISSIONING.
2. NRC order the immediate COLD SHUT DOWN of IP 3, and all component parts of the IP Grounds associated with same, except of those operations necessary for safe maintaining of the Cold Shutdown status of IP 3.
3. NRC order a full and complete SAFETY INSPECTION of IP 3, it's reactor core, containment, and cooling systems to ascertain and identify ALL LEAKS known and unknown, and to identify any and all other operational aging management shortfalls/secrets that are placing human health and the environment at risk.
4. After inspection, and adequate public participation in the process, create a list of repairs and management corrections necessary and mandatory that Entergy must make/implement before being granted permission to restart the reactor.
5. NRC consider enforcement fines for this deliberate lie, and hiding of a serious safety issue on the part of Entergy in filing their License Renewal Application in and amount equal to all corporate profits for the period of time they have known the leak existed (which is at least 6 years in duration).
6. Because this is such an important omission of facts, NRC is requested to take an enforcement action that would force Entergy to WITHDRAW ITS JOINT APPLICATION FOR LICENSE RENEWAL of IP2 and IP3, though preserving their right to file A NEW LICENSE RENEWAL APPLICATION once the lies and omissions in said application have been corrected. Any hearings and decisions currently made would be as if they never happened, and the licensee would have

to start the process over, THUS GIVING ALL STAKE HOLDERS their just opportunity to file and formulate contentions based upon ALL THE FACTS, rather than just the facts Entergy wanted citizen stakeholders to know about. As a part of this order, it is further requested that EACH REACTOR file its own SEPARATE and UNIQUE License Renewal Application. This 2.206 Petition shows the basic fundamental flaw in wrongfully allowing NRC licensees to file conjoined reactor applications...each reactor has its own unique issues and problems, and each license requires the licensee to abide by certain rules and regulations as the holder of that license...the joining of license applications makes it impossible to sever and separate the licensees, so that if one license is violated, both are violated...simply stated, Entergy LIED IN A JOINT APPLICATION FOR LICENSE RENEWAL, and so it is imperative to PUNISH BY LICENSE HOLDERS, as both signed off that information contained in THE ENTIRE APPLICATION WAS TRUE AND ACCURATE. We the citizen stakeholders, and the NRC now have proof positive (words delivered by Entergy Officials at a formal hearing before a hearing board) that Entergy lied in its application...thus, the application MUST BE TOSSED OUT.

7. Order for restart should not be granted until such time as ALL ISSUES IDENTIFIED in the SAFETY INSPECTION, as well as all AGING MANAGEMENT SHORTFALLS have been addressed AND CORRECTED...there is to be no calendar that would allow the licensee to PUT OFF TO A FUTURE DATE AND TIME addressing of these serious safety violations.

In God's Name we Pray

Sherwood Martinelli  
351 Dyckman Street  
Peekskill, NY 10566

PS....To Douglas Pickett...per our phone conversation, and to verify my question. Using a generic reactor, I would like to know how long a boric Acid Leak through the steel liner of a reactor (PWR) would last during the refueling outage if it had a leak similar to the one existing at Indian Point, and what specific long term risks would be associated with such a leak at a generic reactor.

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X-MID: 10830390

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From: <smartinellighs@aol.com>

Message-ID: <5e39.5962b3d9.386b97b4@aol.com>

Date: Tue, 29 Dec 2009 12:34:44 -0500

Subject: 2.206 Petition for Action At Indian Point Nuclear Reactor...Core Liner Crack

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MIME-Version: 1.0

Content-Type: multipart/alternative;

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