

EDO Principal Correspondence Control

FROM: DUE: 03/13/09

EDO CONTROL: G20090081
DOC DT: 02/18/09
FINAL REPLY:

Sherwood Martinelli
Peekskill, New York

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 09-0052

Zimmerman, NSIR

DESC:

ROUTING:

Aircraft Impact of Reactors (EDATS:SECY-2009-00)

Borchardt
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Leeds, NRR
Johnson, NRO
Sheron, RES
Cyr, OGC
Bell, OIG
Franovich, OEDO

DATE: 02/20/09

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with NRR and OGC.

Sandy Joosten

From: SMartinelliGHS@aol.com
Sent: Wednesday, February 18, 2009 11:51 AM
To: Secy; CHAIRMAN Resource; Richard Barkley
Cc: earlyshow@cbs.com; evening@cbsnews.com; acer8sac@comcast.net; ajames@th-record.com; remyc@optonline.net; apascazio@timesunion.com
Subject: Formal Request for action and investigation.

Dear NRC:

It was with a certain melancholy joy that I read last night about the NRC's decision to require all new reactors to include, as a part of new construction protection against planes crashing into or attacking the reactor and its spent fuel pools. As a stakeholder living near an ancient failing nuclear reactor facility that is leaking tritium and strontium 90 into the Hudson River just 24 miles upriver from Ground Zero where two planes took down the World Trade Centers, I've known all along that reactors were/are vulnerable to planes, and have in fact and deed brought this fact to the attention of the NRC on numerous occasions and in numerous filings.

Instead of fairly evaluating our concerns, addressing our issues, for expediency of process, and to SAVE LICENSEES NUCLEAR REACTORS, our concerns were quickly and wrongfully dismissed by the NRC as so unrealistic and remote that they were not worthy of any serious thought or evaluation. We were told such a possibility was so remote to make it NOT WORTH CONSIDERATION in your agency's rulings, decisions, and enforcement matters, with no clearer case of this than the creation of the DBT, and in the License Renewal Process...specifically in the site specific GEIS for every reactor site that has been granted License Renewal, or is in process of seeking License Renewal. Literally hundreds of citizens petitions and other filings that raised this issue at sites all over America were wrongfully dismissed with this NRC falsely stated reasoning, despite their own IN HOUSE KNOWLEDGE BASE TO THE CONTRARY. In short, the NRC as an agency has deliberately and CRIMINALLY lied to the public, hidden from them crucial knowledge and information, and more troubling, has issued new licenses and renewed others using this false position in the weighing of the facts in making the decisions to grant these license and license renewal requests.

Even as you and your various staff in conjunction with NEI and the entire Nuclear Industry were behind closed doors negotiating out the particulars of protecting new reactors from aerial attack or accident, you were LYING to the public, to the courts, and more importantly making License Renewal decisions based on a stated position your agency knew WAS FALSE...your agency, NEI and the Nuclear Industry even assured Congress that reactors and their spent fuel pools were safe from Aerial Attack as HARDENED FACILITIES in getting them to reauthorize the Price Anderson Act which waives the nuclear industries financial liabilities, and precludes communities, stakeholders such as myself from getting INSURANCE against the losses that I/we would suffer should one of Indian Points spent fuel pools or reactors fall victim to attack or accident from the air. Simply stated, the decision to require defense in depth on new builds defacto makes the nuclear industry and your agency guilty of the largest SCAM ever perpetrated upon host communities, brings into question EVERY DECISION made by the NRC in the last 10 years.

Based on your agencies CRIMINAL BEHAVIORS as relates to this issue, I am asking for the following actions to protect human health and host communities throughout the United States:

1. It is moved that the DBT be set aside, and a new DBT process be opened wherein the NRC in a fully TRANSPARENT PUBLIC PROCESS will create a DBT that will protect Human Health and the Environment, rather than protect JUST THE FINANCIAL INTERESTS of their Licensees. As a part of this process, the NRC will include the evaluation of a plane attack/crash into the reactors or spent fuel pools of your licensees, and the cost to the Environment if Defense In Depth is not to be included in the DBT. It is imperative for Public Safety that the DBT be revisited as a result of NRC relying upon a FALSE POSITION in dismissing aerial attacks and accidents from the process.

2. It is moved that all License Renewal Applications (approved or in process) be re-opened, their Site Specific GEIS's (as required by law) be redone to include the environmental costs of a successful terrorist attack or tragic plane accident (Boeing 747) wherein a plane crashed into either the reactor or spent fuel pools at your licensee facilities. Every decision made so far on approved or pending License Renewal Applications was based on NRC and the industry's own false position wherein they insisted such scenarios WERE NOT WORTHY of inclusion in a EIS or GEIS even though they were already evaluating said risks for new builds moving forward.

3. It is moved that ALL NRC DECISIONS AND RULE MAKING that relied even partially on the position that a plane crashing into a reactor or spent fuel pool was so mathematically remote that such risk should not be evaluated and factored into the decision making process be SET ASIDE, said decisions and rule making reopened via proper public channels (Federal Registry) and involvement. There are numerous examples of communities concerns as relates to Plane Interaction with reactors and spent fuel pools that the NRC simply brushed aside because they DID NOT WANT TO DEAL WITH A TRUTH THEY KNEW EXISTED as is witnessed by the decision to require NEW BUILD REACTOR SITES to include protections against air assaults and accidents. Simply stated, every decision that relied upon this FALSE POSITION was wrongfully made, unlawfully made, and this include EVERY SINGLE LICENSE RENEWAL APPLICATION THAT THE NCR APPROVED THROUGH THEIR RUBBER STAMPING PROCESS. You cannot make decisions based upon statements and positions YOUR AGENCY KNOWS ARE FALSE, that is perpetrating a fraud upon the citizens of the United States of America.

4. If is further requested the Office of the Inspector General for the Nuclear Regulatory Commission immediately open up a full fledged investigation of EVERY EMPLOYEE of the NRC to find out who knew when that plane attacks and/or accidents were a potential REAL RISK that should have been evaluated in the decision making and enforcement actions of the NRC. This investigation should include all Commissioners. This investigation should identify every decision that was made based upon this PARTY LINE FALSELY STATED POSITION...as example of the NRC's deliberate attempts to deceive the General Public and our Government (Congress) it is suggested that the Inspector General simply take a look at the successful lawsuit brought by Mother's For Peace in the Ninth Circuit Court of Appeals. Hundreds if not thousands of decisions have been made since 9/11 with the NRC wrongfully and criminally dismissing citizens concerns and petitions that raised the plane issue, even though internally they, the NEI and the entire Nuclear industry knew the risk of plane attack or accident at a nuclear reactor site was real, could happen, and would cause ca strophic damages at the site, and in the larger HOST COMMUNITIES.

Respectfully Submitted

Sherwood Martinelli
351 Dyckman Street
Peekskill New York 10566

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov
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11:51:35 -0500

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X-MID: 25770373

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From: <SMartinelliGHS@aol.com>

Message-ID: <d1f.412c9078.36cd9681@aol.com>

Date: Wed, 18 Feb 2009 11:51:13 -0500

Subject: Formal Request for action and investigation.

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

CC: earlyshow@cbs.com, evening@cbsnews.com, acer8sac@comcast.net,
ajames@th-record.com, remyc@optonline.net, apascazio@timesunion.com

MIME-Version: 1.0

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boundary="-----1234975873"

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Return-Path: SMartinelliGHS@aol.com