

March 11, 2009

Mr. Sherwood Martinelli
351 Dyckman Street
Peekskill, NY 10566-4631

Dear Mr. Martinelli:

This responds to your February 18, 2009, e-mail to Chairman Klein entitled "Formal Request for action and investigation." In the e-mail, you assert that in public rulemaking, licensing and enforcement proceedings regarding power reactors, Nuclear Regulatory Commission (NRC) officials told the public that there was no need to address terrorism, including aircraft attacks, because the facilities already were safe. You note that notwithstanding these statements, the Commission subsequently approved an aircraft impact rule for new reactors, which suggests--in your view--that the Commission knew all along that the plants were not safe from terrorism and aircraft attack.

It is important to note that Commission decisions that it need not consider terrorism as part of its environmental reviews under NEPA, and that it need not include aircraft attacks in its design-basis threat (DBT), are separate and distinct from the Commission decision on the aircraft assessment rule for new reactors. Specifically, the Commission decided that, although operating power reactors are adequately protected with the current DBT, new reactors should be inherently more robust against a possible aircraft impact and, therefore, will have to meet the new aircraft impact assessment rule. Hopefully, this helps clarify what may have appeared to be an inconsistency in the Commission's policy regarding protection against aircraft impacts.

Because you allege that NRC officials deliberately withheld information from the public, lied to the public and engaged in criminal conduct in rulemaking, licensing and enforcement proceedings, your e-mail has been referred to the NRC's Office of the Inspector General for whatever action that office deems appropriate.

Sincerely,

/RA/

Joseph G. Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

cc: Office of the Inspector General

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Joseph G. Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

cc: Office of the Inspector General

Incoming: ML090570265
Response: ML090630624
Package: ML090630643

* Via email

OFFICE	LPL1-1/PM	LPL1-1/LA	LPL1-1/BC	OGC	DORL/D
NAME	JBoska	SLittle*	MKowal	JGoldberg	JGiitter
DATE	3/11/09	3/9/09	3/9/09	3/11/09	3/11/09

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