

# Congress of the United States

Washington, D.C. 20515

April 30, 1987

The Honorable Lando W. Zech  
Commissioner  
Nuclear Regulatory Commission  
1717 H Street  
Washington, DC 20555

Dear Mr. Chairman:

We are writing to express our deep dismay with respect to the events involving possible misconduct by high ranking NRC officials which were described at the April 9 hearing before Senator Glenn. Our concern has been further compounded by new information released by Senator Glenn today.

We have long believed that the safety of the nation's commercial nuclear reactors depends upon the effectiveness of the regulatory process. Similarly, public confidence in nuclear power depends upon the complete integrity of the NRC. Events of the kind described on April 9 and since raise profound doubt as to whether certain Commissioners and high-level staff have lost sight of their obligations to ensure safety and to meet the highest standards of personal conduct. If the allegations prove true, the persons responsible for such actions obviously no longer can be relied upon to fulfill their responsibilities to the public. In any case, the events described already have undermined public trust in the Commission's objectivity and judgement.

We believe that the Commission must take steps immediately to get its house in order and restore public confidence in its integrity. In our view, the actions you initiated last week are insufficient to the task. Mr. Edles has been asked to conduct two inquiries involving possible misconduct by NRC staff in connection with investigations of the Comanche Peak plant and the TVA. This inquiry has the potential to call into question the validity of major regulatory actions undertaken by the NRC, and to result in the removal from office of high level NRC officials.

It is simply asking too much of an official to perform a task having the potential for such a serious impact upon high officials of the very agency which employs him. Moreover, even if Mr. Edles were to manage to conduct an objective review, the appearance of a conflict of interest would undermine its usefulness.

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PDR COMMS NRCC  
CORRESPONDENCE PDR

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In addition, while we applaud the decision by the U.S. Attorney for the District of Columbia to assume responsibility for an inquiry into facts relating to the presence of sensitive NRC documents in a licensee's files, we are not certain that all aspects of the matter are being fully investigated. Although the U.S. Attorney's investigation will address potential criminal violations, and Congressional committees may pursue questions regarding Commissioner Roberts' testimony at the April 9 hearing, the matter also may involve questions outside the scope of those investigations. Regardless of whether Commissioner Roberts remains in office, we believe that findings from an inquiry into potential noncriminal violations could be invaluable in helping the NRC or Congress to determine whether new regulations, or legislation reforming NRC regulations, are needed. We believe, therefore, that the Commission should investigate the extent to which NRC regulations, or federal laws involving civil penalties, were violated by the actions surrounding the leak and Commissioner Roberts' subsequent handling of relevant documents.

It is in the interest of both the nuclear industry and the public to ensure that the behavior of NRC employees satisfies the highest standards of integrity. This is particularly true for Commissioners and high ranking officials who bear the greatest responsibility for safety and to whom the public looks for assurance that nuclear power regulation is conducted independently and without compromise. Accordingly, we believe the two matters referred to Mr. Edles, and the question of civil or regulatory violations in connection with the leak and subsequent handling of Commission documents, should be turned over to either a special counsel retained by the Commission or to another agency's Inspector General.

We look forward to your appointment of an outside investigator. We request that you provide us a schedule for completion of the inquiry at that time.

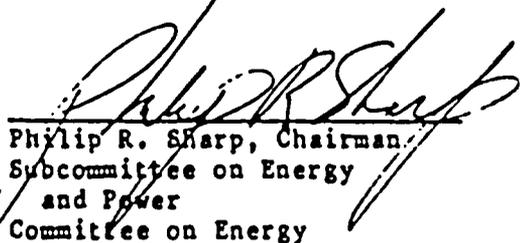
Sincerely,



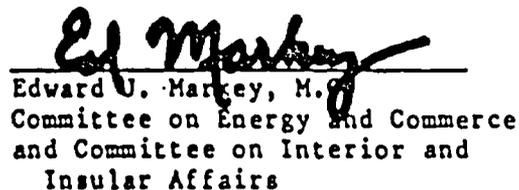
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