

9223



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20545

DOCKETED
USNRC

SEP 25 1989

'89 SEP 26 A9:55

Mr. Thomas J. Saporito, Jr.
Nuclear Energy Accountability Project
1202 Sioux Street
Jupiter, Florida 33458

OFFICE OF
DOCKETING

Dear Mr. Saporito:

By a Petition dated September 3, 1989, filed by you on behalf of the Nuclear Energy Accountability Project (NEAP), NEAP requested that action be taken by the Nuclear Regulatory Commission (NRC) to intervene and stop the launch of the Galileo Spacecraft scheduled for October 12, 1989. The Petition alleged that the launch of the Galileo Spacecraft, which contains considerable quantities of plutonium-238, would be in violation of Public Law 94-79 which provides that the NRC shall not license any shipment by air transport of plutonium in any form with the exception of certain medical devices. The Petition also alleged a number of health and safety concerns should the launch fail and should the material be dispersed into the atmosphere.

By letter dated September 15, 1989, I acknowledged receipt of the Petition and informed NEAP that a decision in this matter would be issued within a reasonable time. For the reasons stated in the enclosed Director's Decision under 10 C.F.R. Section 2.206, DD-89-07, your Petition has been denied. A copy of the Decision will be referred to the Secretary of the Commission for the Commission's review in accordance with 10 C.F.R. Section 2.206(c) of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time. For your information, I have enclosed a copy of the notice regarding this Decision that has been filed with the Office of the Federal Register for publication.

Sincerely,

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

- 1. Director's Decision
Under 10 C.F.R. 2.206
- 2. Federal Register Notice

8910100034XA 1p.

DS07