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Congress of the United States
House of Representatives
Washington, DC 20515

October 6, 1987

Mr. Lando W. Zech
Chairman
Nuclear Regulatory Commission
Matomic Building, Room 1114
1717 H. Street, NW
Washington, D.C. 20555

Dear Mr. Zech:

As the Nuclear Regulatory Commission's investigation into the Tennessee Valley Authority's Appendix B issue comes to an end, I am appalled at the blatant lack of regard for procedural due process displayed by the NRC's Office of Investigation. The events of the past few days clearly indicate a total lack of respect for civil rights as well as investigative discretion.

Releasing information from an incomplete investigation is itself at best a highly irregular procedure. However, I am also puzzled about why the investigative staff chose to brief House and Senate Committee staff prior to telling even the special projects team on the NRC staff. Clearly, the assurances of confidentiality given by Congressional staff to the Office of Investigation's staff were not upheld. However, in my view, it is the Office of Investigation which is ultimately responsible for the untimely release of information.

TVA's Chief of Nuclear Power, Steven White, has been victimized over the past few days due to the NRC staff's indiscretion. For four days now, the media have reported on this matter throughout the Tennessee Valley -- with or without NRC official comment. The potential for damage to Mr. White's credibility and reputation are great. And in spite of TVA's cooperation in this investigation, the NRC staff did not even warn TVA or Mr. White of the impending media disaster.

In the interest of fairness, I strongly believe the NRC's only recourse is to immediately release the OI Report and all relevant documents to that report. Since the OI did not feel that the release of this information could compromise a Justice Department probe, evidenced by the release of information to select individuals some of whom are biased, I do not see how such a release to the parties involved could hinder the probe.

As you will recall, I wrote the Commission on March 18, 1987, expressing my concern that "some members of the NRC staff are inappropriately influenced by sources outside the agency." I also expressed my concern that the conclusion of the investigation had already been determined, compromising the integrity of the investigation. The Commission's reply, dated April 27, 1987, stated plainly that "conclusions will not be drawn until the investigation is complete." Despite these well-

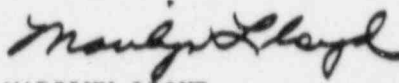
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received assurances, the NRC staff have admitted briefing Congressional staff prior to the conclusion of the investigation. I am gravely disappointed that your assurance was shattered by your staff.

I trust that the appropriate disciplinary action will be taken to prevent future fairness and ethical problems of this nature from recurring. I await your earliest response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marilyn Lloyd", with a stylized, cursive script.

MARILYN LLOYD
Member of Congress
Chairman, Tennessee Valley
Congressional Caucus

ML:kws