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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUL 31 1987

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The Honorable Lloyd Bentsen
United States Senate
961 Federal Building
Austin, Texas 78701

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Dear Senator Bentsen:

The Commission is in receipt of your July 6, July 14, and July 16, 1987 letters inquiring about the Government Accountability Project's (GAP) request for an independent task force to review allegations and Citizens Concerned About Nuclear Power's (CCANP) motion to reopen the record regarding the South Texas Nuclear Project.

In a July 15, 1987 letter, the Commission informed GAP that the agency could determine more appropriately whether the appointment of an independent task force is warranted, after careful review of the allegations in detail. (See attachment.) Thus, the Commission encouraged GAP to provide the allegations to the agency. GAP repeatedly has refused to provide the allegations to the agency and has yet to do so. Once GAP complies with this request, the agency will be in a position to make the appropriate determination regarding allegations management. Further delay by GAP in turning over the information will only result in further delay in the agency looking into the matters to which GAP has alluded in its communications with the NRC and others.

The Commission recently denied CCANP's motion to reopen and referred it to the NRC staff for consideration under 10 CFR § 2.206.

Thank you for your concern regarding these matters.

Sincerely,

Harold R. Denton
Director
Office of Governmental
and Public Affairs

Attachment:
NRC Letter to GAP, July 15, 1987

FOIA-88-107

G/12



OFFICE OF THE
SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

July 15, 1987

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Billie P. Garde, Esq.
Director, Midwest Office
Richard E. Condit, Esq.
Staff Attorney
Government Accountability Project
1555 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20036

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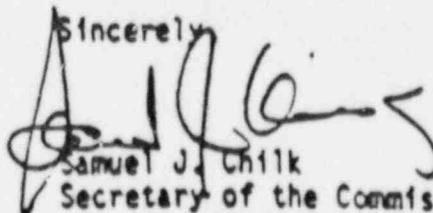
Dear Ms. Garde and Mr. Condit:

This letter responds to your May 29, 1987 petition under 10 CFR 2.206 for the establishment of an investigative unit independent of NRC Region IV and the Executive Director for Operations (EDO), to review allegations concerning the South Texas nuclear power plant.

You specifically state in your petition that "[i]t would be inappropriate to have [the EDO] or anyone connected with Region IV decide the merits of this petition since they are the individuals we are seeking relief from." GAP 2.206 Petition at 15. A 2.206 petition is addressed to the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards. 10 CFR 2.206(a). These directors report to the EDO who by virtue of his position is involved in the 2.206 deliberative process. Taking into consideration the plain language of your request, the Commission decided to treat the document that you characterize as a 2.206 petition as a request for Commission consideration. The Commission notes, however, that the determination of the most appropriate means of evaluating allegations is essentially within the Commission's discretion and is not within the scope of actions contemplated by 10 C.F.R. 2.206.

The agency can best determine whether the allegations should be handled by Region IV personnel or by an independent task force only after detailed review of the nature of the allegations. The Commission encourages GAP to provide the allegations to the agency promptly pursuant to the May 20, 1987 subpoena issued to Ms. Garde. Additional delay in turning over the information to the agency will only result in further delay in looking into matters which you claim are relevant to public health and safety. After the agency has reviewed the substance of the allegations, it will be in a better position to determine whether Region IV is the appropriate entity to review the allegations or whether the appointment of an independent task force is necessary. The Commission assures GAP that the agency will handle the investigation of the allegations properly, both with regard to technical review and confidentiality.

Sincerely,



Samuel J. Chilk
Secretary of the Commission

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