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November 24, 1987

Lando W. Zech, Jr.
 Chairman
 U.S. Nuclear Regulatory Commission
 1717 H Street NW
 Washington, D.C. 20555

Dear Chairman Zech:

As you know, the Subcommittee on General Oversight and Investigations is conducting an investigation of the threat of sabotage and terrorism to NRC-licensed facilities by both "insiders" and external attackers. The Subcommittee initially requested information on this issue in an August 27, 1987 letter to the Commission. The Subcommittee requested a response to this initial request no later than September 15, 1987. Subsequently, the Subcommittee submitted a more comprehensive request for information in an October 9, 1987 letter, and requested that the information be provided no later than November 1, 1987. The Subcommittee has yet to receive a complete response to either inquiry.

Question 20 of the August 27, 1987 letter requests that the NRC provide the Subcommittee with the following documents:

"all correspondence after January 1, 1983 between NRC and any NRC licensee, any utility-sponsored organizations, or any representative of an NRC licensee or utility sponsored organization a) concerning the development or issuance of an NRC rule regulation, or policy to revise the design basis threat for both radiological sabotage and theft to include the introduction by an adversary of explosives and other equipment by a vehicle; b) concerning the development and issuance of an NRC rule, regulation, or policy on safeguards against sabotage by any utility or contractor employee with access to a nuclear reactor facility."

In the Commission's September 14, 1987 response to question 20, and its November 2, 1987 supplemental response to question 20, the Commission's characterization of our question modifies the question itself. The Commission's response represents the

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question as, "Identify all correspondence after January 1, 1983". The use of the word "identify" rather than "provide" significantly reduces the scope of the Subcommittee's request for information.

I am also concerned that the Commission may not have identified all correspondence that falls within the parameters of question 20. For example, the Commission response to date does not identify any industry correspondence concerning the highly controversial truck bomb issue, and many other significant sabotage and terrorism issues.

I request that the Commission respond expeditiously to question 20 as originally written in the Subcommittee's August 27, 1987 letter. I also request that the Commission review its files to ensure that it has provided the Subcommittee with any and all documents that fall within the parameters of question 20.

The Commission's November 6, 1987 response to the Subcommittee's October 9, 1987 letter also modifies one of the Subcommittee's questions. Question 5 of the October 9, 1987 letter reads as follows:

" Any and all documents concerning the loss of three of four off-site power sources for the Palo Verde nuclear plant in May 1985; this would include, but not be limited to, any and all (draft and final) correspondence, notes, memoranda, notes of meetings, SECY papers."

The underlined words have been omitted from the Commission version of question 5.

The Commission's response of November 6, 1987 characterizes question 5 as follows:

" any and all documents concerning the loss of three or four off-sites power sources for the Palo Verde nuclear plant in May 1985; this would include, but not be limited to, any memoranda, notes of meetings, SECY papers."

While this modification is less significant than the change made in the August 27, 1987 letter, it is still somewhat troubling. I request that the Commission respond expeditiously to question 5 as originally written in the October 9, 1987 letter.

In addition to the modifications made to the questions by the Subcommittee, there may have been a misunderstanding regarding the Subcommittee's request. We had sought all documents, or portions thereof, which were not classified. The Commission apparently understood the Subcommittee request to refer only to those items which were absolutely free of any classified content. The Subcommittee did not expect to receive classified information; however, we did expect to receive the unclassified portions of any item we had requested.

I request that the Commission redact the classified material from all documents that have been classified by the Commission that are relevant to the Subcommittee request, and provide the Subcommittee with these redacted documents as soon as possible. This request does not apply to documents originated and controlled by another agency. However, the request does apply to NRC documents which contain third agency material.

I also request that the Commission provide the Subcommittee with a full legal explanation for each instance in which the Commission has made a decision not to make available an individual document or portion thereof. If the rationale is that a particular document has been classified by the Commission, please identify the criteria and rationale based upon which you determined it to be classified. This request does not apply to documents originated and controlled by another agency. However, the request does apply to NRC documents which contain third agency material.

I share the Commission's desire to maintain security on this most important and sensitive matter. However, the Congress must be supplied with sufficient information and documentation so that it can fulfill its oversight responsibilities. The Commission is accountable to the Congress, and the American people, for its activities to protect against sabotage and terrorism.

Should you have any questions about this request, please contact me, or John Scheibel, Staff Director and Counsel to the Subcommittee at 226-4085. We would be pleased to discuss any concerns that the Commission has about this request.

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sam Gejdenson", with a long horizontal flourish extending to the right.

Sam Gejdenson
Chairman
Subcommittee on General Oversight
and Investigations