



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

OFFICE OF THE
COMMISSIONER

July 28, 1978

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

In your letter of July 10, you posed four questions for the Commission to answer. Since I am leaving town today and may be away when the other Commissioners are ready to respond I am sending my own answers at this time:

1. "Was Mr. Gossick's July 29 testimony, with regard to whether there was evidence of a diversion, an accurate representation of the facts?"

No, it was not an accurate representation of the facts. Moreover, when Mr. Gossick said "We have investigated every incident that has come to our attention or has been alleged to us with regard to the theft or diversion of material ... we have no evidence that a significant amount of special nuclear material has been stolen," he suggested that there was a Commission conclusion of "no evidence" based on investigations when this was not so.

2. "Did Mr. Gossick's August 8 testimony accurately describe the Commission's position with regard to whether there was evidence of a diversion?"

I think I answered that question fully in my letter of December 12, 1977, to Chairman Dingell. I sent you a copy at the time, but I attach another. There was no Commission position on the matter, and it was misleading for Mr. Gossick to suggest that there was one, whether one meant the Commission as constituted on June 30, 1977, or at some time prior to that. In fact, the views held by individual Commissioners were directly contrary to the view that Mr. Gossick's testimony ascribed to the Commission -- although there was no official Commission position to the contrary either.

3. "Did Mr. Gossick's testimony on July 29 and August 8 reflect accurately his state of knowledge of the Apollo/NUMEC situation?"

In my previous statements on this matter, I have not offered any opinion on the state of Mr. Gossick's mind on July 29, 1977 or on August 8, 1977. I cannot now offer an opinion on the state of his knowledge, except to say that I agree with the findings set forth in your letter dealing with the information available to Mr. Gossick.

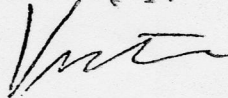
4. "To what extent does Mr. Gossick's testimony on July 29 and August 8 represent a failure to fulfill his obligation to keep appropriate committees of Congress fully and currently informed?"

In my view the problem raised by Mr. Gossick's testimony, both on July 29 and August 8, is that he provided assurance to the Congress that the question that it had raised had been investigated and answered by the Commission in the negative when in fact this was not the case.

As far as the July 29 testimony is concerned, I regard as more serious than the testimony itself the fact that this record was not corrected in the light of subsequent meetings with Commissioners and that the error was not acknowledged when the matter was raised by the Congress.

I must add I share your concern about the pace at which the Commission has handled this entire matter.

Sincerely,



Victor Gilinsky
Commissioner

Enclosure:
December 12, 1977 Letter
to Chairman Dingell