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July 10, 1978

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Honorable Joseph Hendrie
Chairman, Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

Nearly eight months have elapsed since Representative Tsongas and I brought to the Commission's attention that Mr. Gossick had misrepresented the facts on July 29, 1977 when he appeared before the Subcommittee on Energy and the Environment. By delaying its consideration of the matter, the Commission has cast doubt upon its ability to respond forthrightly to difficult situations. I again urge the Commission, in the interest of establishing its own credibility, to resolve the matter soon.

Our own analysis indicates the following:

1. On July 29, 1977, there was sufficient information available to the NRC to indicate that it would not be accurate to imply that there existed "no evidence" that a significant quantity of nuclear explosive material had been stolen.
2. Prior to July 29, 1977, Mr. Gossick was aware of the February, 1976 CIA briefing; he had discussed the CIA briefing with persons who had been present at it; he was aware of Mr. Conran's allegations and the statements concerning Apollo/NUMEC in the Conran Task Force Report; he was aware of Conran Task Force Report Reference 102 stating that following the CIA briefing the Commissioners no longer said there was "no evidence of a diversion" without qualifying such statements; he had participated in at least one discussion of what he might say if the Apollo/NUMEC matter were to arise at the July 29 hearing; and he attended a meeting on June 22, 1977 where Chairman Rowden had cautioned against use of categoric statements regarding theft of nuclear materials.

3. Following the July 29 hearing and prior to the Commerce Committee's August 8 hearing, Mr. Gossick attended two meetings on August 2 at which there was discussion related to the accuracy of unqualified "no evidence" statements. The inferences from these discussions are that the "no evidence" statements were not accurate, that there was evidence of a diversion, and that it was not the Commission's position that there was no evidence of a diversion.

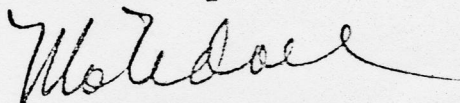
4. None of the five Commissioners who held office during the period of concern state that the Commission held an unqualified "no evidence" position following the February, 1976 CIA briefing. The statements cited by Mr. Gossick in support of his contention to the contrary (i.e. that it was the Commission's position that there was no evidence of a diversion) are ambiguous and in some cases taken out of context. In citing these statements, Mr. Gossick also ignores the statements and actions of Commissioners indicating that the Commissioners knew there was evidence of a diversion.

In light of the foregoing, I believe the Commission's consideration of the matter should include providing answers (and individual Commissioner's views where appropriate) to the following questions:

1. Was Mr. Gossick's July 29 testimony, with regard to whether there was evidence of a diversion, an accurate representation of the facts?
2. Did Mr. Gossick's August 8 testimony accurately describe the Commission's position with regard to whether there was evidence of a diversion?
3. Did Mr. Gossick's testimony on July 29 and August 8 reflect accurately his state of knowledge of the Apollo/NUMEC situation?
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?

I look forward to an early response.

Sincerely,



MORRIS K. UDALL
Chairman