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February 4, 1982

The Honorable Nunzio Palladino
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I want to express deep dissatisfaction with the manner in which the Commission has handled one important aspect of the Three Mile Island accident. This concerns reporting failures that occurred on March 28, 1979. The initial inquiry conducted by the Office of Inspection and Enforcement (I&E) did not address the issue; the inquiry conducted by the NRC Special Inquiry Group was incomplete; and the most recent I&E investigation undertaken after my repeated urging was wholly inadequate.

You did not respond to my November 4, 1981 request for an explanation of I&E's failure to conduct a comprehensive inquiry with regard to reporting of information to State officials. Recently we have observed the sorry spectacle of high level Commission staff seeking to make a distinction between "knowingly" and "willfully" withholding information required to be reported by NRC regulations, a distinction that appears acceptable to a Commission majority.

This history does little to inspire confidence in the Commission's ability to confront situations involving an apparent willful violation of its regulations.

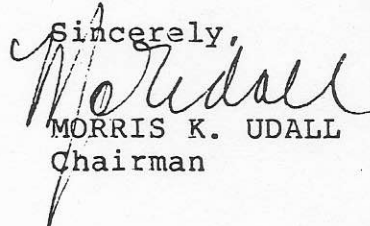
For my part, I do not accept your staff's tortured distinctions between "knowingly" and "willfully." Notwithstanding the fundamentally flawed character of the NRC investigations, the record is such that a fair reading of it leads to the conclusion that significant information was willfully withheld from State and Federal officials on the first day of the accident at Three Mile Island.

February 4, 1982

If I believed that continuation of our dialogue on this matter would lead to a satisfactory resolution, I would continue to press for a response, particularly to the question as to whether the Commission believes that persons, who acted as stated in the conclusions of the House Interior Committee staff report, did willfully violate the Commission's regulations. But given the Commission's apparent determination to avoid confronting the issue directly, I have concluded that further requests for a clear resolution are destined to result only in more obfuscation.

Finally, your inaction on this matter has done more than to raise questions about the Commission's credibility. Your response to this serious violation of NRC regulations conveys to your staff the notion that circumstances exist where the interest of the greater good dictates avoidance of findings that would force administrative actions that imply commission of a criminal act. Moreover, in permitting staff to conceal a problem with obfuscatory language and with words having meanings different from those in common usage, you set a poor example for your licensees.

Sincerely,

A handwritten signature in cursive script that reads "Morris K. Udall". The signature is written in dark ink and is positioned above the typed name and title.

MORRIS K. UDALL
Chairman