OFFICE OF THE  
COMMISSIONER

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

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November 4, 1983

The Honorable Edward Markey, Chairman  
Subcommittee on Oversight and Investigations  
Committee on Interior and Insular Affairs  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to you and Chairman Udall in connection with the continuing controversy over whether the Commission was properly informed of the Hartman allegations.

In the Commission's letter to you of October 17, 1983, I had made the comment that while the NRC staff had informed the Commission of the existence of the Hartman allegations and of the referral to the Department of Justice the NRC staff had not, until quite recently, shared its evaluation of the seriousness and significance of these allegations with the Commission. Chairman Palladino has now passed on to you an October 20th memorandum from the Executive Director for Operations in which he takes issue with my remark. The staff view is that it is "reasonable and logical to infer" from the referral of the Hartman allegations to the Department of Justice that senior NRC staff believed that the allegations were probably true and that they believed the matter was potentially serious.

This calls for several comments: First of all, this new memorandum does not dispute that the Commission was not informed of the staff's evaluation of the Hartman allegations; it only argues that the Commission should have guessed what the staff thought.

Second, in the backup memorandum, there is a suggestion that former Chairman Ahearn was told the staff's views. But it appears from the comments of the other Commissioners that these views were not shared with any of them. If this is so, a further problem exists.

Third, the staff memorandum omits entirely the question of why the Licensing Board was given a strictly pro forma notification of the Hartman allegations and not put on notice of the staff's assessment of their significance. In light of the staff's present posture on GPU's management, one can surmise that the hearing might have gone differently

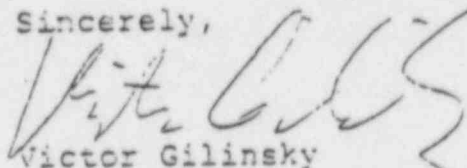
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if the Board had been made aware of the staff's concerns. There is even a possibility that if the staff had been more forthcoming, the Commission would have addressed the GPU management problem at an earlier date.

I have to add that I am troubled by the notion that the NRC staff, and by implication the Chairman, believe that their obligations to keep the Commission fully and currently informed can be discharged by sending hints from which the Commission is supposed to infer the staff's views. It would be helpful if Congress would make it clear that informing the Commission means precisely that -- explicitly and in plain English.

Sincerely,



Victor Gilinsky  
Commissioner

cc: Rep. Ron Marlenee