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U.S. HOUSE OF REPRESENTATIVES
 WASHINGTON, D.C. 20515

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November 8, 1983

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

Dear Mr. Chairman:

We are writing in regard to the several letters and memoranda relating to our August 1, 1983 letter concerning reactor coolant system leak rate calculations at Three Mile Island. These documents do not explain adequately the failure of the staff to fully inform the Commission and Licensing Board prior to 1983 of conclusions arising from the staff's inquiry into the allegations of Mr. Harold Hartman, a former control room operator at Three Mile Island.

We have taken particular note of Commissioner Gilinsky's comment in his November 4 letter that the NRC staff "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." We are in complete agreement with Commissioner Gilinsky that the staff's communications with the Commission should be in explicit and clear English.

This is not the first instance in which the NRC staff has failed to communicate to the Commission significant information in its possession. We cannot know how often the failure of NRC staff to fully inform the Commission has inhibited the Commission in performance of its duties. We do know, however, that communications breakdowns have delayed resolution of problems at Three Mile Island and Zimmer. The consequences in these two instances, even if there are no others, are of sufficient magnitude to cause us to pursue the leak rate matter. We expect, therefore, a complete response to the questions posed here and in our August letter.

As part of this response, please provide all notes, memoranda and other documents including but not limited to those between Commission offices and between Commission assistants and Commissioners, indicating the timing and substance of communications between the staff and Commission on the leak

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The Honorable Nunzio Palladino

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rate falsification matter. We have taken note of the reasons for your not answering several of our questions concerning notification of the Licensing Board; we assume, however, that the answers will ultimately be forthcoming. Accordingly, we believe it is imperative that the Commission make a commitment to address this matter prior to a TMI-1 restart decision.

We also call your attention to a discrepancy between statements ascribed to former NRC Chairman and Commissioner, John Ahearne. On the one hand, Mr. Victor Stello states in his June 15 memorandum that Commissioner Ahearne, "... was not surprised that Tim Martin held a view that he stated in a Commission meeting on May 24, 1983." On the other hand, Commissioner Ahearne stated at the June 20 hearing before the Interior Committee Subcommittee on Oversight and Investigations that, "The first time I knew that a staff member had had that possible conclusion was when Tim Martin told us in May. That was the first time I can recall a staff member saying yes, it is not an allegation, it is true."

Mr. Stello's statement as to Commissioner Ahearne's recollection raises questions as to whether the then-Chairman was given information that was not provided to the other Commissioners. We request that the Commission determine whether the statutory requirement, that all Commissioners be equally informed on matters before the Commission, was in fact fulfilled in this instance.

Thank you for your assistance.

Sincerely,

M. K. Udall

MORRIS K. UDALL
Chairman
Committee on Interior
and Insular Affairs

Ed Markey

Edward J. Markey
Chairman
Subcommittee on Oversight
and Investigations

FROM Rep. Morris K. Udall Rep. Edward J. Markey	ACTION CONTROL	DATES	CONTROL NO
	COMPL DEADLINE	11/22/83	13755
	INTERIM REPLY		DATE OF DOCUMENT
	FINAL REPLY		11/8/83
TO Chairman Palladino	FILE LOCATION	PREPARE FOR SIGNATURE OF	
		<input checked="" type="checkbox"/> CHAIRMAN <input type="checkbox"/> EXECUTIVE DIRECTOR OTHER _____	

DESCRIPTION <input checked="" type="checkbox"/> LETTER <input type="checkbox"/> MEMO <input type="checkbox"/> REPORT <input type="checkbox"/> OTHER			SPECIAL INSTRUCTIONS OR REMARKS		
Q's re leak rate calculations at TMI			<p align="center"><u>PRIORITY</u></p> <p align="right">Ref. EDO 13394</p> <p>cc: J. Allan T. Martin ✓ R. Starostecki J. Gutierrez 11/18/83-TEM</p>		
ASSIGNED TO	DATE	INFORMATION ROUTING	<p align="center">SECY-83-2489</p>		
Stello, DEDROGR	11/14/83	Dicks			
		Roe			
		Rehm			
		Marley, RI			
		DeYoung			
		Denton			
		GCunfingham			

NRC FORM 232
(6-80)

EXECUTIVE DIRECTOR FOR OPERATIONS
PRINCIPAL CORRESPONDENCE CONTROL

No. 83 2489 Logging Date 11/10/83

NRC SECRETARIAT

TO: Commissioner _____ Date _____

Exec. Dir./Oper. Gen. Counsel

Cong. Liaison Solicitor

Public Affairs Secretary

_____ Inspector & Auditor

_____ Policy Evaluation

Incoming: Rep Morris K. Udall

From: Rep Edward J. Markey

To: Palladino Date 11/8/83

Subject: failure of the Comm to completely address
the Hartman allegations at the TMI 1 fac re reactor coolant
system leak rate calculations

- Prepare reply for signature of:
- Chairman and Comm Review Date due Comm: Nov 22
 - Commissioner _____
 - EDO, GC, CL, SOL, PA, SECY, IA, PE
 - Signature block omitted
 - _____ (ID&R-5 TMI 1)
- Return original of incoming with response

- For direct reply*
- For appropriate action
- For information

Remarks: RF, OCA to Ack, docket

For the Commission: billie

*Send three (3) copies of reply to Secy Correspondence and Records Branch

Rec'd Off. EDS

Date... 11-14-83

Time... 12:30

ACTION SLIP