

Monday, November 21st, 1983

Mr. Peter Bradford

Dear Peter:

Vic Stello has just called me to inform me of a letter from you expressing amazement ("flabbergasted"), apparently because you read Stellos memo for the record on the Hartmann matter as indicating I had information I withheld from you (and the other Commissioners). I believe that is an incorrect interpretation.

As I told Vic Stello when he called (and have recently verified this with him), my recollection is as follows:

(1) a few days ago (when Cummings called to tell me of the problem that had arisen, and sent me a copy of Stello's memo for the record), I wrote down my recollections -- they are attached.

(2) the discussion I clearly recall is the one I refer to -- and my memory is that we all were present (or, at least, the Commission was -- whether all 5 were, I don't remember).

(3) Beyond that, my memory is of Stello's operating procedure -- he, to the best of my knowledge, always told each of us what he told one of us. When I was not Chairman, he would come around on his rounds -- when I was Chairman, he would tell me that he was going on to the rest of you.

(3) Beyond that, I have no specific memories (it has been several years!)

(The reason I remember the Stello argument on DOJ referral is that it so soon became apparent he had been correct -- the DOJ took an incredibly long time. Without that to flag the Stello argument, I probably would have forgotten it.)

However, I am sure the Commission took the charges seriously -- else why send them to the DOJ? And certainly well knew they had been sent.

I hope this clarifies things for you. Stello is sending me a copy of your letter -- I may have more to add after I see it.

Sincerely,

John

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ATTACHMENT 6

Memo to file

November 18, 1983

Subject: Hartmann matter

The following is my best recollection of the events concerning Hartmann's charges:

- I do not remember either the Hartmann name or the leak rate falsification coming up as an issue in either the Kemeny or the Rogovin reviews. (Apparently they did internally to the Rogovin review, as indicated by the staff memo from Ornstein) (name added after receiving Oct. 17 Palladino Roberts letter to Markey, with attachments) 11/21.
- After Hartmann's public announcement, I&E (Stello) began to look into the charges.
- The NRC referred the charges to the Dept. of Justice. To do so, the Commission overrode Stello's arguments. I recall a Commission meeting* in which Stello argued against such a referral because I&E would have to stop looking into the matter and that would make it hard for them to conclude their review of the TMI accident. When told DOJ would move right ahead, Stello expressed skepticism -- he believed DOJ would take a long time. *At least it was in the big meeting room 11/21.
- DOJ asked for the NRC to provide a knowledgeable technical person to help them. We did -- I didn't recall who it was -- but then we found out (and should have realized in advance) that once that person began helping the DOJ before a grand jury, we could no longer talk to that NRC person about TMI.
- At some time in this period Stello came to the Commission to get subpoena authority because TMI operators who were on the list to testify to the grand jury had refused, under advice from their lawyers, to talk to the NRC.

So, in summary, my recollection is that

- the first I knew of Hartmann's charges were when he went public
- I&E obviously took the charges seriously -- else Stello wouldn't have argued not to give to DOJ
- the Commission took them seriously -- that is why we did give them to DOJ

Now, when Tim Martin made his statements at the May Commission meeting:

- I was not surprised that someone on the staff believed the allegations. Typically, the judicial side of the NRC -- which includes most of the Commissioners -- keeps an open mind on charges until the investigations have been completed.-- However, the staff usually reaches a conclusion quickly -- certainly some of the staff -- hence I was not at all surprised that someone in the staff believed the allegations.

HOWEVER - I was totally surprised

- (1) to find the person identified as being so closely involved -- Tim Martin -- not only believed it, but
- (2) stated that Hartmann's charges were true -- i.e., it was a fact.

Furthermore -- and I don't have a meeting transcript - my impression now is that Martin said or implied he knew the charges were true years ago and had documented that. I think the transcript will show I asked to see those documents -- because I was astonished. I believe Martin agreed to send them: However, when I left the NRC on 30 June I had not received them, so I do not know to what extent such documentation exists or how positive it is in stating Hartmann's charges are true.

During the summer of 1983 Vic Stello called me to ask what my reaction was to Martin's statements -- I believe I told him what I have written above.

Recently* I was sent copies of the October and November exchanges on Hartmann. I have called Stello (yesterday) and he agrees that the above is both what I told him and what he intended to mean in his description of what his above call with me. (I had not read his memo that way.)

*Came 11/16 - read partly on 11/17 - fully on 11/21: Added 11/21