

Jane Lee  
183 Valley Road  
Etters, Pennsylvania 17319

Oct. 1, 1983

MEMORANDUM FOR: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal

FROM: Jane Lee  
183 Valley Rd.  
Etters, PA 17319

SUBJECT: STATUTE OF LIMITATIONS ON U.S JUSTICE DEPARTMENT'S  
INVESTIGATION OF HARTMAN ALLEGATIONS...FALSIFICATION  
OF LEAK RATES.

Following the accident at Three Mile Island, Unit 2, Harold W. Hartman, Jr., Control Room Operator at Unit 2, reported that leak rate tests were falsified to prevent the required shut-down of the reactor. This illegal practice was occurring at least three months prior to the accident.

Upon receipt of these revelations, the NRC turned the information over to the U.S. Justice Dept.. A Grand Jury was empaneled on May 12, 1980, to investigate the allegations. Secret testimony was heard from at least twenty witnesses during the Dept. of Justice investigation.

Since the inception of the investigation, the U.S. Attorney's Office exchanged leadership; former U.S. Attorney Carlton M. O'Malley and the present Reagan appointee U.S. Attorney David Dart Queen. Two U.S. Attorney Assistants, James West and Sally A. Lied, were appointed to the false-leak-rate investigation.

The Statute of Limitations on this type of crime is five years. Those five years will terminate in early 1984. NRC Chairman Nunzio Palladino and Harold Denton, Director of Reactor Regulation, both requested information from the Justice Dept. sometime in April 1983, as to why the investigation was taking so long.

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PDR ADOCK 05000289  
H PDR

Because the Statute of Limitations is rapidly closing, two local residents visited the U. S. Justice Department at 3rd & Walnut Streets, Harrisburg, PA on September 29, 1983, to request the status of the investigation. "Was it on-going or completed?" we asked. This was the extent of our inquiry. We were informed by the Justice Department that: "We (Justice Dept.) are not at liberty to make any comment on the completion of this investigation".

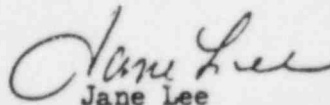
The deliberate submission of false statements to the NRC is a felony which is subject to criminal prosecution. The demeanor and verbal response at the Justice Department gave us pause for thought about the U.S. Justice system. Our reservations are compounded by U.S. Attorney David Hart Queens's statements to a Patriot News Reporter on June 7, 1983: "I'm not required by law to seek the Attorney General's approval" of a Grand Jury Indictment. No doubt Mr. Queen is within his bounds of the law, but if such is the case, are we to look upon the U.S. Justice system as selective?

This issue, as I view it, has all the overtones of Watergate in that it suggests the obstruction of justice.

The moment of truth has arrived and requires the attention of those who are responsible for bringing this investigation before the public to determine if the Justice Dept.'s investigation revealed wrongdoing and if so, that it demands a Grand Jury Indictment.

We respectfully request a Congressional Hearing to bring the case of General Public Utilities versus the People (Falsification of leak rate data) before the Congress. To do otherwise, makes a mockery of our judicial system and the Constitution of the United States.

Please send any correspondence or verbal action that is taken regarding this subject to me.

  
Jane Lee

cc:     Senator H. John Heinz, III  
          Senator Arlen Specter  
          Rep. George Gekas  
          Rep. Paul Tsongas  
          Rep. Edward J. Markey  
          Rep. William Goodling  
          Governor Richard Thornburgh  
          PA Rep. Bruce Smith  
          PA Rep. Harold Brown  
          PA Rep. Leroy Irvis , Minority Leader  
          PA Rep. James J. Manderino, Minority Whip

\* Dauphin Commissioners:  
      John E. Mirnick  
      Norman P. Hetrick  
      Larry Hochendoner

\* Cumberland Commissioners:  
      Mrs. Jacob A. Myers  
      Nelson Punt  
      Rosemarie C. Peiffer

\* Lancaster Co. Commissioners  
      James E. Huber  
      Robert C. Boyer  
      Jean Mowery or Successor  
      Interior & Insular Affairs (Udall Committee)  
      Morris Udall, Chairman  
      Henry Myers  
      Paul Parshley  
      Saul Kohler, Patriot News  
      Middletown Journal  
      York Daily Record  
      Lancaster Intelligencer  
      Paxtang Herald  
      Union Advocate  
      The York Dispatch

York County Commissioners.  
William C. McKinley,  
Jay Bair  
Robert Bowers(or Successor)  
Mayor Steven Reed  
Harrisburg, Pa  
Mayor Reid  
Middle town, PA

No. 83 2350 Logging Date 10/5/83

**NRC SECRETARIAT**

TO:  Commissioner \_\_\_\_\_ Date \_\_\_\_\_  
 Exec. Dir./Oper. \_\_\_\_\_  Gen. Counsel \_\_\_\_\_  
 Cong. Liaison \_\_\_\_\_  Solicitor \_\_\_\_\_  
 Public Affairs \_\_\_\_\_  Secretary \_\_\_\_\_  
 \_\_\_\_\_  Inspector & Auditor \_\_\_\_\_  
 \_\_\_\_\_  Policy Evaluation \_\_\_\_\_

Incoming: Jane Lee  
 From: Etters, PA

To: Palladino/Cmrs Date 10/1/83  
 Subject: statue of limitations on U.S Justice Dept's  
investigation of Hartman allegations--falsification of  
leak rates

- Prepare reply for signature of:
  - Chairman \_\_\_\_\_
  - Commissioner \_\_\_\_\_
  - EDO, GC, CL, SOL, PA, SECY, IA, PE
  - Signature block omitted
  - \_\_\_\_\_
  - Return original of incoming with response

- For direct reply\* Suspense: Oct 17
- For appropriate action
- For information (ID&R-5 TMI-2)

Remarks: Docket

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For the Commission: billie

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

NRC FORM 62A  
(3-82)

Rec'd Off. EDO  
 Date 10-6-83  
 Time 12:30

ACTION SLIP