Mr. James West U. S. Attorney's Office Middle District of Pennsylvania Federal Building P.O. Box 793 Third & Walnut Streets Harrisburg, Pennsylvania 17108 cc: R. Starostecki T. Martin R. Keimig J. Gutierrez 8/31/83-TEM

Dear Jim:

This is to confirm your August 10, 1983, telephone conversation with Mr. Jack Goldberg, NRC, Attorney, Office of the Executive Legal Director. Mr. Goldberg apprised you that he had been contacted by a private attorney, Mr. Mike McBride who represents Mr. James Floyd in TMI issues presently under investigation.

Specifically, Mr. Goldberg advised you that Mr. McBride had contacted him and stated that he desired to have information put before the Grand Jury in Harrisburg, Pennsylvania, on behalf of his client. The information in point is contained in the Faegren Benson Report and NUREG 0986. In addition, Mr. McBride requested that NRC employees Donald Haverkamp and the authors of NUREG 0986 be made available for an interview with Mr. McBride.

In response you emphasized that any potential witness is free to talk to anyone, but it was your wish that the NRC employees not agree to engage in such interviews. You indicated that you perceive significant problems being generated in developing a viable prosecution should these interviews take place. You also encouraged the NRC to refer all such requests to you in the future.

In conclusion you indicated it is an NRC decision to allow its employees to be made available to a defense counsel, but as the Department of Justice representative in the leak rate investigation, you recommend that it not be done.

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In closing, you requested a copy of NUREG 0986 which Mr. Goldberg agreed to furnish to you. In addition, you requested NRC's assistance in identifying and making available an NRC employee to assist you in developing the leak rate prosecution. I have communicated your request to the NRC Commission and will advise you upon receipt of additional information.

If you have any further questions you can contact Mr. Albert Puglia of my staff on 492-7170.

Sincerely,

Original signed by George Messenger

James J. Cummings, Director Office of Inspector and Auditor

cc: J. Greenspun

bcc: Commission:(5)

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