



CHAIRMAN

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

May 10, 1983

J. Allen
J. Luberman

FYI

T. L. ...

MEMORANDUM FOR:

Samuel J. Chilk
Secretary

FROM:

Nunzio J. Palladino

NJP

SUBJECT:

RESPONSE TO CONGRESSMAN UDALL'S QUESTION
ABOUT REPORT OF LEAK RATE INVESTIGATION

In order to resolve any confusion that may still exist with regard to NRC action regarding the Hartman allegations, please circulate the proposed response (attached) to the first of Mr. Udall's February 25, 1983 questions for the formal concurrence of OGC, OPE, OIA, OI, and the EDO.

Attachment:
As stated.

cc: Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine
OGC
OPE
OIA
OI
/EDO

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PDR ADOCK 05000289
P PDR

SECRET

CI SI 117 01 VII FOR
RESPONSES TO FEBRUARY 25, 1983 QUESTIONS

QUESTION 1:

Has the Commission ever received a report on the alleged manipulation of the leak rate calculations performed in the weeks preceding the March 29, 1979 accident? What was the disposition of any such report?

ANSWER:

The Commission recently has received a report from General Public Utilities (GPU) on the alleged manipulation of the leak rate calculations.

The NRC itself has not produced a report on this matter. During March and April of 1980, Region I was aware that GPU had initiated an investigation into the Hartman allegations. However, the Department of Justice (DOJ) assumed primary investigative jurisdiction in May, 1980. Thereafter, at DOJ request, the staff ceased further action regarding the case, provided DOJ the information it had developed, and neither received nor requested further information.

The DOJ investigation is still ongoing. On April 11, 1983, Chairman Palladino wrote the Attorney General, asking whether DOJ would complete its investigation by May 15, 1983. The Chairman explained in that letter that the DOJ investigation might relate to the Commission's decision on restart of Unit 1, and that the Commission was rapidly approaching the point where failure to resolve these allegations might delay its decision.

MEETING ON REPORTABILITY
OF GPU REPORT AND DEPOSITION
RE: HARTMAN

A. Substance of Documents

Do they:

1. raise new safety issues
2. suggest new violations
- 3. relate to ongoing issues
4. provide new data
5. provide new insights
6. resolve any outstanding issues
- 7. contain information which could influence any staff position
8. contain any information of significance

B. Violation of Specific Reporting Requirements

C. Board Notification

1. by staff
2. by licensee

D. Material False Statement (MFS)