



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

December 30, 1983

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

As indicated in our letter of October 17, 1983 the General Counsel has contacted senior members of the Special Inquiry Group (SIG) to obtain responses to your question: "Why was the substance of the 'Ornstein Draft' concerning Hartman's allegations not included in the report of the Special Inquiry Group?" A summary of the results of the inquiry is enclosed.

It appears that the substance of the "Ornstein Draft" was not included in the SIG report primarily because of time constraints. At this point in time, the Commission would question the wisdom of that decision.

The Hartman allegations subsequently became the subjects of NRC and Department of Justice (DOJ) investigations. As a result of the DOJ investigation an eleven-count grand jury indictment recently was returned against the Metropolitan Edison Company. The NRC reinstated its investigation in May 1983. However, DOJ in a recent letter (copy enclosed) has requested NRC to "... stay further administrative proceedings related to the operation of TMI Unit 2 until the conclusion of the criminal trial." The Commission has not yet acted on that request.

Sincerely,

Nunzio J. Palladino

Enclosures:

1. Summary of OGC Inquiry
2. 12/14/83 letter from DOJ

cc: Rep. Manuel Lujan

Attachment

Summary of OGC Inquiry Into SIG
Treatment of Hartman Matter

OGC contacted the following individuals, identified by their position on the Special Inquiry Group (SIG), to obtain their responses to the question posed by Congressmen Markey and Udall:

- (1) Harold Ornstein, member Preaccident Background Task Group
- (2) William Parler, leader Preaccident Background Task Group
- (3) Richard C. DeYoung, Deputy Executive Staff Director
- (4) E. Kevin Cornell, Deputy Executive Staff Director
- (5) George T. Frampton, Jr., Deputy Director

Mr. Ornstein stated that he finished the report on the Hartman interview and provided it to Mr. Cornell on December 3, 1979.

Mr. Ornstein stated that in subsequent discussions with Mr. Cornell and Mr. Parler he indicated his strong belief that the Hartman allegations should be included in the SIG report.

Mr. Ornstein stated that Mr. Cornell told him they were not going to be included because there was not enough time or room in the report for them.

Mr. Parler did not know why the SIG report did not include the Hartman allegations. Mr. Parler did note that around September or October, 1979, the management of the SIG directed that no further investigations be undertaken because sufficient information had been gathered to write the report,

and therefore that all staff efforts should be directed to preparing the report.

Mr. DeYoung did not know why the Hartman allegations were not included. He stated that the "Ornstein draft" came in near the end of the year when the group was frenziedly trying to put the report together.

Mr. Cornell stated that at the time the "Ornstein draft" came in, Mr. Rogovin, the Director, SIG, had said to curtail further investigations and the insertion of new information into the report because the report was in the last stages of preparation and they were under time pressure to finish it. In addition, Mr. Cornell stated that although the decision not to include the Hartman allegations was not based on a substantive evaluation of their significance, including something like the Hartman allegations would have required further investigation and elaboration. Due to time constraints, a management decision therefore was made not to include the Hartman allegations. Mr. Cornell does not remember whether he discussed this matter with Mr. Frampton or Mr. Rogovin.

Mr. Frampton had no recollection of why the Hartman allegations weren't included in the SIG report. He stated that it would take a considerable amount of time for him to

review the relevant material to try to refresh his recollection. He also stated that Mr. Rogovin would not remember either.

In the belief that the sources contacted provided sufficient information to answer the question posed, OGC did not pursue this matter further. If the Commission desires, we can request Messrs. Frampton and Rogovin to review the relevant files to determine if they were involved in the decision not to include the Hartman allegations in the SIG report.