

Justice Dept. pursuing TMI case

By Jill Lawrence
Associated Press

WASHINGTON — The Justice Department is pursuing a criminal case arising from a Nuclear Regulatory Commission (NRC) investigation of operations at the Three Mile Island nuclear plant.

Yesterday, Ben Hayes, director of the NRC Office of Investigations, said the matter was referred to the Justice Department last year.

"I have been advised that they do intend to look at it via a grand jury," he said, adding that he was given that information a couple of months ago.

The referral was disclosed during a status report on various TMI investigations given by one of Hayes' employees, William Russell. Russell said the report had been referred "and is the subject of an ongoing grand jury proceeding."

Hayes said he did not know whether the information was before a grand jury yet and refused to give any details of the subject matter. The Justice Department declined to comment.

Joanne Doroshow, an attorney for a Harrisburg group called Three Mile Island Alert, said the case might involve "material false statements" made by TMI supervisory personnel to the NRC, stemming from an investigation into cheating on operator training exams at TMI.

A highly placed source confirmed that was the subject referred to the Justice Department and confirmed Ms. Doroshow's statement that a federal grand jury in Harrisburg was looking into the case.

Earlier, Hayes said his office would refer another investigation report to the Justice Department "for potential criminal considerations."

The new material, to be turned over later this week, involves the so-called "Keaten report" compiled by the TMI owners after the nation's worst commercial nuclear accident occurred at their plant in 1979.

Progressive drafts of the report indicated that managers at General Public Utilities Corp. and its subsidiaries might have changed sections that criticized the performances of individuals and the organization before, during and after the accident.

Hayes said that during the course of the investigation, the most complex his office had ever undertaken, "we came upon an event which caused us to think that this matter should be referred" to the Justice Department. He said his findings on the Keaten report would not be made public at this time.

The NRC has said it will decide by the end of next month whether to allow the reopening of the Unit 1 reactor at TMI. It was not damaged in the accident at the adjacent Unit 2 but has been closed since then by NRC order.

The latest information from Hayes indicates that there may be two TMI items undergoing grand jury scrutiny when the the commission is ready to make a Unit 1 restart decision.

"It is too early to know how the matters involving the Department of Justice will impact on the TMI-1 restart or on the tentative schedule," chairman Nunzio Palladino said in a statement through a spokesman.

The Office of Investigations had undertaken nine management integrity probes in connection with the Unit 1 restart. It released the results of two on Wednesday, bringing to seven the number of probes completed.

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One of the new reports found there was no improper influence exerted on a contractor who was "highly critical" of the plant operator in a Sept. 1, 1979 report on the causes of the accident six months earlier.

The other, more complicated report, involved charges by three former TMI employees that management had harassed them because they had raised safety concerns about the cleanup.

Safety allegations made by the trio — former Unit 2 plant engineering director Edwin Gischel, former Unit 2 site operations director Lawrence King, and a former startup engineer Richard Parks, working for cleanup contractor Bechtel — were substantially confirmed last year in an NRC report that found routine violations of atomic safety regulations in the complicated cleanup.

Investigators said they agreed with a Department of Labor finding that Parks had been harassed.