

TRANSCRIPT OF PROCEEDINGS

PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND

COMMISSION HEARING

Date: Monday, October 22, 1979

Place: Washington, D.C.

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4 COMMISSION HEARING

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6 Monday,
7 October 22, 1979

8 The hearing was convened pursuant to notice at
9 John G. Kemeny, Chairman, presiding.

10 PARTICIPANTS:

11 John G. Kemeny
12 President
13 Dartmouth College

14 Bruce Babbitt
15 Governor of Arizona

16 Patrick E. Haggerty
17 Retired President
18 Texas Instruments

19 Carolyn Lewis
20 Associate Professor of Journalism
21 Graduate School of Journalism
22 Columbia University

23 Paul A. Marks
24 Vice President
25 Health Sciences
Columbia University

26 Cora B. Marrett
27 Associate Professor of Sociology
28 University of Wisconsin

29 Lloyd McBride
30 President
31 United Steelworkers of America

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PARTICIPANTS:

Harry McPherson
Attorney

Russell Peterson
President
Audubon Society

Thomas Pigford
Professor and Chairman
Department of Nuclear Engineering
University of California at Berkeley

Theodore Taylor
Professor of Aerospace and Mechanical Science
Princeton University

Anne Trunk
Resident of Middletown, Pennsylvania

STAFF:

Barbara Jorgenson
Stanley Gorinson
Vince Johnson
Kevin Kane
Ronald Eythchison
Winthrop Rockwell
Jacob Fabrikant
Keonard Jaffee

P R O C E E D I N G S

CHAIRMAN KEMENY: Will the meeting please come to order? Before we start on our regular agenda, I want to make a very brief remark on the record.

Something happened last night which I consider totally outrageous, and I would like to comment on this record, since I could not comment yesterday. Harry, yesterday expressed his outrage at whoever is leaking detailed information to the press, and I would like to join that. I was called by Diane Sawyer at 10:30 last night. I was told she had in detail what had happened in the last two days, and I said I could not comment on it under any circumstances. I asked her if she would mind telling me what she had heard, and she did, and she had accurate information, and she particularly said there was one thing she wanted me to comment on, that she had been told that there was a vote on the moratorium which attracted six votes and was blocked by the fact that three people abstained, and she named by name Cora Marrett, Anne Trunk and me, and she said before running the story she wanted to know why I had blocked the moratorium as somebody had put to her by abstaining, and I said, "No comment. I will make one comment. We are writing a terrific report, and I will comment on nothing else whatsoever." She said, "Thank you very much," and I hung up.

I would like to say that whoever is doing it, it is

1 a cowardly, totally unfair and destructive act because if
2 this story comes out in this form, and it is on the record
3 as to what my views were on moratorium, I have that appear,
4 I can just see it coming out, and out comes the story, and it
5 says, and the Chairman was asked about why he abstained and
6 therefore did not create the majority, and he said, "No
7 comment," and I just think it is extremely unfair.

8 COMMISSIONER TAYLOR: John, is she from CBS?

9 CHAIRMAN KEMENY: Yes, CBS.

10 COMMISSIONER TAYLOR: She called me and got me about
11 8:30, right after I got home last night, and said she wanted
12 to ask me about some background things, and I said, "I want
13 to tell you, I am not going to make any comment of any kind."
14 She then said, as her background question, "I understand
15 that there has been a vote on the moratorium," and I forget
16 which version of it, and I said, "No comment, no comment."
17 I gave her no information whatever. I did tell her we were
18 having a meeting today. I did not say anything about what
19 we were going to do.

20 CHAIRMAN KEMENY: The fact that we have a meeting
21 today is public information.

22 COMMISSIONER TAYLOR: That was public.

23 CHAIRMAN KEMENY: So, she already knew.

24 COMMISSIONER TAYLOR: She was pressing for
25 confirmation about 8:30 last night which was when I got home.

1 CHAIRMAN KEMENY: We left here after 7 o'clock.
2 Somebody talked probably within an hour.

3 COMMISSIONER MC PHERSON: If I were you, I would
4 correct it, if she got you down wrong or whatever. I think
5 the no comment rule does not mean that you have got to permit
6 violence to be done on your person without response.

7 COMMISSIONER HAGGERTY: She called me about 10:30
8 trying to find the same thing, and I simply said, "No comment.
9 Call the Chairman."

10 COMMISSIONER MC PHERSON: She did not call me for
11 some reason.

12 COMMISSIONER MARKS: She did not call me either.

13 COMMISSIONER HAGGERTY: She went to the trouble of
14 calling Dallas to find out what hotel I was in.

15 COMMISSIONER MC PHERSON: I would have probably
16 leaked like a sieve if she had.

17 COMMISSIONER PIGFORD: My wife called me from
18 Berkeley and said that there had been on the news there
19 a fairly detailed statement of what happened, and as she read
20 it, it seems to have been a detailed account of what happened
21 on Saturday, and that was after our first discussion of the
22 leak. So, it seems that our deep throat was immediately in
23 operation that day.

24 COMMISSIONER LEWIS: This is very interesting to me,
25 I mean, as a former member of the press, watching this whole

1 performance. Nobody got excited when Tom O'Toole had a story
2 in yesterday, and it was all wrong. Somebody was calculatedly
3 leaking there. It is only when, you know, somebody seems to
4 get, I mean I am very interested as a student of how people
5 react to press reports that --

6 COMMISSIONER TAYLOR: I object to saying not one
7 was excited. I was furious when I saw the thing of Tom
8 O'Toole's because --

9 COMMISSIONER LEWIS: It was all wrong. So, somebody
10 has been leaking to him, too.

11 COMMISSIONER TAYLOR: No, it was not all wrong.
12 Some of it was right.

13 COMMISSIONER LEWIS: Was it?
14 Did you see it, it was in yesterday's Times.

15 COMMISSIONER HAGGERTY: No, it is the leaking.
16 You are wrong if you say that -- some of them, some of the
17 stories could have been written without any leaks. Those
18 don't excite me, and maybe there were some, and maybe there
19 were not, but some of them were obviously written on the
20 basis of leaks, and almost within hours of the time we
21 finished.

22 COMMISSIONER MC PHERSON: When are these transcripts
23 going to be in the Archives?

24 MS. JORGENSON: They are not going to be in the
25 Archives. We plant to deliver them to the Public Reading

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1 Room the 30th, and when we deliver the report they are going
2 in the Public Reading Room.

3 COMMISSIONER MC PHERSON: Everything is going to
4 be on the record shortly.

5 CHAIRMAN KEMENY: Barbara just told me Diane Sawyer
6 informed her she will use the story tonight, and that means
7 that it is nine days before the record gets straightened
8 out, and nobody remembers things nine days later.

9 COMMISSIONER MC PHERSON: I would urge you to go
10 straighten it out, John, if you are being misquoted or --

11 CHAIRMAN KEMENY: It is not misquoted. There is
12 no way of straightening that out without giving her more
13 detail what we did do.

14 COMMISSIONER HAGGERTY: That is the real problem.

15 CHAIRMAN KEMENY: I mean what should I do? I should
16 go in detail that there were several versions of the
17 moratorium, and I was able to favor some of them and not
18 others. I just think to do that before we report to the
19 President would be unconscionable, I thought.

20 Bruce?

21 COMMISSIONER BABBITT: I think that is a decision
22 for you to make. My strong feeling is that you are entitled
23 to do that, if you so choose. I think that once a story
24 is out, in impartial, inaccurate or incomplete form that it is
25 enormously misleading and damaging not to set the record

1 straight once the cat is two-thirds of the way out of the
2 bag. I would advise you to yank the cat out, explain and
3 set it straight. What appears after October 30, on this
4 issue will be on the obituary page. It will no longer be of
5 any significant interest, and you must strike at this time.

6 COMMISSIONER MC PHERSON: Could I suggest a way to
7 do it without preempting the President, since we want him to
8 be the recipient of our first word, just to say that there
9 were several versions of what could loosely be called a
10 moratorium. Some of them were specifically that. Others
11 had to do with issues which would probably slow down the
12 process. In any event, it is entirely misleading to point
13 to any one vote as being the critical vote on the moratorium,
14 and I say this as someone who voted twice against a
15 moratorium, but in any event, I think you can very often
16 with these reporters, if they are good reporters, and I find
17 this to be true, if they are responsible people, you don't
18 need to be specific. You can say, "Look, the President
19 is supposed to get this before you all get it. So, I am
20 not going to tell you specifically what the various votes
21 were, but it would be quite misleading of you to report to
22 the people that there was a vote on the moratorium which
23 was six to three to three. In fact, there were several
24 votes on several different things, and it will be clear later
25 what was done. I think I would recommend that you go ahead

1 and do that.

2 COMMISSIONER MARKS: I have been sitting here
3 trying to think of something like Harry has just suggested
4 because I think that the Commission's work as a whole is at
5 stake here, and I think that it is important to place the
6 thing in proper perspective.

7 I just wonder whether someone could just write some
8 kind of -- I mean is it appropriate to write some kind of
9 release?

10 COMMISSIONER HAGGERTY: The problem is you don't
11 know what she is going to say.

12 COMMISSIONER MARKS: I mean it does not matter what
13 she is going to say. I think something along the lines that
14 Harry has just indicated --

15 CHAIRMAN KEMENY: I am going to recognize Barbara
16 in a moment. I am sorry, I was being selfish because I had
17 a sleepless night after that, but I am not the only one
18 exposed here; so is Anne. I should have thought of that
19 right away, and I apologize for not thinking of it. She
20 was identified, and you know Anne actually wanted to vote for
21 a stronger moratorium. If the story comes out, all it would
22 say is that Anne was one of the people who abstained, and
23 therefore the moratorium did not carry, and that is even
24 more unfair.

25 Barbara?

1 MS..JORGENSEN: I was just going to say that I
2 talked to Diane Sawyer this morning. She read me the story
3 that she plans to use tonight and included in that story is
4 the fact that there were several different kinds of
5 moratorium-like recommendations discussed yesterday, and she
6 does have the votes, and she does plan to use the votes, and
7 she does plan to simply mention that on the one involving
8 a moratorium on construction permits the Chairman abstained.
9 That is what she plans to say.

10 COMMISSIONER MC PHERSON: What is your advice,
11 Barbara? How should we deal with this?

12 MS. JORGENSEN: I think, Harry, that you have
13 already stated the most logical way to deal with it, and in
14 fact, those are the kind of things that I often say to people
15 when they call and ask me to confirm or deny something, and
16 I am obviously not going to do that, and I try to give them
17 an idea of what the proper perspective is.

18 So, I don't think that we should issue a public
19 statement at this time. I think we should wait. I think that
20 Diane told me that she would call me back tonight at 5 o'clock
21 to let me know if she had revised her story, and she would
22 read again to me what she was going to do, and she is a very
23 conscientious person, and she does not want to do what is
24 wrong, and she is reasonable, and I will, if I am so instructed,
25 be glad to repeat Harry's remarks to her.

1 CHAIRMAN KEMENY: Is she planning to quote the
2 abstentions just on yesterday's vote?

3 MS. JORGENSON: According to what she told me this
4 morning, yes.

5 CHAIRMAN KEMENY: May I ask the Commission whether
6 you would give Barbara permission under those circumstances
7 to point out that two of the people who abstained on that
8 vote did vote in favor of a moratorium on construction permits
9 which was differently worded?

10 COMMISSIONER HAGGERTY: That is a problem because
11 then you are pulling the thing -- I think Harry's comment
12 about there being a lot of votes on subjects related to this,
13 and it is misleading to pick any one of them as presenting --

14 COMMISSIONER MARKS: I think that is the key word.
15 I mean she has got to call it the way she wants to call it.
16 But I think we have to tell her that the way she is calling
17 it may be interpreted as misleading, and then she has to do it
18 the way she wants. I don't think I would go much further than
19 that because then it requires a long discussion and you have
20 got to sit her down with everything.

21 CHAIRMAN KEMENY: Okay, I am just saying if the
22 story goes out on CBS national news that said that I, by
23 abstaining blocked the moratorium on construction permits
24 which --

25 COMMISSIONER LEWIS: You did, John. Why don't we

1 lay it on the table? You did. That was the crucial vote
2 yesterday. I don't know. I don't believe this.

3 COMMISSIONER HAGGERTY: Why was any one of the votes
4 more crucial than the others?

5 Why hang it on him?

6 COMMISSIONER LEWIS: I am not hanging it on John.
7 That was the crucial vote on the moratorium, and the
8 Chairman --

9 CHAIRMAN KEMENY: Why was that the crucial vote
10 and not the one on the original version?

11 COMMISSIONER TAYLOR: Why wasn't your vote crucial
12 on the same thing?

13 COMMISSIONER LEWIS: Maybe I am too political.

14 CHAIRMAN KEMENY: I mean I was part of the six
15 people who voted, and I pushed us, and the only thing I
16 argued for as hard as I did was the original vote on the
17 moratorium on construction permits.

18 COMMISSIONER HAGGERTY: What is done is done. My
19 view is we argued that all out. We have ended up with
20 something. I think the general tone that Harry suggested
21 in having Barbara do that -- I don't know what else you can
22 do. This is the typical kind of thing you run into in one
23 of these fields, and about all you can do is live with it.

24 COMMISSIONER TAYLOR: What I am worried about now
25 is an impression which I think most people will get. I mean

1 Carolyn has expressed this impression, and that is that there
2 is a special power in the Chairman in voting on these issues,
3 and I don't understand any such special power, one fact only,
4 and that is that he does not have to sit and wait to have
5 other people's hands go up before he decides to vote, but any
6 one of us has that option, and I have observed a number of
7 times that hands have not gone up until other people's hands
8 have gone up, and then somebody either keeps it down or puts
9 it up, and we have all -- well, I don't believe I have done
10 that, but it does not make any difference.

11 COMMISSIONER MC PHERSON: I can say for the record
12 that I wish you had announced your position on the motion in
13 which you abstained beforehand so I could have talked you out
14 of it, and you said you were shocked by my position on the
15 moratorium. I was astounded by your position on that, but
16 nevertheless I will chew on that cud in my private quarters,
17 and I am not going to take it to the papers.

18 CHAIRMAN KEMENY: Yes, Tom?

19 COMMISSIONER PIGFORD: I have been greatly concerned
20 about all of this, too, and one of the concerns I have all the
21 way from the first news items on this moratorium issue is
22 that it would appear to me to make it difficult for some
23 people to react objectively within this Commission, and maybe
24 change their votes, and I am certainly glad that my
25 observation is that I think the Commission still bore up pretty

1 well and acted pretty objectively, in spite of what I thought
2 was an unfair pressure from the outside.

3 COMMISSIONER TAYLOR: There is a certain pressure
4 to make the reports wrong. If you are teetering, and you
5 have the capacity to make some reporter look foolish for
6 having published something in advance --

7 COMMISSIONER LEWIS: That would be unworthy of us.

8 COMMISSIONER TAYLOR: Unworthy for all people. I
9 am just talking about tensions that this Commission should
10 not --

11 COMMISSIONER HAGGERTY: You say that it is unworthy,
12 what about all the leaks?

13 COMMISSIONER LEWIS: I am sorry. I think in a
14 democratic society a leak is often a good thing.

15 COMMISSIONER HAGGERTY: Even when you agreed not
16 to?

17 COMMISSIONER LEWIS: I agreed not to, and I know
18 everybody looks at me, but I am not the source of the leak.
19 I have been careful about that.

20 COMMISSIONER HAGGERTY: I did not say you were,
21 Carol.

22 COMMISSIONER LEWIS: But I just think I have seen
23 this question of leaks in the press become a red herring.
24 The fact is we ought to be talking about the issues of what
25 we have done here and what we failed to do as a Commission and

1 to discuss that the press has done its job in a damn fine way
2 to me just seems to be unworthy. I just find this irrelevant
3 to what was done yesterday.

4 COMMISSIONER HAGGERTY: It seems to me that the
5 important thing is the report.

6 COMMISSIONER LEWIS: Exactly.

7 COMMISSIONER HAGGERTY: After all, what appears
8 in the papers, it is true, may pull some teeth or push in
9 other ways or what have you, but the facts are it is what
10 the President and the Congress decide to do that counts. We
11 will have discharged our responsibility, and I think it has
12 been done conscientiously and certainly laboriously, when the
13 report is turned in on the 30th, and I think whatever
14 unpleasant interludes of this kind exist we have to live with
15 them, and that is all there is to it.

16 CHAIRMAN KEMENY: Shall we turn to our agenda of
17 today?

18 This morning we have the overview, the findings
19 and the narrative chapter. Shall we start with the overview?

20 COMMISSIONER MC PHERSON: I thought Haggerty might
21 call for the question.

22 COMMISSIONER MARKS: I have on the overview a number
23 of suggested revisions. How do you want to handle them?

24 CHAIRMAN KEMENY: Could we divide them into two
25 parts? If they are editorial improvements, then just hand

1 them to me. If they are substantive matters, then let us
2 discuss them.

3 COMMISSIONER MARKS: Okay, what I would say in the
4 substantive area, under severity of accident, the first
5 paragraph --

6 COMMISSIONER MC PHERSON: What page?

7 COMMISSIONER MARKS: Page 18.

8 COMMISSIONER HAGGERTY: The one handed out yesterday.

9 COMMISSIONER MARKS: Are we all together?

10 CHAIRMAN KEMENY: Yes.

11 COMMISSIONER MARKS: I would suggest that the last
12 sentence there, and the actual release will have negligible
13 effect on the physical health of individuals; the major
14 health effect of the accident was found to be psychological
15 stress. In other words, biological includes -- even physical
16 is not such a really precise word because some people will
17 argue that mental health really has a physical basis, but
18 I could not late in the morning come up with a better word,
19 but certainly biological is not, I think --

20 COMMISSIONER TAYLOR: Is physiological better?

21 COMMISSIONER MARKS: It is a very tough thing. I
22 don't want to be --

23 COMMISSIONER TAYLOR: Fishing for a word.

24 COMMISSIONER MARKS: The issue is that on the
25 physical you could say somatic, but nobody will understand that.

1 So, I would go with physical as a compromise, recognizing
2 that purists will say, "But mental health has a physical
3 basis." But if you say in the next sentence the major health
4 effect of the accident was found to be psychological stress,
5 you are laying it on the table, I think, and nobody is
6 going to misunderstand.

7 COMMISSIONER MC PHERSON: You mean if you add that
8 sentence?

9 COMMISSIONER MARKS: Sentence right up front. I
10 mean John goes on and discusses it later. I am just saying
11 summarize it all here and then we will pick it up in detail
12 later.

13 COMMISSIONER MC PHERSON: I would have thought
14 biological was a better word for the purpose than physical.

15 COMMISSIONER MARKS: There is no question that --

16 MR. FABRIKANT: You would talk about physical health.
17 You do a physical examination looking for organic disease.

18 COMMISSIONER MARKS: And you do a mental examination,
19 and it is jargon, not precision there.

20 COMMISSIONER MC PHERSON: Physical?

21 CHAIRMAN KEMENY: Yes, incidentally I am glad
22 particularly for your addition of the sentence. Let me tell
23 you what happened in the original version; the very next
24 sentence was, however, psychological stress, but now it
25 would be --

1 COMMISSIONER MC PHERSON: What is your sentence,
2 Paul?

3 COMMISSIONER MARKS: The last sentence then on the
4 first paragraph under severity of accident would just be,
5 "The major health effect of the accident was found to be
6 psychological stress."

7 COMMISSIONER HAGGERTY: May I suggest if you want
8 to contrast the physical mental, was mental?

9 COMMISSIONER MARKS: Mental stress instead of
10 psychological?

11 COMMISSIONER HAGGERTY: Yes.

12 COMMISSIONER MARKS: That is okay with me.

13 COMMISSIONER HAGGERTY: Then you have contrasted the
14 jargon.

15 CHAIRMAN KEMENY: Very good.

16 COMMISSIONER TAYLOR: Was what?

17 COMMISSIONER HAGGERTY: Mental stress instead of
18 psychological.

19 COMMISSIONER MARKS: Now, in the last sentence
20 beginning, well, not the last, beginning fortunately --

21 CHAIRMAN KEMENY: Yes.

22 COMMISSIONER MARKS: In this case the radiation
23 doses, I would add the word "radiation" were so low, and
24 then I would just say that it is most likely that the overall
25 health effects, rather than we cannot be certain that.

1 COMMISSIONER TAYLOR: We can be certain.

2 COMMISSIONER MARKS: We can be certain. I think
3 certain means 100 percent, and I just think that --

4 COMMISSIONER MC PHERSON: What about we can conclude?

5 COMMISSIONER MARKS: That is good, too. We can
6 conclude.

7 CHAIRMAN KEMENY: The other one sounded too weak
8 compared to --

9 COMMISSIONER MARKS: Right. Again, it was very
10 late, and I was tired.

11 COMMISSIONER TAYLOR: We conclude.

12 COMMISSIONER HAGGERTY: That is fine, we conclude,
13 yes.

14 COMMISSIONER MARKS: But then you have got the we
15 have concluded in the next sentence.

16 COMMISSIONER HAGGERTY: We have, also, concluded.

17 COMMISSIONER MARKS: We have, also, concluded, okay.

18 CHAIRMAN KEMENY: Okay, look, let me just figure out
19 how to fix the wording of that? That is a wording issue.

20 COMMISSIONER MARKS: Then the last line there, the
21 same conclusion applies to, and I think you ought to spell
22 out genetic and developmental.

23 CHAIRMAN KEMENY: I do have that earlier in the
24 paragraph. That is why it is in this. I just spelled out
25 how even low levels of radiation may result in later

1 development of cancer, genetic defects or birth defects
2 among children who are exposed in the womb.
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1 COMMISSIONER MARKS: Well, I just think that here
2 precision is really a virtue because the other possible health
3 effects --

4 CHAIRMAN KEMENY: Mentioned above.

5 COMMISSIONER MARKS: Mentioned above or something
6 like that.

7 COMMISSIONER HAGGERTY: The last sentence, you could
8 just eliminate before these conclusions, the reasons are as
9 follows. That at least eliminates one of the conclusions.

10 CHAIRMAN KEMENY: The reasons are as follows, yes.

11 COMMISSIONER MARKS: Yeah, that is what I had too.

12 COMMISSIONER MC PHERSON: How does that read?

13 COMMISSIONER HAGGERTY: Just eliminate the reasons
14 are as follows, instead of, again, saying for these conclusions.
15 That is just getting redundant. The top of page 19, eliminate
16 the reasons are as follows. That is all.

17 COMMISSIONER MC PHERSON: Okay.

18 COMMISSIONER MARKS: On page 20, I think the however
19 is --

20 COMMISSIONER MC PHERSON: Where?

21 COMMISSIONER MARKS: The first word of the second
22 paragraph.

23 CHAIRMAN KEMENY: Yeah, I am afraid that is a left-
24 over from when the other stuff wasn't in there.

25 COMMISSIONER MC PHERSON: Take out "however".

02
1 CHAIRMAN KEMENY: Excuse me, Jack. Did you want to
2 say something?

3 MR. FABRIKANT: Can I go back to the top of page 19?
4 The 0.7 is probably derived from the old Easter Sunday report.
5 In our staff report we don't use that number at all. And I
6 suggest rather than saying, a typical projection would be an
7 example would be rather than a typical.

8 CHAIRMAN KEMENY: Okay. Fine. Actually, in an ear-
9 lier version that number did appear, so it is no longer in
10 there. Okay. So, an example would be -- I tell you 0.7 hap-
11 pens to be one where the probabilities come out very nice, so
12 I use it.

13 Okay. So, an example --

14 COMMISSIONER MC PHERSON: Instead of what?

15 CHAIRMAN KEMENY: Instead of a typical projection.

16 COMMISSIONER MC PHERSON: An example.

17 MR. FABRIKANT: And how would you want to run into
18 this? An example --

19 COMMISSIONER HAGGERTY: Of an early projection. That
20 is really what it was.

21 MR. FABRIKANT: Of a value.

22 COMMISSIONER MARKS: No. It was a projection.

23 CHAIRMAN KEMENY: Okay. Look, the wording -- it has
24 the idea. An example, rather than typical and then I will put
25 the appropriate words after it.

03 1 COMMISSIONER MARKS: This may sound like a word, but
2 it really -- we didn't examine many factors --

3 COMMISSIONER HAGGERTY: Twenty?

4 COMMISSIONER MARKS: This is 20, the third line, there
5 are many factors. We, that is the task forces, only actually
6 examined four factors. It sounds like we examined many more.
7 So, I would just say that there were several factors, rather
8 than many.

9 Now, I think there is one substantive sentence that
10 is missing in this juncture of the narrative.

11 CHAIRMAN KEMENY: Okay.

12 COMMISSIONER MARKS: Something to this effect --
13 on Friday, Governor Thornburgh advised pregnant women and pre-
14 school-aged children to leave the area within five-mile radius
15 of Three Mile Island until further notice. And I will tell you
16 why I think that has to be in.

17 COMMISSIONER MC PHERSON: Where would you put that?

18 COMMISSIONER MARKS: I would put it -- you see the
19 sentence that begins, on Saturday and Sunday --

20 COMMISSIONER HAGGERTY: Then you would say also on
21 Friday --

22 COMMISSIONER MARKS: Also on Friday, Governor -- right
23 after the "on Friday" sentence and before the -- also on Friday,
24 Governor Thornburgh advised pregnant women and pre-school aged
25 children to leave the area within five miles.

04 1 MR. FABRIKANT: Living within the area, Paul.

2 COMMISSIONER MARKS: Living within the area.

3 MR. FABRIKANT: Living within the area is the lead.

4 COMMISSIONER MARKS: Okay. Then I would strike the
5 sentence which begins, during this period and go on to the
6 top of the next page which should read, in my opinion, some-
7 thing as follows: We found that the major health effect of
8 the accident was severe mental stress, to be consistent, which
9 was short-lived. Now, that is the finding -- that mental
10 stress was short-lived. It disappeared within a month. The
11 highest levels of distress were found among those living with-
12 in five miles of Three Mile Island and in families with pre-
13 school children. It appeared that the stress was related to
14 the reality of the situation as perceived by the authorities.

15 CHAIRMAN KEMENY: Paul, would you be willing to give
16 me your copy when you are done, because I just want a general
17 idea.

18 COMMISSIONER MARKS: I just want to read it. That
19 is what we found and the last sentence is the interpretation
20 of the findings, which I think are appropriate in the narrative
21 That is my suggestion.

22 COMMISSIONER HAGGERTY: It really says that they
23 really weren't all that unsensible.

24 COMMISSIONER MARKS: That is right. In other words,
25 the people were fine. I mean, this is a fact. They acted

35 1 well. They responded well. They responded the way we would
2 hope they would have if we could have --

3 CHAIRMAN KEMENY: Paul, could I just ask you a quest-
4 ion. I have no strong feelings about this, but just tell me
5 why you are striking the sentence starting with during. You
6 probably had a good reason --

7 COMMISSIONER MARKS: Well, because they were given
8 -- if you want to leave the sentence in, you are going to have
9 to work it over and, I guess, again, I will tell you, frankly,
10 I was too tired to work it over. Because the one clear thing
11 they were given was the Thornburgh advisory. And that sentence
12 leaves the impression that they were given no definite or con-
13 sistent and understandable sense of its gravity. They were,
14 in fact.

15 COMMISSIONER HAGGERTY: Whether it was right or
16 wrong is something else.

17 COMMISSIONER MARKS: That is right. I mean, Thorn-
18 burgh's statement on the best available data we have was inter-
19 preted by the people as it should have been as a definite and
20 understandable statement. It meant there was trouble and you
21 had better get out of here.

22 CHAIRMAN KEMENY: Jack.

23 MR. FABRIKANT: There was one other -- to add to that
24 sentence, there was Governor Thornburgh's insert, previous to
25 that. There was one other definite thing that Governor

06 1 Thornburgh did say prior to his advisory about pregnant women
2 and pre-school aged children and that is people living within
3 10 miles of the area and working within 10 miles of the area
4 remain indoors. That was another indication of information
5 being provided to the people.

6 COMMISSIONER MARKS: But that was a lesser thing --
7 you know, that is subtle. I just thought that that might be
8 too much.

9 MS. JORGENSEN: He also withdraws that statement.

10 COMMISSIONER MARKS: In other words -- okay. This
11 is a -- this, I think, summarizes our major finding and our
12 major interpretation of our finding. I think there is an in-
13 teresting message there, frankly.

14 CHAIRMAN KEMENY: Yes. Paul, could I have your copy
15 of those changes?

16 COMMISSIONER MARKS: Sure.

17 CHAIRMAN KEMENY: I have made markings on what we
18 have to change, but it would help if -- I liked your wording
19 and it would help me.

20 COMMISSIONER MARKS: I have no other comments on
21 those pages.

22 COMMISSIONER HAGGERTY: I have one on page 23 that
23 is clarification -- the middle paragraph.

24 CHAIRMAN KEMENY: Okay.

25 COMMISSIONER HAGGERTY: Instead of saying, these

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1 matters were really not considered completely, it doesn't fit.
2 I have changed it to among the limitations to our results col-
3 on. But you can say a number of things --

4 CHAIRMAN KEMENY: It should at least have said the
5 following matters were not considered completely or among the
6 limitations of.

7 COMMISSIONER HAGGERTY: You see, the reason for that
8 is the analysis specific to TMI-2 design. That doesn't fit
9 that lead-in sentence, where you say among the limitations to
10 our results.

11 CHAIRMAN KEMENY: Quite right, yes.

12 COMMISSIONER HAGGERTY: That is all I am getting at.

13 CHAIRMAN KEMENY: Tom.

14 COMMISSIONER PIGFORD: Mr. Chairman, on the new
15 pages, page 21, I have a proposed change.

16 CHAIRMAN KEMENY: Okay.

17 COMMISSIONER PIGFORD: Counting up from the bottom,
18 the seventh line from the bottom, there is a sentence that
19 reads, this might have occurred if a chemical, e.g., hydrogen,
20 or steam explosion had ruptured the reactor vessel and con-
21 tainment building or the extremely hot molten metal had caused
22 severe damage to the containment. I think that this kind of
23 speculation is unwarranted. It certainly is not in any of the
24 what if statements, scenarios that have been considered in our
25 investigation. And I think the sentence should be deleted. I

08 1 don't think it is necessary. I think you can come from the
2 first sentence, which tells it was important to determine how
3 close we came and then go to the last line -- the last sentence
4 in that paragraph, point out the danger was not that of a nu-
5 clear explosion and then go into what we did. The second sen-
6 tence, I think, is unfortunate and should be deleted.

7 CHAIRMAN KEMENY: Tom, could I just make one remark,
8 since I was so nervous about this session. You should know
9 that this language is Bill Stratton's. Would that influence
10 you?

11 COMMISSIONER PIGFORD: Is Bill here.

12 SPEAKER: He is upstairs.

13 COMMISSIONER PIGFORD: The second sentence is his?

14 CHAIRMAN KEMENY: He went over every word in it.

15 COMMISSIONER TAYLOR: First of all, isn't the sen-
16 tence correct?

17 COMMISSIONER PIGFORD: No.

18 COMMISSIONER TAYLOR: This might have occurred if
19 chemical -- if explosions had ruptured containment. It might
20 have occurred if -- isn't that true?

21 COMMISSIONER PIGFORD: Well, it implies that chemical
22 -- steam -- hydrogen explosion might have ruptured the contain-
23 ment vessel. Frankly, we looked into that and found it wouldn't
24 have.

25 COMMISSIONER TAYLOR: But that is not what is says.

09 1 It says --

2 COMMISSIONER PIGFORD: I realize that you read it
3 literally, it says might have if those other things might have
4 also. That is what you mean --

5 COMMISSIONER TAYLOR: But we go on to say --

6 COMMISSIONER PIGFORD: But it is not what I mean.

7 COMMISSIONER TAYLOR: We go on to say -- no, this
8 is what it says here. We go on to say that having examined
9 this we found that the explosions or core melting in the scen-
10 arios we examined did not produce that result. I think we want
11 to make clear what it was --

12 COMMISSIONER PIGFORD: We have not looked at hot
13 molten metal causing damage to the containment --

14 CHAIRMAN KEMENY: Excuse me, Tom. We most certainly
15 look at it and the result is that in the best analysis they
16 have it probably would have been contained.

17 COMMISSIONER PIGFORD: Well, perhaps, later, someone
18 can show me where we ever considered hot molten metal. That
19 is news to me. Nor --

20 COMMISSIONER TAYLOR: The whole section on the pene-
21 tration of the concrete in the base mat -- in the base mat and
22 then the sandstone.

23 CHAIRMAN KEMENY: This is the molten UO-2.

24 COMMISSIONER PIGFORD: That is not molten metal. Is
25 that what you mean?

1 COMMISSIONER TAYLOR: I am sorry --

2 COMMISSIONER MC PHERSON: The hot molten uranium
3 oxide --

4 COMMISSIONER TAYLOR: Not molten fuel. That is
5 well taken.

6 COMMISSIONER PIGFORD: I think still there is a
7 problem here. It says this might have occurred if these
8 things had happened; if you had had a steam explosion and so
9 forth. That is not what it says to you. To me, that is what
10 it does say. And then I think it is wrong.

11 CHAIRMAN KEMENY: Please read the sentence very
12 carefully. Incidentally, let me say, literally what happened on
13 this section, just so you know it. Bill Stratton took my
14 original version, which you all have, and rewrote it, keeping
15 portions and changing things. In this particular sentence the
16 only change I made was, he had e.g., H₂ and I changed that to
17 hydrogen. I even showed Bill every change I made to be sure
18 I don't make a technical mistake.

19 Let me now read the sentence. I think the question
20 is what is it you are worried about? If you are worried about
21 this might have occurred if a chemical or steam explosion had
22 ruptured the reactor vessel or if extremely hot molten fuel
23 had caused severe damage to the containment. I think it is
24 important to point out that the danger was not that of a nu-
25 clear explosion because the popular press keeps referring to

011 1 this as if it were a nuclear explosion -- some of it does.

2 Let me go on to say that the analysis shows that in
3 this case apparently this did not happen.

4 COMMISSIONER PIGFORD: All right. Then let me sug-
5 gest how I think it should read if you want to keep it here.
6 This might have occurred if the containment had been ruptured.
7 I think that is what you are getting at. The suggestion which
8 is clearly there that if we had had a chemical explosion or
9 steam explosion that would have ruptured the containment is
10 simply wrong.

11 CHAIRMAN KEMENY: I don't think it says that.

12 COMMISSIONER PIGFORD: It says that to me and it
13 says that to a lot of people.

14 COMMISSIONER PETERSON: Under the assumptions we
15 made, we didn't find an example, is what you are saying, isn't
16 it? This says might have occurred if.

17 COMMISSIONER PIGFORD: I have objected to this state-
18 ment many times, which appears here and also appears in the
19 narrative --

20 MS. JORGENSEN: It does not appear in the narrative.

21 COMMISSIONER PIGFORD: I see. Then it has been taken
22 out of the narrative, has it?

23 MS. JORGENSEN: It does not appear in the narrative
24 in its current form.

25 COMMISSIONER PIGFORD: I am delighted.

1 The point here is --

2 CHAIRMAN KEMENY: Would you feel more comfortable
3 if it said something like, which would say the same thing to
4 me, issues to be examined were whether chemical, e.g., hydro-
5 gen, or steam explosion --

6 COMMISSIONER PIGFORD: That is fine.

7 CHAIRMAN KEMENY: Could have ruptured the reactor
8 vessel in containment building?

9 COMMISSIONER PIGFORD: All right. We did not exa-
10 mine whether steam explosion could have ruptured the reactor
11 vessel, to my knowledge.

12 COMMISSIONER TAYLOR: Yes, we did.

13 COMMISSIONER HAGGERTY: That was in there, Tom.

14 COMMISSIONER PIGFORD: All right. If you promise
15 that is in there, I will -- what you have suggested so far
16 sounds okay. You are saying what we did examine -- you are
17 not suggesting that these things would rupture the containment.
18 That is good.

19 COMMISSIONER TAYLOR: What was the wording you used?

20 CHAIRMAN KEMENY: Issues that have to be examined
21 -- I will fix it up later -- issues that have to be examined
22 include the --

23 COMMISSIONER TAYLOR: Whether or not or something
24 like that.

25 COMMISSIONER PIGFORD: Whether or not -- that is the

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1 right approach.

2 CHAIRMAN KEMENY: That was the intent of the sen-
3 tence, I would be happy to change it that way.

4 COMMISSIONER PIGFORD: Please, would you read it
5 back to me.

6 CHAIRMAN KEMENY: I will try to complete the exact
7 sentence which was something like, issues that have to be
8 examined included whether a chemical, e.g., hydrogen or steam
9 explosion could have ruptured the reactor vessel in the con-
10 tainment building and whether extremely hot molten fuel could
11 have caused severe damage to the containment.

12 COMMISSIONER PIGFORD: I would prefer whether or not,
13 but I will go along. That is okay with me.

14 MS. JORGENSEN: Whether or not means the same thing.

15 COMMISSIONER PIGFORD: I know.

16 CHAIRMAN KEMENY: Is that approach all right, Tom?

17 COMMISSIONER PIGFORD: Yes, sir.

18 COMMISSIONER PETERSON: Since we don't know -- at
19 least I don't know of any chemical explosion, why don't we
20 just say "hydrogen" without the chemical?

21 COMMISSIONER TAYLOR: Right. It is the only one
22 we examined.

23 CHAIRMAN KEMENY: So, just toss the e.g. out?

24 COMMISSIONER HAGGERTY: I agree with Russ because
25 that is what it was all about.

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1 . COMMISSIONER TAYLOR: Well, there are some other
2 conceivable potential chemical explosions we didn't look at
3 and I am not concerned --

4 COMMISSIONER HAGGERTY: But it was hydrogen --

5 COMMISSIONER PIGFORD: My own understanding is that
6 we did not examine that a hydrogen explosion could rupture the
7 reactor vessel. And so, the statement, in my opinion, is still
8 incorrect. But if Vince says it is there, I am not going to
9 argue.

10 MR. JOHNSON: Steam explosion.

11 COMMISSIONER PIGFORD: I am talking about now the
12 hydrogen explosion because the words say -- I think we ought
13 to take out reactor vessel. I think it is not the main issue.
14 We did not really examine that on hydrogen.

15 MR. JOHNSON: The only real reason for examining
16 rupture of the reactor vessel was to determine whether that in
17 turn could have ruptured containment.

18 COMMISSIONER PIGFORD: It would have been a reason
19 if we had done it, but we didn't do it.

20 COMMISSIONER TAYLOR: The real question is whether
21 containment is ruptured.

22 COMMISSIONER HAGGERTY: We did on steam. I remember
23 it in there on steam. You betcha, Tom. Can't say on hydrogen
24 but we did on steam.

25 COMMISSIONER TAYLOR: Yeah, but so far as the final

015 1 conclusion is concerned, what is wrong with saying, whether a
2 hydrogen or steam explosion might rupture the containment
3 building?

4 COMMISSIONER HAGGERTY: I have no quarrel with that
5 at all.

6 CHAIRMAN KEMENY: Could have ruptured the containment
7 building?

8 COMMISSIONER HAGGERTY: Yes.

9 CHAIRMAN KEMENY: Could I go back to one thing we
10 passed over too quickly. I would favor leaving in the word
11 "chemical parentheses hydrogen". Let me tell you why. A hy-
12 drogen explosion -- I don't know if most people would know
13 that most people would know that a hydrogen explosion, we are
14 talking about a chemical explosion.

15 COMMISSIONER PIGFORD: Like a hydrogen bomb.

16 CHAIRMAN KEMENY: You see, that is what I am worried
17 about.

18 COMMISSIONER TAYLOR: How about hydrogen parentheses
19 chemical.

20 CHAIRMAN KEMENY: Yes. I was going to say chemical
21 parentheses hydrogen, but I am willing to do it either way.

22 COMMISSIONER PETERSON: Call it a hydrogen oxygen
23 explosion. That would take care of it.

24 CHAIRMAN KEMENY: We would just like to emphasize
25 that it is a chemical explosion, not a nuclear explosion.

1 CHAIRMAN KEMENY: I think, Frank, we have to remem-
2 ber the popular mind.

3 COMMISSIONER HAGGERTY: Okay. You're right.

4 CHAIRMAN KEMENY: Okay. Hydrogen, I'll put paren-
5 thesis chemical.

6 COMMISSIONER PIGFORD: All right. Can we go to another
7 point on this same page?

8 CHAIRMAN KEMENY: Yes, please.

9 COMMISSIONER PIGFORD: In the first full paragraph
10 that begins, "There was very extensive damage to the plant."
11 The next to the last sentence is dealing with our estimate of
12 the cost. Now, indeed the staff report shows that it is in
13 the range of 1 to 2 billion dollars. I want to be sure that
14 people understand this because this cost can be a lot more. And
15 I will tell you what I'm getting at.

16 Out of the 1 billion dollars about 700,000 of it is
17 the cost of replacement power and that is calculated, I think,
18 arbitrarily up to a period of about 1983 or '84. You know, why
19 not take ten years, then the cost is greater. And the same is
20 true of the 2 billion dollars. The number to me, once I know
21 how dependent it is upon really an arbitrary assumption suggests
22 that instead we might either put in another sentence stating
23 how much of it is replacement power or, if you want to keep it
24 brief, state instead a cost without replacement power, either
25 way. It's just that the number is --

1 CHAIRMAN KEMENY: Well, how about putting after it
2 that the major portion of this is the cost of replacement.

3 COMMISSIONER HAGGERTY: Why not just say that?

4 COMMISSIONER TAYLOR: For a few years.

5 COMMISSIONER PIGFORD: That's right, because that
6 assumption is arbitrary. If you take ten years it's a lot more.

7 COMMISSIONER HAGGERTY: For whatever it was.

8 CHAIRMAN KEMENY: The problem is that as Tom was
9 showing that we'll have a problem in the findings. They used,
10 in the low, medium and high estimate they used different numbers
11 of years.

12 COMMISSIONER PIGFORD: Well, I think Ted's statement
13 of a few years is, you know, that suggestion, better look it
14 up. That's okay with me.

15 COMMISSIONER TAYLOR: Yeah, we can't get too carried
16 away with suggesting much more than 2 billion dollars because
17 at some point you really have paid for the whole plant. I mean,
18 the main cost is the write-off on the capital costs. The capi-
19 tal costs we know are about a billion dollars, but that doesn't
20 include interest.

21 COMMISSIONER HAGGERTY: Replacement power is the prime
22 cost.

23 COMMISSIONER TAYLOR: Well, I mean, if the replacement
24 power costs more than, I mean, dramatically more than the reac-
25 tor itself cost when you put in interest charges, there's some-

1 thing wrong, because it is roughly competitive with replacement.

2 COMMISSIONER HAGGERTY: Well, that's correct, except
3 that you own that plant. What this does, if you don't replace
4 it you don't get what's there. I mean, the trouble is that's
5 why it gets so complicated. The 1 to 2 billion is not a bad
6 statement with a major portion of it being replacement power
7 over a few years.

8 COMMISSIONER TAYLOR: Well, there is a substantive
9 point and that is, one thing one could do is to say, that plant
10 is permanently out of commission and you take the loss that is
11 associated with that. Now, I think it's not fair to then add
12 the cost of replacement power once you've taken the loss for
13 that whole plant. I mean, after all --

14 COMMISSIONER PIGFORD: Well, we're not going to
15 say that, so --

16 COMMISSIONER TAYLOR: Pardon me?

17 COMMISSIONER PIGFORD: We're not going to say it's
18 permanently out of commission.

19 COMMISSIONER TAYLOR: No, but that's a quite reason-
20 able possibility, yeah.

21 COMMISSIONER PIGFORD: Are you proposing we say
22 that here, or what?

23 COMMISSIONER TAYLOR: No, I'm just pointing out that
24 I think we don't want to let the reader take something like
25 30 years and multiply it by replacement costs and wind up with

1 something that's going to run into something like 10 billion
2 dollars, because that's nonsense.

3 COMMISSIONER HAGGERTY: Well, actually, it's not
4 nonsense, Ted. If you own a factory -- forget this one -- and
5 you have a fire that burns it to the ground and as a consequence
6 you have to replace with something that costs three times as
7 much as that factory, its cost is related to the new cost,
8 not what it cost you in the first place.

9 COMMISSIONER TAYLOR: No, but it's not three times,
10 that's my point.

11 COMMISSIONER HAGGERTY: Well, I'm not arguing that.

12 COMMISSIONER TAYLOR: Okay.

13 CHAIRMAN KEMENY: Other points, Tom?

14 COMMISSIONER PIGFORD: I would first like to know
15 how this top of page 18 ties into the original text because --

16 CHAIRMAN KEMENY: No, I mean, the original text was
17 not changed in any substantive --

18 COMMISSIONER HAGGERTY: Page 11.

19 COMMISSIONER PIGFORD: Page 11?

20 COMMISSIONER HAGGERTY: Yes.

21 COMMISSIONER PIGFORD: All right.

22 CHAIRMAN KEMENY: The same problem. Because, the
23 problem was --

24 COMMISSIONER PIGFORD: Pages 11 through 15 in your
25 version.

1 CHAIRMAN KEMENY: Let me tell you what happened to
2 page numbering, of course, when it goes out on mag cards. Two
3 things happened. You will remember you voted -- we had two
4 versions of the accident in the preface and on the one hand we
5 took out the longer version. And secondly, when they retyped
6 it, instead of numbering the preface and the overview separately
7 they numbered it in consecutive numbers and that shifted all
8 the page numbers.

9 COMMISSIONER PIGFORD: So, when we voted on the pre-
10 face I believe I indicated that there was a problem on the
11 last sentence. The last two sentences. Now, this gets at a
12 problem which I think is none trivial. It's not editorial.
13 But, we very carefully, I guess, at our last meeting, qualified
14 out overall conclusion stating that it applied to all the nuclear
15 industry only to the extent -- namely our conclusion concerning
16 fundamental changes in organization and so forth, only to the
17 extent that there were elements in the industry like those
18 that we have investigated. Now, changing that conclusion is
19 not the only place that needs to be dealt with. Take, for
20 example, the next to last sentence of the short preface. That's
21 on preface, page 10. It says, "Therefore the necessary im-
22 provement," I'm sorry, "Therefore, the improvement of the
23 safety of existing and planned nuclear plants is a crucial is-
24 sue. It is this issue that our report addresses."

25 COMMISSIONER MARKS: I'm sorry, where are you reading

1 from?

2 CHAIRMAN KEMENY: At the end of the preface.

3 COMMISSIONER PIGFORD: Am I reading from the preface
4 we adopted, is that right?

5 "It is this issue that our report addresses, namely,
6 improvements of safety of existing and planned nuclear plants."
7 And sure, it says, "from the point of view of lessons that can
8 and must be learned from the accidents at Three Mile Island."
9 Frankly, I think it's going much further. It says our quote
10 report addresses the issues of those existing and planned plants
11 out there. Now, frankly, even from the standpoint of Three
12 Mile Island, we didn't really address those issues. We didn't
13 look to determine to what extent they have similarities of the
14 same kind of equipment at Three Mile Island. We did not address
15 it. I've already given you a couple of cases where some tech-
16 nical statements were made in the staff reports that tended to
17 cause us to extrapolate and they're wrong. I recommend, instead
18 that the next to the last sentence and the last sentence be
19 coalesced with this statement which is going to change it.
20 However, necessary improvements comma if any in the safety
21 of existing and planned nuclear plants is an issue addressed
22 to only a very limited extent in this report.

23 CHAIRMAN KEMENY: Paul.

24 COMMISSIONER MARKS: I think that's too restrictive.
25 The "if any" to me suggests that you really believe that there

1 may be no need for any changes.

2 COMMISSIONER PIGFORD: No, it doesn't.

3 COMMISSIONER MARKS: Well, I'm saying that's the
4 way it comes across.

5 COMMISSIONER HAGGERTY: Take the "if any" out, take
6 it off. Does it really change your sentence?

7 COMMISSIONER PIGFORD: Okay. I'll tell you why I
8 put it in, because when you start the investigation you don't
9 start with a presumption of one or the other and this is stating
10 how we started. Necessary improvement says we started with
11 a presumption of necessary improvements. That's why I put in
12 "if any." I don't care if it goes out.

13 COMMISSIONER HAGGERTY: It's sort of like the whether
14 or whether or not.

15 COMMISSIONER PIGFORD: But the fact is, necessary
16 improvements in the safety of existing and planned plants is
17 an issue addressed to only a very limited extent on this re-
18 port which happens to be the statement of fact and what it is
19 correcting here is a statement which I think is not correct.

20 COMMISSIONER TAYLOR: I disagree completely on the
21 grounds that the safety of existing and new plants is to some
22 extent, a considerable extent, the function of the nature of
23 the regulatory process about which we have a great deal to say.

24 COMMISSIONER PIGFORD: Then let's say, is addressed
25 to the extent that we have, that what we have learned from the

1 regulatory process is applicable to those plants.

2 COMMISSIONER PETERSON: Tom, isn't this the same
3 argument we've had now about 25 times?

4 COMMISSIONER PIGFORD: Yes, and we haven't resolved
5 it. We have resolved it in only one place.

6 COMMISSIONER PETERSON: We've always resolved it,
7 but you haven't accepted the resolution.

8 COMMISSIONER PIGFORD: I accept what we -- the speci-
9 fics that we changed our main conclusion, but throughout this
10 text --

11 COMMISSIONER PETERSON: I think it's about time
12 that the Chairman rule you out of order when you bring them
13 up again, because you bring them up all the time. And we
14 come out the same place every time.

15 COMMISSIONER PIGFORD: Well Russ, look, I was very
16 impressed with the argument yesterday if there is an important
17 and substantive point to be considered you don't use parlia-
18 mentary tactics to avoid considering it.

19 COMMISSIONER PETERSON: I just think you're wasting
20 a lot of time by going back to that.

21 CHAIRMAN KEMENY: The Chair would like to put this
22 to a vote. I've been proceeding and so far all the suggestions
23 that I have made I have accepted and I heard no objections to
24 them. I think this is a fundamental issue here. Harry, that
25 is the issue of the last two sentences in the preface.

1 COMMISSIONER MCPHERSON: Page what?

2 CHAIRMAN KEMENY: Tom, can you give the page number?

3 COMMISSIONER PIGFORD: Yes, preface page 10.

4 CHAIRMAN KEMENY: Page 10, the last two sentences.

5 It says, "Therefore, the improvement of the safety of existing
6 and planned nuclear plants is a crucial issue. It is this
7 issue that our report addresses from the point of view of les-
8 sons that can and must be learned from the accident at Three
9 Mile Island."

10 Tom, would you read your proposed alternate suggestion?

11 COMMISSIONER PIGFORD: Then I would say, "However,
12 the improvements of safety of existing and planned nuclear
13 plants is an issue addressed to only a very limited extent in
14 this report."

15 COMMISSIONER MARKS: Could you read that slowly
16 again? However the improvements --

17 COMMISSIONER PIGFORD: The improvements of the
18 safety of existing and planned nuclear plants is an issue
19 addressed to only a very limited extent in this report. I'll
20 be happy to add another sentence incorporating Ted's certainly
21 valid point that, to the effect that it is -- we have some
22 basis for such extrapolation through our investigation of the
23 Nuclear Regulatory Commission.

24 CHAIRMAN KEMENY: Could I ask how many commissioners
25 favor making the change Tom Pigford suggests?

1 (Show of hands)

2 Those opposed.

3 (Show of hands)

4 The motion is lost.

5 COMMISSIONER PIGFORD: Okay. I'm afraid that this
6 same thing appears so frequently in the overview and we have
7 really not corrected it. We have only corrected our conclusion.
8 So, proceeding to the overview, page 1 and I want to remind
9 my colleagues that when I first commented on this in our dis-
10 cussion I said that I would have to withhold judgment until I
11 read the staff reports that are supposed to provide the basis
12 for these statements. Well, I have now read some and I see
13 what needs to be done. I understand that the conclusion which
14 is indented on page 1 has been modified, showing that we extra-
15 polate this to the nuclear industry to the extent that there
16 are elements of the industry similar to those we've investi-
17 gated.

18 CHAIRMAN KEMENY: Yes, and my retyped is there and
19 if you change the wording again it will obviously be the exact
20 wording that this Commission agrees with at the end.

21 COMMISSIONER PIGFORD: Yes.

22 COMMISSIONER TAYLOR: I' confused, what is that word-
23 ing now?

24 CHAIRMAN KEMENY: let's see, the last wording we had
25 was, there's new, improved wording proposed in the findings

1 MR. GORINSON: Shall I read it?

2 COMMISSIONER MARKS: Yeah, can you?

3 MR. GORINSON: To prevent nuclear accidents as serious
4 as Three Mile Island fundamental changes will be necessary in
5 the organization, procedures and practices -- and above all --
6 in the attitudes of the Nuclear Regulatory Commission and to
7 the extent that the institutions we investigated are typical,
8 of the industry.

9 CHAIRMAN KEMENY: It's at the beginning of your
10 findings. It's what we voted last time, except I think they
11 improved sentence structure in this since last time.

12 COMMISSIONER PIGFORD: Then, if I may turn to the
13 last full sentence on this page it now says, "The Commission's
14 findings with respect to the nuclear industry and its regula-
15 tion, particularly the current and potential state of public
16 safety," and so forth. Okay. It says our findings are on the
17 nuclear industry. I don't think we have much finding on the
18 nuclear industry. I would recommend the last sentence be
19 changed to say, "The Commission's findings with respect to the
20 accident and to the regulation of the nuclear industry." That's
21 what we have findings on.

22 COMMISSIONER BABBITT: Question.

23 CHAIRMAN KEMENY: Question on that proposal?

24 COMMISSIONER BABBITT: Yes.

25 CHAIRMAN KEMENY: Let's put it to a vote. Would

1 those i. favor of making that change please raise your hand.

2 (Show of hands)

3 Those opposed.

4 (Show of hands)

5 COMMISSIONER MCPHERSON: Could you read it once again?

6 I may vote for it.

7 COMMISSIONER PIGFORD: The Commission's findings --

8 COMMISSIONER MCPHERSON: Read what presently it says.

9 COMMISSIONER PIGFORD: Presently it says, "The Com-
10 mission's findings with respect to the nuclear industry and
11 its regulation -- "

12 COMMISSIONER MARKS: Where is this?

13 COMMISSIONER HAGGERTY: Bottom of the overview,
14 overall conclusion.

15 COMMISSIONER PIGFORD: And let me, all right. So far
16 I've only talked about that first phrase. The Commission's
17 finding with respect to the nuclear industry and its regula-
18 tion. I am proposing that we say the Commission's finding
19 with respect to the accident and to the regulation of the nuclea
20 industry.

21 COMMISSIONER MCPHERSON: You're only correcting that
22 part for the moment.

23 COMMISSIONER PIGFORD: That's right. You see some
24 other corrections that are coming.

25 CHAIRMAN KEMENY: Should we hear the full sentence if

1 you're going to change the rest of that sentence?

2 COMMISSIONER PIGFORD: All right. Certainly.

3 The rest of the sentence, again reading how it stands, findings
4 with respect to the nuclear industry and its regulation in par-
5 ticular the current and potential state of public safety and
6 the presence of nuclear power. That refers to the nuclear
7 industry. We've found something on the public safety of that
8 nuclear industry. And, I therefore recommend that that paren-
9 thetical phrase in the dash lines be deleted and we say instead,
10 the Commission's findings with respect to the accident and
11 to the regulation of the nuclear industry have, we believe,
12 implications that bear on that question.

13 COMMISSIONER MCPHERSON: Well, this is getting serious,
14 Mr. Chairman since this is the two paragraphs that I wrote.

15 CHAIRMAN KEMENY: yes.

16 COMMISSIONER MCPHERSON: Let me -- These I wrote in
17 response, I should say, to The New York Times editorial saying
18 what we ought to do on the Commission, we ought to deal with
19 the whole range. And the point of these two paragraphs, I
20 think, is obvious, that we didn't undertake to do what The
21 New York Times urged us to do to weigh nuclear against other
22 forms of energy. I would, personally I would agree with the
23 first suggestion that Tom makes, to say that with respect to
24 the accident, to this accident and to the regulation of the
25 nuclear industry, and I agree with that. I would not agree with

1 taking out the parenthetical, the dash-line phrase.

2 CHAIRMAN KEMENY: Ted.

3 COMMISSIONER TAYLOR: I must agree with Tom that we
4 have not analyzed the current or potential state of public sa-
5 fety in the presence of nuclear power in general.

6 COMMISSIONER HAGGERTY: Does it really hurt anything
7 to take it out?

8 COMMISSIONER TAYLOR: I mean, I think that we're in
9 danger of saying, yes we did, no we didn't, yes we did, no we
10 didn't all through the report. And I think we'd better be
11 consistent.

12 COMMISSIONER LEWIS: Did we or didn't we?

13 COMMISSIONER MCPHERSON: Let me make an argument for
14 it. Let me make an argument for it. If you take your main
15 finding, if you take your main finding that parenthetical phrase
16 is absolutely I would submit tied to the finding. It has to
17 do -- The question of whether nuclear power ought to be advanced
18 or stopped depends on whether it's safe enough and we made a
19 finding that as it is presently operated, as it is presently
20 regulated, accidents as serious or worse than Three Mile Island
21 may happen. That's the importance, that's the significance of
22 our finding. And therefore, the public safety question that
23 emerges from that regulation or that form of regulation, inade-
24 quate regulation, is a clear question.
25

TAPE 4

1 COMMISSIONER HAGGERTY: It doesn't bother me to have
2 it in there because what really counts is the specifics of
3 the finding, and it only says implications that bear on the
4 question, and it is difficult to say that that finding does
5 not, and the other findings don't have implications that bear
6 on the question. I don't care. Tom's is more precisely.
7 I don't honestly think it makes much difference, and if it
8 avoids spending a lot of time arguing on it, I would just as
9 soon take it out. It does not bother me to have it in.

10 COMMISSIONER MC PHERSON: I would like to divide
11 the question and take the first one for the first correction
12 that says the accident and the regulation of the nuclear
13 industry. I will vote for that.

14 CHAIRMAN KEMENY: All right. How about the proposed
15 change in the first part of the sentence which would say
16 the accident and the regulation of the nuclear industry?

17 Those in favor?

18 (There was a show of hands.)

19 CHAIRMAN KEMENY: Those opposed?

20 (There was one opposed.)

21 CHAIRMAN KEMENY: That does carry. How about the
22 second half taking out the parenthetical clause?

23 Those in favor of taking that out, please raise
24 their hands?

25 (There was a show of hands.)

1 CHAIRMAN KEMENY: Three.

2 Those opposed?

3 (There was a show of hands.)

4 CHAIRMAN KEMENY: That motion is lost.

5 COMMISSIONER TAYLOR: Mr. Chairman, are you recording
6 these votes? Do you think it is necessary?

7 CHAIRMAN KEMENY: I should not think on wording
8 changes in the overview we need a roll call vote. I hope not
9 or it will take all day.

10 COMMISSIONER PETERSON: In that connection, wouldn't
11 it be helpful if Tom had his suggestions to the Chairman and
12 let them worry about these words instead of our going through
13 this?

14 COMMISSIONER PIGFORD: Do you think this is just
15 word changes?

16 This is a crucial issue.

17 COMMISSIONER MC PHERSON: I agree with Tom. I think
18 this is what is going to get printed in the paper.

19 COMMISSIONER TAYLOR: I would like to get some
20 sense of, I think, I believe that Tom is going to have more
21 comments on the overview.

22 COMMISSIONER PIGFORD: Yes, I am.

23 COMMISSIONER TAYLOR: And I would like to get some
24 sense of how long it, some measure of whether we are going to
25 be spending the rest of the day on the overview. Do you have

1 any way of giving us some feeling for how much?

2 CHAIRMAN KEMENY: How many are there, Tom?

3 COMMISSIONER PIGFORD: This kind of thing appears
4 in many, many places. In short, the text itself, obviously
5 has adopted the sense of the conclusion before we changed
6 it. You know, we changed it to say and to the extent that
7 other industries are like that. That was our change in our
8 conclusion. The text has not been changed in that regard,
9 and there are many places where it has the same thing, where
10 it says we have investigated the industry.

11 CHAIRMAN KEMENY: Let me suggest we could speed that
12 up when we come to those if you identify one that clearly
13 suffers from that problem, we will agree to make the
14 appropriate change. So, that would speed it up.

15 COMMISSIONER PIGFORD: That is great.

16 CHAIRMAN KEMENY: How many others are there that
17 are not of that type?

18 COMMISSIONER PIGFORD: All right. I will give you
19 another type because I want to keep this as brief as possible
20 and I think from my view there are a lot of substantive
21 problems. Here is one that is of another type. Look at the
22 second full paragraph that says --

23 COMMISSIONER HAGGERTY: Where?

24 COMMISSIONER PIGFORD: Page 1. The conclusion
25 speaks of necessary fundamental changes. We do not claim that

1 our proposed recommendations are sufficient to assure the
2 safety. In fact, we don't claim they are not sufficient
3 either.

4 CHAIRMAN KEMENY: That was specifically voted by
5 the Commission. I was instructed that I had to add that
6 after the conclusion.

7 COMMISSIONER PIGFORD: I am suggesting that whenever
8 there is something like this, it appears to me that one has
9 simply adopted the phrasing that raises the question on one
10 side. I suggest it say are or are not sufficient because
11 that has an enormous effect upon the implications and tone
12 of this throughout.

13 COMMISSIONER MARKS: Can I make a statement on this
14 one, because there is a more general theme which I think
15 Harry in his paragraph tries to deal with, and I think he
16 does it well, but it seems to me that maybe one sentence
17 focusing on this may handle it and maybe you won't agree
18 because the sentence I was going to suggest that we open
19 the paragraph which begins given the nature of its
20 Presidential mandate, is this Commission has not attempted
21 to answer the question of, quote, how safe is safe enough,
22 close quote, period, and then go on with Harry's statement,
23 because I think that is the context in which many of your
24 reservations come across.

25 COMMISSIONER PIGFORD: Could you put that once

1 more?

2 COMMISSIONER MARKS: It would just go before given
3 the nature of its Presidential mandate.

4 COMMISSIONER PIGFORD: And what would go there?

5 COMMISSIONER MARKS: This Commission has not
6 attempted to answer the question of quote, how safe is safe
7 enough, close quote.

8 COMMISSIONER PIGFORD: I have no objection to it.
9 I am not sure it solves a lot of problems, but --

10 COMMISSIONER MC PHERSON: It is fine with me.

11 COMMISSIONER MARKS: I mean in other words nobody
12 should have the impression that we think we are telling them
13 that it is safe enough or it is not safe enough, and Harry
14 explains, I think, in that paragraph many of the reasons why.

15 CHAIRMAN KEMENY: Harry's paragraph actually
16 deals --

17 COMMISSIONER HAGGERTY: May I suggest it would fit
18 better down in the third line, has not undertaken to examine
19 the question of how safe is safe enough or that of nuclear
20 versus other forms of energy?

21 COMMISSIONER MC PHERSON: Or the broader question
22 of --

23 COMMISSIONER HAGGERTY: Stick it in there because --

24 COMMISSIONER MC PHERSON: It is related to the --

25 COMMISSIONER HAGGERTY: It is related.

1 CHAIRMAN KEMENY: How many favor that insertion?

2 (There was a show of hands.)

3 CHAIRMAN KEMENY: Okay.

4 COMMISSIONER MC PHERSON: May I make a general
5 observation, Tom? Rather than fussing over every case where
6 you think we have overstated the matter, it seems to me
7 appropriate in your supplemental views that you address it
8 there, and say that you think the Commission in its overview
9 has gone beyond the limits of its investigation and made some
10 statements that are --

11 CHAIRMAN KEMENY: And you may feel that way about
12 the findings, too.

13 COMMISSIONER MC PHERSON: -- too broad.

14 COMMISSIONER PIGFORD: I would be very happy to do
15 that, if the Commission decides that is the best approach.

16 What I am trying to do is participate in getting
17 a report that is not going to be so vulnerable to what I
18 think are the terrible vulnerabilities. I think credibility
19 is going to be damaged if you leave these sweeping statements
20 in which cannot be supported, statements that imply we did
21 something that we did not do. If you don't want to do that,
22 then I will handle it the way you like. That is a decision
23 I will certainly abide by.

24 COMMISSIONER HAGGERTY: Let me say the Chairman
25 has to decide how much time we have got on this. Having read

1 last night, reread last night the overview in the form we have
2 it, plus the changes, the summary and that in detail and
3 hurriedly the findings because by this time it was 2 o'clock
4 and trying to remember in my own mind the recommendations
5 as we had prepared them, with the caveat that I thought some
6 rearrangement would help, particularly in the recommendations
7 and findings, and we have already done some of that, from
8 what you tell me, I came to the following conclusion, that
9 with a bow toward overstatement here and there, the sort of
10 thing that Tom is saying, that I found words like implications
11 and so forth where all of this existed, I thought the thing
12 was pretty good. I came to the conclusion that at some point
13 I was going to say that I hoped nobody, nobody can be denied
14 the right to insert a personal statement with respect to this,
15 but that I would hope anybody doing so would think very
16 carefully before he did for the following reason. This is a
17 pretty strong statement. Some will think it is too strong.
18 Some will think it is not strong enough. The fact is, starting
19 from the accident, with all the limitations of our survey,
20 it is a pretty darn strong statement. The more things we
21 stick in there either way, either narrowing it or broadening
22 it, it is going to weaken what is fundamentally a pretty strong
23 statement, and so I would only suggest to everybody that they
24 think carefully before they write the statement. Nobody can
25 deny the privilege. To that extent, therefore, and to the

1 extent that either such comments can be eliminated or at least
2 made specific, taking some time on Tom or anybody else's
3 points of this kind is worth while, if the consequence could
4 be the elimination of the statement, and I gather that is
5 fundamentally what you are saying.

6 COMMISSIONER PIGFORD: Right. You can decide, and
7 I don't want to take any time. I am very embarrassed to be
8 taking the time.

9 COMMISSIONER MC PHERSON: I did not mean to cut
10 you off. I meant if there are some places where its tone
11 that we could be arguing about until 5 o'clock this afternoon,
12 that maybe some of those, the lessor points could be subsumed
13 through your argument.

14 COMMISSIONER PIGFORD: I am not going to make any
15 big issue on tone. I pointed it out, and I stated the things
16 that to me are the substantive issues.

17 CHAIRMAN KEMENY: Why don't we try for another
18 10 minutes to give Tom a chance to identify, at least the
19 substantive issues.

20 COMMISSIONER HAGGERTY: Pick out those tone things
21 that particularly bother you, Tom or accuracy statements, and
22 if we can get enough of them out of there, I am all for it,
23 and, also, maybe this is a good point because one of the other
24 things I came to the conclusion is that in keeping with our
25 previous recommendation or approval for the Chairman to make

1 with some help in the case of the NRC recommendations
2 unilaterally with respect to the findings, permission to make
3 what amounted to in one case a rewriting in accordance with
4 agreement any other changes that were in format, typographical,
5 clarity, et cetera, I would like to recommend that the
6 Commission extend that same fiat to the Chairman in the
7 overview, in the narrative, in fact, in all of the things that
8 exist in this volume as it is going to be published.

9 There is, for example, in the first page of the
10 narrative which I know we are going to come to, but I think
11 it will make my case clear, some flowery language in that
12 quotation and one other paragraph that has the same kind of
13 flavor that does not fit the report.

14 COMMISSIONER TAYLOR: Is that --

15 CHAIRMAN KEMENY: Let us wait until we get to that.
16 Pat is only giving that as an example.

17 COMMISSIONER HAGGERTY: What I would like to do,
18 since that really does not change the thrust, I am perfectly
19 willing to delegate to the Chairman the right to eliminate
20 things like this, change phraseology, insert what amount to
21 connecting phrases, anything of that kind that will improve
22 the coherence of the whole volume 1, and I present that as
23 a resolution authorizing the Chairman to so proceed, the
24 reason being, Tom, for example, it may not cure it, and we
25 won't know until we see it, but the thrust of things like this,

1 if we agree, for example, that part of the problem with the
2 overview is that it still reflects that fundamental finding
3 to an extent that you think is exaggerated, with respect to the
4 one we finally did adopt, then this kind of change would allow
5 the Chairman to go through and look for that and in his view
6 correct where it appears. It might not satisfy you
7 completely, but clearly there are places where it is
8 comparatively easy to say does this fit that finding or
9 doesn't it?

10 CHAIRMAN KEMENY: Pat, did I understand you offered
11 that as a resolution?

12 COMMISSIONER HAGGERTY: I do.

13 CHAIRMAN KEMENY: Is there a second to that motion?

14 COMMISSIONER TAYLOR: Just one question, and that
15 is, is there time enough to do that, to get the changes?

16 COMMISSIONER HAGGERTY: He can.

17 COMMISSIONER TAYLOR: What I am getting at is this,
18 that I would presume that Tom would like to see what that
19 is before he decides whether or not to make the comment.

20 I am presuming that. Let us hear from Tom.

21 COMMISSIONER PIGFORD: We have got to get the thing
22 done, and I think Pat's suggestion is excellent. In fact,
23 I really thought it was going to be done after we modified
24 that conclusion. Sure. Now, Ted is saying but will I be
25 satisfied without seeing it. Of course not. I am going to

1 see the whole thing before I sign anything, and I expect
2 other people might want to, also, but this is the only way
3 to proceed. I don't think it is useful for me to repeat
4 this --

5 COMMISSIONER HAGGERTY: Will you second it?

6 COMMISSIONER PIGFORD: Yes, sir.

7 MS. JORGENSEN: Could I understand the motion?
8 What parts of it --

9 COMMISSIONER HAGGERTY: The whole thing that appears
10 in Volume 1.

11 CHAIRMAN KEMENY: With the exception of NRC where
12 we have a Committee of three that will look at NRC findings,
13 sorry, NRC recommendations.

14 COMMISSIONER HAGGERTY: It is the narrative. It
15 includes the overview.

16 CHAIRMAN KEMENY: I would have final authority to
17 make those wording changes in accordance with any instructions
18 I may from here on receive or I may in my judgment --

19 COMMISSIONER HAGGERTY: Nothing else makes any
20 sense.

21 COMMISSIONER PIGFORD: You have final authority,
22 and then we finally read it and see if we agree.

23 COMMISSIONER HAGGERTY: My own view is it is likely
24 to improve it.

25 CHAIRMAN KEMENY: Excuse me. Tom just made the

1 remark that to me confuses me about the notion.

2 If I make those changes, I can certainly send you
3 copies of it if you wish, but there is no wish there is time
4 to send you copies and get feedback before it goes into
5 Volume 1.

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Tape 5

1 COMMISSIONER HAGGERTY: I think we all realize that.
2 My only point is that -- that is -- by somebody who has sat
3 through all of this with this kind of discussion is bound to
4 improve it. It can't hurt it. And that is why I present the
5 resolution and you seconded it.

6 COMMISSIONER PIGFORD: Yeah.

7 CHAIRMAN KEMENY: Would those in favor, please raise
8 their hands?

9 (There was a show of hands.)

10 That is a unanimous vote with the Chairman abstaining.

11 COMMISSIONER PIGFORD: I hope, John, my remark didn't
12 upset you. I am merely saying that -- I don't expect you to
13 have feedback --

14 CHAIRMAN KEMENY: No, no, no, Tom. Nothing you said
15 upset me. I just wanted to make clear that we have to get the
16 timetable for getting this to the printer to appear on October
17 30th is such that there would not be time for me to make the
18 changes. I mean, I will be working as soon as you leave for
19 the next 48 hours, day and night, to do this, which I am happy
20 to do. There isn't then time to send it all out and wait for
21 copies to come back. I just didn't want you to misunderstand,
22 Tom.

23 COMMISSIONER PIGFORD: Thank you. Then I propose
24 not to take up any more items that are of the same nature, but
25 I will identify them to you separately and where they are tone

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1 items, I think, at least I will point them out to you where
2 I think a simple change can say, you know, is or is rather
3 than is, on things that we haven't reserved judgment on.

4 CHAIRMAN KEMENY: Okay. Can you do that before you
5 Tom, because I have to work on this in the next 48 hours?

6 COMMISSIONER PIGFORD: In fact, I can just Xerox all
7 of my pages.

8 CHAIRMAN KEMENY: That would be perfect.

9 COMMISSIONER PIGFORD: May I turn to what is a more
10 bothersome change then?

11 CHAIRMAN KEMENY: Yes.

12 COMMISSIONER PIGFORD: Or a problem. If we turn to
13 page 25 --

14 CHAIRMAN KEMENY: Can you tell me what section it is
15 in, Tom?

16 COMMISSIONER PIGFORD: The NRC -- is that appropriate
17 to talk about this now?

18 CHAIRMAN KEMENY: Anything is appropriate, Tom. My
19 problem is my pages have different numbers on them.

20 COMMISSIONER HAGGERTY: The one that is headed the
21 NRC. The old 25.

22 COMMISSIONER PIGFORD: Okay. Now, the section begins
23 very appropriately about the history of the split-off of NRC
24 to separate out the regulators from those promoting it. And
25 it says we have considerable evidence that some of the old

1 promotional philosophy still permeates the NRC and while some
2 compromises between the needs of safety and the needs of an
3 industry are inevitable, the evidence suggests that the NRC
4 has often erred on the side of industry's convenience rather
5 than carrying out its primary mission of assuring safety.

6 Now, I understand why this appears to arise. There
7 are, indeed, people from within the NRC who said, in general
8 terms, that this has happened. But I will tell you there is
9 nothing farther from, at least, the views of the nuclear in-
10 dustry and I can certainly substantiate this and I will -- is
11 that there is nothing farther from the truth.

12 Now, I think this is an important thing. You might
13 say it is just an observation. Hell, I think the result of
14 this is going to be -- with all this kicking we are giving
15 NRC, they are going to try to build up more six-foot high walls
16 of details and questions, which I think if we had looked into
17 it and seen what they actually do, are not contributing to
18 reactor safety.

19 I want to give you some examples. In short, I am
20 saying that NRC has very seldom erred on the side of industry's
21 convenience. I won't say they never have -- very seldom. On
22 the backfitting, I gave you some examples. Indian Point 1 was
23 shut down because it couldn't meet it. Now, maybe it should
24 be, but it was and that is an enormous financial loss. Dresden
25 1 will either have to be shut down or will have to have a major

1 modification. SanOnofre had to build a new containment around
2 its old containment. Now, then there are a lot of examples
3 the industry has supplied which shows things that they have
4 been required to do, which I think in their view were not
5 based upon any clear demonstrated need.

6 I tried to read what is the evidence for this. The
7 evidence that I know of are some statements of some people
8 with NRC. If we are going to come to this conclusion, we
9 should have investigated this and asked also the industry that
10 is being effected and we didn't. And with your permission, I
11 would like to enter into the record some information that I
12 was provided from General Electric and Westinghouse on this
13 subject. Since the time is short, I am not going to read it,
14 but I just want to give you one example.

15 And my view is what NRC has done since the early
16 seventies is that they have gotten more and more frightened
17 of outside criticisms and they have simply used the detailed
18 regulations and escalating numbers of questions on the same
19 plant and not substantive questions to build up a six-foot
20 wall around themselves, isolating them also from the people
21 they are regulating.

22 To give you an example, here is a reactor, same kind,
23 got its construction permit in the late sixties, boiling water
24 reactor -- 260 really good questions and I know those. They
25 were important questions. Same reactor, 1976, 1,100 questions.

1 ' Now, you might say that shows NRC is really getting sharp and
2 doing its job. Well, look at the questions. Isn't there some-
3 thing suspect that the same reactor comes up -- 1,100 questions.
4 One year later, 1,300 questions on that same one. Now, I know
5 of a very careful review in another country of that same re-
6 actor at the time of this most recent one of the 1,300 quest-
7 ions. How many questions? Two hundred very good questions.

8 Now, these questions are -- Of course, I haven't
9 showed you what the questions are. We should find out. We
10 should look at the industry that is being regulated to deter-
11 mine if this is the case.

12 COMMISSIONER HAGGERTY: Frankly, I am in agreement
13 with the general tone. We can't get into all of that detail.
14 Take the third sentence. Unfortunately, we have seen consi-
15 derable evidence that some of the old promotional philosophy
16 still permeates. I don't think we have seen that at all.
17 We have had some statements. I think you just take the sen-
18 tence out. And then it says, often -- the next line says
19 that the NRC has often erred. Well, in order to say "often",
20 you have to have something to measure it against. The most
21 you can say is "sometimes erred".

22 CHAIRMAN KEMENY: Ted.

23 COMMISSIONER TAYLOR: I have been looking through
24 the findings on NRC to see to what extent there is a backing
25 up of this paragraph. There is only one; it is the first

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1 finding. It says, the purpose of the Energy Reorganization
 2 Act was to divorce the newly created NRC from promotional --
 3 according to one of the NRC present commissioners. I still
 4 think the NRC is fundamentally geared to define and nurture
 5 a growing industry. We find that NRC is so preoccupied with
 6 the licensing of plants that it has not given primary atten-
 7 tion to overall safety issues. I can't guarantee this, be-
 8 cause I went through this quickly, but I think that is the
 9 only statement that we have in the findings that could be
 10 used to support what is in the overview. I find it pretty
 11 weak.

12 CHAIRMAN KEMENY: Kevin.

13 MR. KANE: Ted, I think if you wanted to read it
 14 that way, finding 8-H, talking about backfitting problem in
 15 the absence of a systematic review on a plant by plant basis,
 16 talks about Chairman Hendrie's position. They didn't want
 17 them to upgrade their emergency plans, for example, because
 18 that placed too much of a burden on the industry.

19 COMMISSIONER TAYLOR: Where are you?

20 COMMISSIONER MC PHERSON: Page 46 of the findings.

21 COMMISSIONER TAYLOR: G?

22 MR. KANE: H. It also talks about the decision not
 23 to backfit the SRP across the board, without any consideration
 24 of individual circumstances, without any consideration of
 25 the state of actual construction of the power plant one way or

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1 another. There are, of course, some others mentioned in our
2 staff report as well.

3 MR. GORINSON: There is I&E.

4 COMMISSIONER HAGGERTY: That is a basis for saying
5 "some". But this tone is way beyond our findings. I am in
6 complete agreement with this statement. This statement is
7 far beyond our findings.

8 MR. KANE: You know, it looks like a duck; it walks
9 like a duck; usually, it is a duck.

10 COMMISSIONER HAGGERTY: Bunk, Kevin. Even in that
11 finding there is question as to how you want to interpret what
12 the statement was.

13 COMMISSIONER TAYLOR: Can I make a suggestion and
14 that is, unfortunately, we have seen considerable evidence
15 that some of the old promotional philosophies still permeate
16 the NRC. I would like to suggest striking that.

17 COMMISSIONER HAGGERTY: I agree. I have the same
18 suggestion.

19 COMMISSIONER TAYLOR: But only that.

20 COMMISSIONER PETERSON: The whole sentence or the
21 word "considerable"?

22 COMMISSIONER TAYLOR: No, the whole sentence.

23 COMMISSIONER HAGGERTY: Just strike the sentence.

24 COMMISSIONER TAYLOR: The old promotional philosophy
25 is a snarl phrase. We do say that we have found evidence that

DO 1 suggests that --

2 COMMISSIONER HAGGERTY: I suggest "sometimes" there
3 instead of "often".

4 COMMISSIONER TAYLOR: Well, that is a separate ques-
5 tion, but I think if we find a word that we can all agree to --

6 COMMISSIONER HAGGERTY: That changes the tone.

7 COMMISSIONER TAYLOR: Then if we strike that, it is
8 like hitting them with a wet towel for purposes that I don't
9 think. I mean, if you read through the findings --

10 CHAIRMAN KEMENY: Are you suggesting striking the
11 sentence which has the old promotional philosophy in it?

12 COMMISSIONER TAYLOR: Yeah. That starts, unfortunate-
13 ly.

14 COMMISSIONER MC PHERSON: I would like just to make
15 a comment that -- and as a lawyer, I recognize this is not on
16 the record -- but the conversations that I have had with
17 commissioners and with people who are in the NRC or AEC at one
18 time or another -- and I am not talking about the people who
19 have left in a great heat to go work for the Union of Concerned
20 Scientists, only -- but I have heard considerable expressions
21 from them that the same ballgame is being played in the NRC,
22 that was played in the AEC in the late sixties and the early
23 seventies, that there is still the reluctance to sock the in-
24 dustry when it needs to be socked and that they are still
25 AEC-minded. And that is, again, I recognize, not material.

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1 that I have taken in a deposition or introduced on the record,
2 but that is certainly the impression I have had from those
3 conversations.

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1 CHAIRMAN KENEY: Tom.

2 COMMISSIONER FIGFORD: Mr. Chairman, I think Harry is
3 right. The Union of Concerned Scientists does hold this. I
4 think they do have some examples and I do agree that some
5 people in the NRC have said this. My only point is, you haven't
6 heard from the people who are being regulated and frankly, I
7 think they know more about this than the people we've heard.

8 Mr. Chairman, may I, on this point, distribute a
9 letter that was offered to me on this subject? Is it possible
10 that this could be put into the reference?

11 I'm not going to say anymore about it. There were
12 two important issues that I have discussed with the commis-
13 sioners who were working on the NRC because in reading that
14 report I was concerned that it has basis for the findings.
15 And this is one of them. And so, the only way -- it was
16 suggested that I might then get some input from the industry
17 on this subject.

18 COMMISSIONER MCPHERSON: Mr Chairman, I have a sub-
19 stitute motion to the motion to strike that sentence, unfor-
20 tunately. Here's the way I would suggest it. Unfortunately
21 we have seen evidence, striking "considerable", that some of
22 the old promotional philosophy still influences the regulatory
23 practices of the NRC. Instead of "permeates" "influences."

24 COMMISSIONER BABBITT: Question.

25 CHAIRMAN KENEY: Okay. Since this is a substitute,

1 first the question is on substituting Harry's version for
2 Ted's version. Would those in favor of substituting Harry's
3 version for Ted's version --

4 (Show of hands)

5 That's six votes.

6 Those opposed.

7 (Show of hands)

8 One.

9 So, therefore, we have now substituted. We now have
10 to vote on the substitute motion. Those in favor of changing
11 this to Harry's version, please raise your hand.

12 (Show of hands)

13 COMMISSIONER HAGGERTY: I don't know what we're
14 voting on.

15 CHAIRMAN KEMENY: We are voting for replacing the
16 sentence here by Harry's sentence.

17 COMMISSIONER HAGGERTY: Well, I'm in favor of that.

18 CHAIRMAN KEMENY: Okay, that's unanimous. Thank you.

19 COMMISSIONER PIGFORD: Both here and in the next
20 sentence I think the problem in that next sentence is where it
21 says, the evidence suggests that NRC has often erred. I don't
22 believe our evidence says that. That says often in the con-
23 text of all of their decisions.

24 CHAIRMAN KEMENY: Could I make a suggestion on that
25 one? How about just striking the word 'often'?

1 can go out and duplicate all of these quality assurance tests.
2 They have to rely and also audit the testing. The evidence
3 for this -- They have to rely heavily. The thing they have to
4 do is do it properly, make the proper kind of auditing and
5 so forth. They have to rely heavily. Here it said, because
6 it relies heavily. If we lead the NRC into the foolish idea
7 that they have to have their independent testing laboratory I
8 think you're going to have to multiply their staff by a large,
9 large number.

10 COMMISSIONER HAGGERTY: It's not what you do, this
11 is the same argument we've had. The way you control is to
12 set up proper procedures and then audit and insure that those
13 specs are being met. It isn't that you go do the same thing
14 all over again.

15 CHAIRMAN KEMENY: I need help from the Commission.
16 I know we have had this argument before, but at least on pre-
17 vious votes those findings stayed.

18 COMMISSIONER HAGGERTY: Not really, we changed some
19 of them.

20 COMMISSIONER PIGFORD: I voted on some of them, and
21 that was one, without knowing what the support for them was.
22 And I have since read it and I now understand what is meant
23 and I don't agree with it.

24 COMMISSIONER PETERSON: Mr. Chairman, if we've said
25 since NRC does not have the firsthand information necessary to

1. enforce its regulations it must rely heavily on the industry's
 2. own records. That puts the fact in there without getting into
 3. this debate about cause and effect.

4. COMMISSIONER FIGFORD: That happens to be correct,
 5. yes.

6. COMMISSIONER MARKS: I move to substitute the language

7. CHAIRMAN KEMENY: Could you just say that again?

8. COMMISSIONER PETERSON: Since NPC does not have the
 9. firsthand information necessary to enforce its regulations it
 10. must rely heavily on the industry's own records for its inspec-
 11. tion and enforcement activities.

12. CHAIRMAN KEMENY: Could you leave in, in many cases?
 13. Because now I'm worrying about its going too far. So, since
 14. in many cases, NPC does not have the firsthand information
 15. necessary to enforce its regulations it must rely, and then
 16. otherwise --

17. COMMISSIONER MCPHERSON: What does the attitude in
 18. the next sentence refer to?

19. CHAIRMAN KEMENY: One second. Could we take it one
 20. at a time? Those in favor of that change please raise your
 21. hand.

22. (Show of hands)

23. That's unanimous.

24. COMMISSIONER TAYLOR: I don't know what the next sen-
 25. tence means.

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1 COMMISSIONER MCPHERSON: I think the next two sen-
2 tences follow the paragraph before.

3 COMMISSIONER HAGGERTY: Yeah.

4 CHAIRMAN KEMENY: Yes, something is out of place here.

5 COMMISSIONER MCPHERSON: And that the first sentence
6 more appropriately comes at the beginning of the next para-
7 graph. NRC accumulates vast amounts of information.

8 CHAIRMAN KEMENY: Yes, as a matter of fact I suspect
9 exactly that's what happened; that that was an insert that was
10 put at the beginning of the wrong paragraph. It's the only
11 possible explanation.

12 COMMISSIONER MCPHERSON: Would that be right. To
13 put it down before the next one.

14 CHAIRMAN KEMENY: Yes. I think that's where it was
15 supposed to be.

16 COMMISSIONER PIGFORD: Where do we stand?

17 COMMISSIONER MCPHERSON: Well, this attitude busi-
18 ness would follow the paragraph before and the next, and this
19 sentence, since in many cases --

20 COMMISSIONER HAGGERTY: It fits pretty well down
21 there.

22 CHAIRMAN KEMENY: Yes, and I'm sure that's what it
23 was meant to be. Somebody stuck a sentence in the wrong para-
24 graph.

25 COMMISSIONER HAGGERTY: Move it down there to the

1 next one.

2 CHAIRMAN KEMENY: Yes, I have moved it. I think I
3 would have caught on the last reading.

4 COMMISSIONER TAYLOR: The sentence we just voted on
5 stands alone, is that --?

6 COMMISSIONER HAGGERTY: No, at the beginning of the
7 next paragraph.

8 COMMISSIONER TAYLOR: Okay.

9 CHAIRMAN KEMENY: It was supposed to be a starting
10 paragraph, sentence for the next paragraph. Okay, Tom, next.

11 COMMISSIONER PIGFORD: Then that sentence starting,
12 The attitude, ties to the previous paragraph. Then, I am
13 sorry when it says, the attitude or this attitude is also
14 evidenced in reluctance to apply new safety standards to pre-
15 viously licensed plants. And it's obvious we're talking about
16 the backfitting. We should have interviewed those who are
17 being backfitted and you would sure find that they don't think
18 there's reluctance and they have supplied an enormous number
19 of examples that have cost them a lot of money and I want to
20 supply a letter from Westinghouse on that subject. I'm not
21 going to quote it, but there it is. I have given you some
22 examples and I could go further into them. And these examples
23 are not trivial.

24 CHAIRMAN KEMENY: Am I wrong in saying that we are
25 now rearguing things we argued at great length because this one

1 certainly has stayed in the findings? Let me put it to a vote.
2 How many commissioners feel that those two sentences should be
3 changed?

4 COMMISSIONER HAGGERTY: What is the finding?

5 CHAIRMAN KEMENY: We've got finding on backfitting,
6 we have finding on there not being a systematic system of con-
7 sidering --

8 COMMISSIONER MCPHERSON: Page 46, H.

9 COMMISSIONER PIGFORD: May I point out one other
10 problem, John, just so that people --

11 CHAIRMAN KEMENY: Finding under standard review plan.

12 COMMISSIONER PIGFORD: We have said there is no
13 systematic evaluation program. I've learned there is in fact
14 one, it was initiated in 1978; a very formal one.

15 MR. KANE: Within NRC?

16 COMMISSIONER PIGFORD: Yes.

17 MR. KANE: Who did you find that out from?

18 COMMISSIONER PIGFORD: Saul Levine. a former stu-
19 dent of mine, head of the safety research. He's retired, re-
20 cently he decided to retire.

21 MR. GORINSON: Tom, nobody in the agency knew about
22 it. In fact they announced, post-TMI, that they were about to
23 commence one. They had tried in 1978, they had evaluated three
24 different types. It's in their annual report. It had not been
25 adopted. It took the TMI-II accident for them to begin to do

1 what they announced all over the place that they were finally
2 setting up an office to do it.

3 COMMISSIONER TAYLOR: Richard Gillespie told me that
4 specifically that he was very upset that his original proposal
5 in 1975 was not adopted and he was happy that finally it was
6 being adopted. That was about two months ago.

7 CHAIRMAN KEMENY: Yes, I'm quite certain also that
8 I have seen an announcement that they're going to do precisely
9 this as one of the lessons learned from TMI.

10 COMMISSIONER HAGGERTY: I have much less objection
11 to it, because I think there's plenty of evidence that there
12 isn't a systematic review. I think -- I do have object to the
13 general statement, or the general tone that implies that it
14 isn't done at all. Because there are all kinds of cases of
15 backfitting. That's the real --

16 COMMISSIONER PIGFORD: That's the main point.

17 COMMISSIONER MCPHERSON: Are you talking about the
18 "however" sentence?

19 COMMISSIONER HAGGERTY: Where is the "however"
20 sentence?

21 CHAIRMAN KEMENY: No, no, no, we are not on that
22 part, Harry, we are on the attitude involved in backfitting.

23 COMMISSIONER PIGFORD: I am talking about the
24 attitude is evidence in reluctance to apply new safety standards

25 COMMISSIONER MCPHERSON: And you wouldn't take over

1 finding of H on page 46 as substantiating that?

2 CHAIRMAN NEMENT: And look there is this grandfatherin
3 everybody from the standards review plan.

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1 CHAIRMAN KEMENY: Remember the colloquy we had in
2 our public hearings on the grandfathering of the standard
3 review plan where somebody said, have you considered at least
4 whether the containment isolation should be done and said,
5 well, if you had ever thought of doing that, they probably
6 would have applied it, and some time table, and I went on
7 and asked how long is it grandfathered under the present
8 system. I said, could it be for the whole life of the plant?
9 They said as it stands, unless somebody brings it out and
10 we do something about it, yes.

11 COMMISSIONER PIGFORD: I have no doubt that people
12 we have actually asked, some of them have expressed this, but
13 we have asked some people within NRC, and we have asked
14 Pollock. Have we asked people from the industry?

15 CHAIRMAN KEMENY: I have not talked to Pollack,
16 myself. I am talking only about evidence from the NRC
17 officials who are specifically in charge of this.

18 MR. GORINSON: And may I point to another finding
19 which is Finding 11 on Page 8 which deals with the iodine
20 filters which points out the fact that required testing of
21 filter effectiveness with fuel handling built in was waived
22 by the NRC. That was a situation which --

23 COMMISSIONER MCGERTY: That does not necessary
24 prove anything.

25 MR. GORINSON: In that situation, as I understand it --

1 COMMISSIONER HAGGERTY: I know. I understand.

2 MR. GORINSON: And it was pointed out in Bill Bland's
3 paper on the iodine filters. New requirements came in after
4 TMI-2 had purchased its charcoal for those filters. They
5 were not required to conform to those new standards.

6 COMMISSIONER HAGGERTY: The real problem is surely
7 when a new safety standard is created, let us say we have
8 the safety standard on using computers in control rooms, some
9 sense would have to be used in what you did with the old
10 control rooms. That is the real point. You cannot just --
11 it says the attitude is also evident in reluctance to apply
12 new safety standards to previously licensed plants.

13 CHAIRMAN KEMENY: Pat, read it together with the
14 next sentence. I said while we would accept the need for
15 reasonable time tables --

16 COMMISSIONER HAGGERTY: I am not quarreling with
17 the next sentence.

18 CHAIRMAN KEMENY: I mean it does not say that we
19 are saying that they should just immediately backfit.

20 COMMISSIONER HAGGERTY: I understand.

21 CHAIRMAN KEMENY: Ted?

22 COMMISSIONER TAYLOR: To soften that slightly, it
23 does sound as though there is always reluctance to apply.

24 COMMISSIONER HAGGERTY: That is right.

25 COMMISSIONER TAYLOR: The attitude is, also, evident

1 in specific instances of a reluctance to --

2 COMMISSIONER HAGGERTY: Or in some reluctance.

3 COMMISSIONER TAYLOR: That we do have findings.

4 CHAIRMAN KEMENY: There are specific instances here.
5 Some is such a vague term. Would that be an acceptable change,
6 specific instances of reluctance?

7 COMMISSIONER PIGFORD: If I vote for it it will be
8 because it is an improvement.

9 COMMISSIONER HAGGERTY: In specific instances.

10 COMMISSIONER MC PHERSON: Or instances.

11 COMMISSIONER HAGGERTY: In instances.

12 CHAIRMAN KEMENY: Instances of reluctance.

13 Next, Tom?

14 COMMISSIONER PIGFORD: I suggest that somebody
15 go through and get out these completely blanketing statements
16 of what is not done. For example, Harry, I need your copy
17 because mine is not the same pagination. Page 33 --

18 MS. JORGENSON: Tom, most people have your copy.

19 COMMISSIONER PIGFORD: Oh, Page 26, then, the top
20 full sentence. However, prior to the accident there was no
21 systematic method of evaluating these experiences and no
22 attempt to -- I think you ought to say insufficient attempt.
23 It is just not right otherwise. I am not going to make any
24 more like that. I suggest someone go all the way through
25 the report, and things that are so obvious, at least to me,

1 that --

2 COMMISSIONER HAGGERTY: You have to be very careful.

3 CHAIRMAN KEMENY: I see the problem with the second
4 part, should also have had systematic in it, but that there
5 was no systematic method for evaluating these experiences is
6 one of our findings which is well documented.

7 COMMISSIONER HAGGERTY: As long as you have systematic
8 in the overall sense.

9 CHAIRMAN KEMENY: Yes.

10 COMMISSIONER HAGGERTY: You could argue, however,
11 again that when you say, no, that the very business of
12 requiring LER's to be submitted is a system, you know, but --

13 CHAIRMAN KEMENY: Remember it comes, at least on
14 my copy, it comes after a sentence that says, "NRC accumulates
15 vast amounts of information on the operating experience of
16 plants." So, it does stipulate that. The point is, however,
17 prior to the accident there was no systematic method of
18 evaluating these experiences, and I would be happy to add
19 that no systematic attempt to look for patterns --

20 COMMISSIONER PIGFORD: I think that is an improvement.
21 I am not sure that I can agree that it is consistent with
22 the facts, but that is certainly the kind of thing that would
23 protect the report.

24 Shall I go to the next one?

25 CHAIRMAN KEMENY: Yes.

1 COMMISSIONER PIGFORD: On this generic, this is the
2 first full paragraph on 26.

3 MS. JORGENSON: Would you read the first line?

4 COMMISSIONER PIGFORD: First line, we conclude that
5 the focus is on licensing and insufficient attention is paid
6 to the ongoing process of assuring nuclear safety.

7 COMMISSIONER HAGGERTY: Down in the last line of
8 that paragraph.

9 COMMISSIONER PIGFORD: It says, however, the
10 evidence indicates the labeling of a problem as quote, generic,
11 unquote, may be a convenient way of sweeping it under the
12 rug, unquote. Now, somebody might be completely literal and
13 say it may be, but it may be a lot of other things, too, but
14 here I think it says in effect, this is something that we have
15 found is what tends to happen in a number of the cases.

16 COMMISSIONER HAGGERTY: May I make a suggestion
17 there? I have a change that may satisfy. However, the
18 evidence indicates the label generic may provide a convenient
19 way of postponing decision on a difficult problem.

20 CHAIRMAN KEMENY: I would be happy to accept that.
21 That is good wording. However, the evidence indicates that

22 --

23 COMMISSIONER HAGGERTY: The label generic.

24 CHAIRMAN KEMENY: The label generic may --

25 COMMISSIONER HAGGERTY: May provide a convenient

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1 way of postponing decision on a difficult problem or sometimes
2 provides.

3 COMMISSIONER PIGFORD: I think that would be better.

4 COMMISSIONER HAGGERTY: Sometimes provides.

5 CHAIRMAN KEMENY: It only says may so --

6 COMMISSIONER HAGGERTY: May says the same thing.

7 Sometimes is better.

8 COMMISSIONER MC PHERSON: Read the end of the
9 sentence?

10 COMMISSIONER HAGGERTY: A convenient way of
11 postponing decision on a difficult problem.

12 CHAIRMAN KEMENY: I will fix up the grammar.

13 COMMISSIONER HAGGERTY: To is better, to postpone,
14 but that is the sort of thing you have all the way through.

15 CHAIRMAN KEMENY: That is a very good sentence,
16 because that is exactly what it is.

17 COMMISSIONER PIGFORD: I just want to say I don't
18 think our investigation has divulged the true facts on how
19 the generic issues actually happen, but I don't think I will
20 go further than that right now.

21 The last paragraph says the existence of a vast
22 body of regulations by NRC tends to focus industry attention
23 on the meaning of regulations rather than on a systematic
24 concern of safety.

25 Now, of course, one can read it two ways, but one way

1 is that as a result of this industry has not focused on a
2 systematic concern for safety. Frankly, I think that is not
3 the case, and we have no evidence to show that. The letter
4 from GE, I think, has a lot on showing how much they have
5 initiated at their own expense and cost on things not required
6 by NRC.

7 I think I would suggest this, the existence of a
8 vast body of regulations, and I will explain the reason for
9 my change, suggests that NRC tends to specify design details
10 rather than regulating safety. That is, in fact, the main
11 problem. They are designing the systems and rather than
12 regulating them. That is what their hundreds of regulatory
13 guides do.

14 CHAIRMAN KEMENY: That fundamentally changes the
15 meaning here. I wish some Commissioners would speak up
16 because I have a terrible feeling there are several very
17 legitimate points, but now we are really changing, I think,
18 the thrust of this.

19 Let me quote a witness who is certainly not anti-
20 industry. Remember the very first thing John Deutsche said
21 to us at our first public hearing. He said look particularly
22 at the fact that this vast body of regulation tends to make
23 industry concentrate on meeting of regulations rather than
24 on safety.

25 COMMISSIONER BABBITT: I move that we accept the

1 language as written.

2 (The motion was duly seconded.)

3 CHAIRMAN KEMENY: Those in favor of that motion?

4 (There was a show of hands.)

5 CHAIRMAN KEMENY: Those opposed?

6 It is carried.

7 COMMISSIONER PIGFORD: I suggest on the last
8 sentence where it says, furthermore the nature of some of
9 the regulations in combination with the way the rate bases
10 are established for utilities seems to have served as a
11 deterrent for utilities or their vendors to take the
12 initiative in proposing measures for improved safety. We have,
13 to my knowledge, one instance on that, testified by a man
14 from ACRS, and I would say then may in some instances have
15 served. I don't think we have very much evidence as to what
16 extent it has.

17 CHAIRMAN KEMENY: You mean instead of seems?

18 COMMISSIONER PIGFORD: Yes. I would say may in
19 some instances have served. I think that is about all one
20 can conclude.

21 COMMISSIONER MC PHERSON: I approve of that change.

22 CHAIRMAN KEMENY: No problem with that.

23 COMMISSIONER PIGFORD: Page 27, the second paragraph
24 says, in the licensing process applicants are only required
25 to analyze single failure accidents. They are not required to

1 analyze what happens when two systems fail independently of
2 each other, such as the event that took place at TMI. I am
3 sorry, I have now found, when I looked into the basis for this
4 in the staff report a misconception. Applicants, in fact,
5 do analyze what happens when two or more systems fail
6 independently.

7 CHAIRMAN KEMENY: Are they required to do so?

8 COMMISSIONER PIGFORD: Yes, sir. In fact, we have
9 evidence in this investigation that the analysis of the small
10 break accident with two failures, the loss of off site power
11 and the loss of the emergency diesel -- now, let me explain
12 what the problem is because I know is easy to get
13 confused with these terms. What they are not doing is the
14 following. They are not analyzing what is called multiple
15 failure accidents, and what is meant by multiple failure is
16 when one failure can propagate and cause another failure.
17 Now, that is what they are not doing.

18 What they are doing is analyzing accidents when
19 several failures, each one occurring independently occurs.

20 CHAIRMAN KEMENY: Stan?

21 MR. GORINSON: May I read to you a paragraph that
22 comes out of an internal evaluation that B&W has done post
23 accident that appears in the Rockwell report. We just got it
24 from B&W last week. They let us look at it, and one of the
25 things they are suggesting for themselves is to develop an

1 improved safety analysis concept which will provide the
2 capability for a mechanistic and systematic analysis of
3 sequences of events with multiple independent causes. The
4 analysis of this class of events is expected to result in
5 improved nuclear plant safety systems and operator training
6 programs which will improve the response to such events and
7 also reduce their probability of occurrence.

8 They are suggesting for themselves that they start
9 doing it.

10 COMMISSIONER PIGFORD: Is this saying the first
11 time they have done it? Is that right?

12 MR. GORINSON: What they are suggesting for
13 themselves as a result of their analysis of the TMI-2
14 accident and their own internal procedures is that they
15 begin to undertake this on a regularized, to use their own
16 words, mechanistic and systematic analysis of sequences of
17 events with multiple independent causes. That is Babcock and
18 Wilcox, one of the four vendors in this country.

19 COMMISSIONER PIGFORD: Fine, but it does not say
20 they have not been doing it before. In fact, we know they
21 did it because that is the source of the problem on the other.

22 CHAIRMAN KEMENY: Kevin?

23 MR. KANE: Tom, we have got lots of evidence on
24 this. We have got Ascher Tidonny's deposition no requirement
25 in the FSAR for analysis of loss of main feedwater to also

1 include loss of auxiliary feedwater because they are separate
2 events; the Safer deposition addressing the specific situation
3 of a small break LOCA caused by a failed PORV which occurred
4 one year before the accident and the assumption of no
5 resulting core uncovering because no failure of ECCS was built
6 into that analysis. That is an entirely separate event.

7 COMMISSIONER HAGGERTY: I think the real point is
8 there are instances where they are required. They are
9 frequently not required is what we are really saying.

10 MR. GORINSON: They are going back as part of their
11 lessons learned task force in the single failure analysis.

12 COMMISSIONER HAGGERTY: Really I don't think we need
13 to argue that improvement needs to be -- the point is they
14 have sometimes been required. We have some instances where
15 they were required to analyze accidents with more than failure,
16 that argument about that procedure --

17 MR. KANE: Wait, we should distinguish between two
18 things. Yes, they have been required to analyze accidents
19 involving more than one failure where those failures have been
20 causally linked, common mode failure, not multiple failure,
21 not independent failures unrelated to each other.

22 COMMISSIONER PIGFORD: Exactly wrong. That is where
23 the issue is. The issue is have they been sufficiently
24 required to analyze them when they are linked, and that is
25 where the problem is.

1 I think you are misinterpreting what the people are
2 saying. I am sorry.

3 MR. KANE: It is really not a question of
4 misinterpreting it. We have regulatory guides. We have
5 got Appendix A to 10 CFR Part 50. We have got the TMI lessons
6 learned report itself which refers to conventional single
7 failure criteria.

8 We have got deposition testimony that single
9 failure analysis is the law of the land, quote, unquote, for
10 design safety analysis within the NRC.

11 CHAIRMAN KEMENY: And single failure analysis does
12 require checking if A causes B. That is still considered a
13 single failure analysis not if it is multiple.

14 COMMISSIONER PIGFORD: Single failure analysis
15 does not mean only one failure. The words, I am sorry, are
16 not very precise, but I can tell you what it means, and you
17 will find out, if you go in with somebody who has been in
18 this and ask them.

19 MR. GORINSON: Tom, you just turned your argument
20 on yourself. You just said a few moments ago that they don't
21 do common mode failure. What you just said was that in fact,
22 single failure analysis encompasses common mode failure, and
23 nobody is disputing that.

24 COMMISSIONER PIGFORD: Absolutely not.

25 COMMISSIONER HAGGERTY: May I ask you what was the

1 case in the famous one where the procedure then was screwed
2 up? There were some multiple power failure losses involved
3 there. They were not causal, were they? Do you remember the
4 small break thing that wrote the screwed up procedure?

5 MR. GORINSON: Right. That was a postlicensing
6 analysis.

7 COMMISSIONER FIGFORD: Pat asked if they are
8 causal.

9 COMMISSIONER HAGGERTY Look, I am not really
10 quarreling. Again, it is they are not required. Well, they
11 sure are not required in enough instances to do it, but I
12 think we have at least that one, and I seem to remember
13 another one where they were required to make analyses.

14 MR. EYTCHISON: I get all mixed up in the
15 terminology, and I don't know --

16 COMMISSIONER HAGGERTY: I am sure there was more
17 than one.

18 MR. EYTCHISON: In that particular analysis Babcock
19 and Wilcox verified that the times they calculated that
20 certain actions needed to be taken took into account several
21 failures, including a loss of off site power and a loss of --

22 COMMISSIONER HAGGERTY: Several kinds of power,
23 as I remember.

24 MR. EYTCHISON: Or failure of high pressure injection
25 pump.

1 COMMISSIONER HAGGERTY: And I have read some others
2 of the same kind. The point is it is a blanket statement.
3 Again, we don't have to make the blanket statement. They
4 are certainly not required to do it on an adequate basis.
5 I have no quarrel with that at all.

6 MR. CORINSON: Could I point out that there is a
7 distinction to be made here? As I understand it, that
8 particular analysis, first of all arose out of an open item
9 that appeared. The plant was licensed and then B&W on behalf
10 of Met Ed submitted a further analysis. That is where that
11 came up. That, by very definition, was not part of the
12 licensing review that led to the license because it was given
13 a license and said, "Let us clear this up afterwards."

14 The specific issue it went to, I don't know. Do
15 you, Tom? Tom or Ron?

16 COMMISSIONER PIGFORD: Yes.

17 Mr. Chairman, I don't have anything new to say on
18 this. I made my point, and I think this will be substantuated
19 if you interview someone who knows this sufficiently and have
20 someone who can interpret these. I know they are very
21 confusing words. Try Saul Levine, for example. He has been
22 in this business since 1962. He knows it in detail.

23 MR. GORINSON: Could I suggest, Tom, you had us
24 depose him twice. You did not ask us to raise this question
25 with him either time.

1 COMMISSIONER PIGFORD: That is ridiculous. How did
2 I know what you were getting at? I cannot tell you ahead of
3 time if you are going to misinterpret what somebody else says.

4 MR. KANE: I am not sure I really want to enter this,
5 Tom, but the entire introduction to the briefing book stressed
6 single failure analysis, the failure to analyze multiple
7 independent failures as being a significant deficiency that
8 we had discovered in the NRC design review process.

9 Now, I can state that there is no regulatory
10 requirement that they look at anything other than single
11 failure analysis.

12 COMMISSIONER PIGFORD: I am telling you what single
13 failure analysis means is not what you think it means. I don't
14 think I will say it anymore, Mr. Chairman, because I don't
15 want to engage in just an argument. I just want to make my
16 point and get it over with.

17 COMMISSIONER MC PHERSON: That is something that
18 you could address in your --

19 COMMISSIONER PIGFORD: Certainly. A lot of other
20 people will, too.

21 COMMISSIONER MC PHERSON: I move we adopt the
22 language as is.

23 COMMISSIONER LEWIS: Second.

24 CHAIRMAN KEMENY: Those in favor of the motion?

25 (There was a show of hands.)

1 CHAIRMAN KEMENY: Those opposed?

2 (None opposed.)

3 COMMISSIONER PIGFORD: In the remainder of that
4 sentence it talks about this problem of the sharp delineation
5 between components and systems that are safety related, and
6 it says, those that are not safety related are exempt from
7 most requirements.

8 Look, here is the problem, and I can see how some
9 people you have asked are confused about this with NRC.
10 Safety related is supposed to be items which are concerned
11 with the envelope of the primary coolant system and also,
12 items that are necessary to mitigate the consequences of
13 an accident.

14 Now, that might seem to result in sharp definitions.
15 The fact is there are some items that are not in that which
16 might be thought to cause transients that don't cause
17 accidents, but let us take for example, the failure of an
18 item that is not part of this. It is an item that is a pump
19 in a subsystem. There is still a concern that the pump failing,
20 the housing breaking, the rotor flying out can then hit a
21 component which is in one of these systems. If it can damage
22 it with any appreciable probability then that pump that is in
23 a separate system should be called safety related and is. Well,
24 to make that determination you have an enormous number of grey
25 areas because these are hard. They require lots of complicated

1 analysis, and the NRC constantly keeps a long check on these.
2 They follow them up from one licensing to another, still
3 continually probing to see if these other systems should be
4 safety related or not.

5 You can look at the questions they ask and they
6 are probing. There is not as sharp a distinction as you
7 think. Secondly, it is wrong to infer that when something
8 is not officially safety related, no questions are asked. That
9 is incorrect. Further, the whole process I have been describing
10 to you does result in a designation of priorities. You are
11 looking at which are the items that can affect the accident,
12 and that is the whole approach that leads to the final
13 designation.

14 I am afraid the whole paragraph down through the
15 sentence instead there should be a system of priorities as to
16 how significant various components and systems are for the
17 overall safety of the plant, this whole paragraph is a result
18 of an unfortunate, apparently misinterpretation of what some
19 people at NRC and frankly I think there are a lot of people
20 at NRC who don't understand this, but there are a lot of people
21 who do.

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Tape 8

1 CHAIRMAN KEMENY: I will try a reading now of the
2 generic problem, since in the area of technical assessment
3 we have an able and excellent staff who investigated all kinds
4 of things and we accepted their results. I accepted a great
5 many that I do not have confidence, but I trust the technical
6 staff and we accepted it. We have a staff equally able and
7 competent who did this investigation and the Commission agreed
8 to a number of findings on that basis. And they are all being
9 requestioned from scratch and I am having difficulties.

10 Carolyn.

11 COMMISSIONER LEWIS: I thoroughly agree with you.
12 I think this is -- you know, to reargue things that we have
13 already agreed on after we have established our findings. I
14 think this is really a waste of time at this point.

15 COMMISSIONER TAYLOR: As far as I know, this para-
16 graph in the overview has existed for at least three weeks.

17 COMMISSIONER LEWIS: This is an attempt to gut our
18 report and I really want to express my outrage at this last
19 minute effort to do so, because it is wasting a heck of a
20 lot of time that would be more constructive.

21 CHAIRMAN KEMENY: Tom.

22 COMMISSIONER PIGFORD: Mr. Chairman, I can appre-
23 ciate that reaction. I think there is some merit about the
24 time wasted and unconcern. Let me point out to you that when
25 I went over these findings, I hadn't had a chance to read very

1 many at all of the staff reports. I said that in talking
2 about them and in voting on them, it was the assumption that
3 they were justified. And it is only since then and, frankly,
4 only within the last two or three days that I have had an op-
5 portunity in this area to look into the staff reports and I
6 am sorry, I just don't find that it justifies it. That is the
7 only reason I am bringing it up. Then this will be the end.

8 CHAIRMAN KEMENY: Stan.

9 MR. GORINSON: Let me say two things. One, the first
10 draft of the staff reports were given to the Commissioners
11 right after Labor Day on the NRC as well as the others, so at
12 least in substantial portion with the Commissioners for two
13 months.

14 Secondly, going back to safety-related items, this
15 is a point we argued last time. Roger Mattson, the Lessons
16 Learned Task Force, makes the following statement and there is
17 a last sentence there and I will talk to the last sentence.
18 In the licensing process, the specification of design basis
19 events has resulted in a classification of systems in two types,
20 safety and non-safety. The reliability of quality and safety
21 systems are controlled through NRC requirements for the design
22 construction and operations. The NRC requirements for non-
23 safety systems are generally limited to assuring they do not
24 adversely effect the operations of safety systems. Tom, one
25 of the issues that has been hanging around NRC for a long time

1 has been the issue of turbine missiles, hasn't it? That has
2 been a non-safety system where they have been trying to make
3 sure they do not adversely effect the operation of safety sys-
4 tems. Their interim fixes have been things like putting up a
5 wall until they come up with some generic solution for the
6 problem of the turbine missiles --

7 CHAIRMAN KEMENY: I don't think we should get into
8 detailed examples. I think it is the fundamental issue that
9 we should address.

10 COMMISSIONER HAGGERTY: I think, you know, you can
11 disagree with the findings and you can disagree with Tom, but
12 it is difficult to say that this overview doesn't come fairly
13 close to reflecting 8-A, B and C on pages 43 and 44. My quar-
14 rel comes when statements in here are not backed up in the find-
15 ings.

16 CHAIRMAN KEMENY: Yes and in those cases we have
17 agreed to change it.

18 COMMISSIONER HAGGERTY: I think in this case the
19 findings do. We may have argued about the findings, but they
20 are here and that is a different matter.

21 COMMISSIONER PIGFORD: The only remaining item I
22 have, Mr. Chairman, is -- because I have identified the others,
23 which I understand are going to be handled by this generic --

24 CHAIRMAN KEMENY: And I hope we will get a Xerox
25 copy of yours because I promised to look at every one of your

1 suggested changes, Tom. Could we --

2 COMMISSIONER PIGFORD: But, Carolyn, honest, I am
3 not trying to gut the report. It may seem -- I am, frankly,
4 trying to fix it so it is less vulnerable to what I think our
5 vulnerability is.

6 COMMISSIONER LEWIS: Well, that is your interpreta-
7 tion of what you are trying to do, Tom. I think you are try-
8 ing to soften it and, you know, we have some pretty strong
9 stuff in here. And, you know, at this point to start to
10 really hold it back, I just -- you know, we have argued all
11 of these. We have accepted the findings. This overview comes
12 out of the findings and then, to now just sort of raise these
13 basic issues. I think --

14 COMMISSIONER HAGGERTY: Carolyn, I think it depends
15 entirely on whether it is in the findings or not. Where, it
16 is, we have had an argument --

17 COMMISSIONER LEWIS: Pat, I don't disagree with you.
18 If we don't have support --

19 COMMISSIONER HAGGERTY: Some of the previous ones,
20 we sure didn't.

21 COMMISSIONER LEWIS: No, and I agree with you. I
22 voted for those changes, but I think now we are getting into
23 substance which we have agreed on and I think it is a waste of
24 our time to do so. If you disagree, you can have a dissenting
25 opinion in the report.

1 COMMISSICNER PIGFORD: I agree with that. I have
2 made my point. I am not going to argue anymore.

3 CHAIRMAN KEMENY: Tom, could I just ask. Could
4 you give your document to one of the secretaries to make a
5 Xerox copy so I can go through your comments?

6 COMMISSIONER PIGFORD: Yes.

7 COMMISSIONER TAYLOR: I would just like to make the
8 observation that what Tom is now doing is something that I
9 earnestly wish we could have done several weeks ago. I think
10 that what I sense he is trying to do is to look for a clear
11 correspondence between what we say and what we can thoroughly
12 document and I am grateful for that. However, we are too late
13 in this process, I think, to be going into this level of de-
14 tail and I am sorry about that.

15 COMMISSIONER HAGGERTY: This is really what I was
16 getting at when I said I read them last night and I read every-
17 thing that is in Volume 1, except I didn't have the recommen-
18 dations. There are some places that I feel did -- were not
19 backed in the findings, some of those earlier ones, that is
20 true -- this one, I must say, is in the findings. I think
21 you could argue about the validity of the extremity of the
22 finding, but it is there. Page 29 --

23 COMMISSIONER MC PHERSON: If I could interrupt, I
24 want to say that I don't want the record to indicate -- I
25 don't think it should indicate fairly that a majority of the

1 Commission has suddenly at the last hour begun seriously to
2 question these basic tenets that we have been debating and
3 discussing for a long time. There may be exceptions. There
4 may be word shadings that we could debate from now to dooms-
5 day in order to include everything. But I think this para-
6 graph is justified by the findings we have, as a generality.

7 CHAIRMAN KEMENY: Lloyd.

8 COMMISSIONER MC BRIDE: Yes, I would like to indi-
9 cate what I have found. I have found in some instances we
10 have used phrases like never, no and have, I think, at times
11 perhaps put ourself in a vulnerable position where someone
12 can say well, you said you never did it and we did it here or
13 we did it there and it could be in some situations which did
14 not come to our attention. Now, I think the Commission has to
15 be willing to accept that kind of vulnerability.

16 I am relying now on some of my own experiences where
17 as an adversary in matters of safety in which we as a union
18 was adversary to the employer and we would frequently fall
19 into the trap of saying, you never did this. And each time
20 we found out never is forever and we were wrong. They had, on
21 occasion, done one thing or another that we were of the opinion
22 that they had never done. So, I think, we have to understand
23 that when we make these very strong, positive statements, we
24 may find that we were a little strong. I don't think that we
25 can deal with it any other way, though. If we have reason to

1 believe it at the time we make it, we ought to say it. I
2 know that we are going to be picked apart in some of this
3 where somebody will say, hey, you came on awful strong there
4 and the facts are and we now can show you that we did this
5 and the other thing at that time. Well, I think that is a
6 risk we have to take.

7 COMMISSIONER HAGGERTY: May I suggest that the in-
8 structions we have already given the Chairman will catch a
9 good many of those extreme statements.

10 CHAIRMAN KEMENY: I have just written down the words
11 never and no and underlined them.

12 COMMISSIONER TAYLOR: I have a point of substance
13 here in the revised version of the overview. On page 22, this
14 is the 24 pages -- on page 22, --

15 COMMISSIONER MC PHERSON: Begins with the words,
16 mistakenly believes --

17 CHAIRMAN KEMENY: This is the new handout, page --

18 COMMISSIONER MC PHERSON: I have the newest handout,
19 I think.

20 COMMISSIONER TAYLOR: There is a paragraph that
21 starts in the middle of the page, some of the scenarios leave --
22 I have a change to propose for the third sentence, which
23 starts, they lead to more severe damage to the core. It says
24 with some melting the fuel in the hottest region. In view of
25 our findings with respect to -- what actually happened in the

1 accident as given in our staff report on core damage, I would
2 like to suggest the following change. Instead of with some
3 melting and so on, including an increased likelihood of sub-
4 stantial melting of the core -- of substantial melting of the
5 fuel. Let me say why I am proposing this.

6 CHAIRMAN KEMENY: Ted, may I tell you the history
7 of that one. I had something like -- in the original version,
8 I believe, something like substantial melting of the core and
9 this was Bill Stratton's change.

10 COMMISSIONER TAYLOR: Let me say why I am disturbed
11 and that is that our finding with respect to the core damage
12 is that there is at least a possibility of significant melting
13 -- and we have stated between zero and a few percent -- of the
14 core in the accident as it actually happened. This phrase,
15 with some melting of the fuel in the hottest regions, suggests
16 that further delay, for example, in turning HPI on would have
17 led to a result less damaging than what we actually got in the
18 accident.

19 CHAIRMAN KEMENY: Yes. I know you made that point
20 before. So, what is your proposed phrasing and then we will
21 test it.

22 COMMISSIONER HAGGERTY: Take some out and put in
23 additional.

24 COMMISSIONER TAYLOR: Fine.

25 COMMISSIONER MC PHERSON: Take some out and make it

1 additional melting of fuel?

2 COMMISSIONER HAGGERTY: There certainly is the con-
3 notation in Ted's comment that you do more and less happens.

4 COMMISSIONER TAYLOR: Additional melting of the
5 fuel in the hottest regions suggests there is just one place
6 where this might happen, wherever they may be.

7 CHAIRMAN KEMENY: Paul.

8 COMMISSIONER MARKS: I would like -- on page 3 --

9 COMMISSIONER TAYLOR: Have we dealt with this?

10 CHAIRMAN KEMENY: Yes. It was readily agreed by
11 everybody.

12 COMMISSIONER TAYLOR: Well, was it?

13 CHAIRMAN KEMENY: Yes. Additional and regions.
14 Yes.

15 COMMISSIONER MARKS: On page 30 of the previous
16 draft --

17 CHAIRMAN KEMENY: Which section is that in, Paul?

18 COMMISSIONER MARKS: It is in a page that looks like
19 this and it says for all these reasons.

20 COMMISSIONER HAGGERTY: It is in the overview imme-
21 diately ahead of the utility.

22 CHAIRMAN KEMENY: Yes, for all these reasons.

23 COMMISSIONER MARKS: Our recommendations concerning
24 the NRC are sweeping. I think we should strike our highest
25 priority is the appointment of a chairman and substitute --

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1 CHAIRMAN KEMENY: Excuse me, Paul. Could I -- I
2 just realized that this was one paragraph that I changed sub-
3 stantially and should have shown you, but that is what I have.
4 I am glad you brought this up because remember that version
5 was written before our NRC vote. Let me tell you what I have.
6 For all these reasons, we recommend a total reorganization of
7 the NRC. We recommend that it be an independent agency within
8 the Executive Branch, headed by a single administrator who is
9 in every sense chief executive officer. He/she must be pro-
10 vided with the freedom to reorganize and to bring new blood
11 into NRC staff. This new blood could result in the change of
12 attitude that is vital --

13 COMMISSIONER HAGGERTY: You aren't going to say
14 he/she, are you?

15 COMMISSIONER MC PHERSON: I said that. I recommended
16 that way back and I don't care.

17 COMMISSIONER TAYLOR: I am all for keeping it in.

18 CHAIRMAN KEMENY: Attitude that is vital for the
19 solution of problems of nuclear industries. We have also re-
20 commended a number of other organizational and procedural
21 changes designed to make the new agency truly effective in
22 assuring the safety of nuclear power plants.

23 COMMISSIONER MARKS: Well, that would conform with
24 any reading I have, with one other proviso.

25 CHAIRMAN KEMENY: Very good.

1 COMMISSIONER MARKS: I would like to -- in fact, it
2 would follow on we have -- what was that last sentence?

3 CHAIRMAN KEMENY: We have also recommended a number
4 of other organizational and procedural changes designed to
5 make the new agency truly effective and assuring the safety --

6 COMMISSIONER MARKS: Among them is that radiation
7 related health matters be mandated for review and comment with
8 respect to guidelines effecting worker and public health safe-
9 ty by HEW. I think that the -- I don't know whether you want
10 this wording or other wording --

11 CHAIRMAN KEMENY: That is fine. I will come up with
12 a sentence. I will go through our recommendations on it and
13 I will come up --

14 COMMISSIONER MARKS: Because the thing I am trying
15 to do there is strengthen the fact that we are bringing sort of
16 new blood into the process.

17 CHAIRMAN KEMENY: I am sorry I forgot to give you
18 this paragraph. It was the only area we had agreement on re-
19 commendations and, therefore, I --

20 COMMISSIONER MC PHERSON: Would you read it again,
21 John?

22 CHAIRMAN KEMENY: Excuse me. Read it again?

23 COMMISSIONER MC PHERSON: Read it again, yeah.

24 CHAIRMAN KEMENY: Okay. For all these reasons, we
25 recommend a total reorganization of the NRC. We recommend

1 that it be an independent agency within the Executive Branch,
2 headed by a single administrator, who is in every sense chief
3 executive officer --

4 COMMISSIONER MC PHERSON: Excuse me. Total reorgan-
5 ization. As far as I know we don't recommend that the Divi-
6 sion of Reactor Safety or I&E and so on --

7 CHAIRMAN KEMENY: Actually, the phrase we have used
8 now is restructuring. We have recommended a restructuring of
9 the --

10 COMMISSIONER HAGGERTY: Restructuring is fine. The
11 word "total" is what he is really quarreling with.

12 COMMISSIONER MC PHERSON: Yes. We are saying get
13 rid of the five and go to one, but we are not saying get rid
14 of all the divisions. We haven't really looked at that.

15 CHAIRMAN KEMENY: Okay. How about, for all these
16 reasons we recommend the restructuring of the NRC. Ted.

17 COMMISSIONER TAYLOR: I may be wrong, but I don't
18 believe we referred to the oversight committee in the preface.

19 CHAIRMAN KEMENY: No, because I didn't have it there
20 at that time.

21 COMMISSIONER TAYLOR: Well, I would suggest that im-
22 mediately following this, say something to the effect that we
23 recognize that there have been certain advantages to the col-
24 legiate -- let me express the thought. I can't find exactly
25 the words. That something that expresses that in lieu of the

1 open door policy and the existence of five commissioners, we
2 have further recommended that there be established an oversight
3 committee --

4 COMMISSIONER HAGGERTY: Include that in the summary.

5 COMMISSIONER TAYLOR: I think that is the place to
6 put it and I would leave it to the Chairman to find words to
7 connect because I for one --

8 CHAIRMAN KEMENY: Bring in the oversight committee
9 and point out in a way some of the role of the commissioner
10 structure.

11 COMMISSIONER LEWIS: The input of other opinions.

12 COMMISSIONER TAYLOR: I would have had serious quest-
13 ions about the whole single administrator situation, if we
14 didn't also propose the oversight commission.

15 CHAIRMAN KEMENY: I have the same position. I will
16 find it very easy to write the sentence.

17 COMMISSIONER MC PHERSON: Move the adoption of all
18 of this.

19 COMMISSIONER PIGFORD: What?

20 COMMISSIONER MC PHERSON: All of this meant Paul's --
21 read your thing again before I --

22 COMMISSIONER HAGGERTY: Paragraph with the two addi-
23 tions.

24 COMMISSIONER MC PHERSON: Marks' addition and the
25 Taylor addition and this. But before we vote on it read yours

1 again.

2 COMMISSICNER HAGGERTY: Second.

3 CHAIRMAN KEMENY: For all these reasons, we recommend
4 the restructuring of the NRC. We recommend that it be an in-
5 dependent agency within the Executive Branch, headed by a
6 single administrator who is in every sense chief executive
7 officer. He/she must be provided with the freedom to reorgan-
8 ize and to bring new blood into NRC staff. This new blood
9 could result in a change of attitudes that is vital for the
10 solution of the problems of the nuclear industry.

11 We have also recommended a number of other organi-
12 zational and procedural changes designed to make the new agen-
13 cy truly effective in assuring the safety of nuclear power
14 plants. These include -- and I would list them. Then I
15 should then add, strengthen ACRS also here.

16 Excuse me. Could I just get that one question? If
17 I mention the oversight committee, should I also mention
18 strengthening the ACRS or is it --

19 COMMISSIONER MARKS: My own view is I wouldn't dilute
20 it with a long laundry list there. I think I would hit the
21 oversight committee and the mandated review in that comment
22 because they represent --

23 CHAIRMAN KEMENY: Very good. That is what I think
24 I have done.

25 COMMISSIONER TRUTK: Did you mention that he should

1 be brought in from outside the NRC?

2 CHAIRMAN KEMENY: I did not. That is a good point.

3 COMMISSIONER TRUNK: I don't want anybody from the
4 NRC.

5 CHAIRMAN KEMENY: The motion before us is my para-
6 graph and the one wording change and with three additions;
7 one that the single administrator would be from outside the
8 current agency, that radiation related matters -- I will get
9 the right wording for the sign off -- for the mandatory review
10 process and that we don't have a commissioner anymore. We are
11 advocating a new oversight committee to get appropriate input.

12 All those in favor of the motion, please raise your
13 hands.

14 (There was a show of hands.)

15 That is unanimous.

16 COMMISSIONER HAGGERTY: Can I ask who --

17 MS. JORGENSEN: We will do that editing. We will
18 take care of that.

19 CHAIRMAN KEMENY: Could I ask are there any further
20 comments on the overview. Yes, Tom.

21 COMMISSIONER PIGFORD: Yes. I just have one more
22 brief thing to say. My fellow Commissioners, I think, I guessed
23 -- and I don't blame them -- that I have come here to even
24 question some findings. I think you must understand. I take
25 this very seriously and when I went over the findings, I said

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1 there are some of them I have not had an opportunity to read
 2 the staff reports. And I will talk on the assumption that
 3 they are substantiated. Why haven't I had the opportunity?
 4 Because, frankly, there has been a hell of a lot to read. In
 5 September, I and others had to review what was supposed to be
 6 28 technical assessment reports and that itself hasn't been
 7 completed. And that has taken an enormous amount of time.

8 I have tried to respond very faithfully to the
 9 Chairman's request for review of the material before us. I
 10 did state two meetings ago I had reservations about what I
 11 saw on the legal staff report on NRC. I was told, don't worry
 12 right now. A second draft is coming out. When I saw some
 13 problems, I immediately communicated with the Commissioners
 14 who were in charge of reviewing that. I have done the best
 15 I can, but I have not yet read all of the material.

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CHAIRMAN KEMENY: Could I suggest --

COMMISSIONER MCPHERSON: I don't think we could make a finding that Commissioner Pigford has been lax on the job.

COMMISSIONER KEMENY: We'd be happy to make a finding in the opposite direction.

Wouldn't you like to sign-off on the overview?

COMMISSIONER MARKS: I have one small additional comment on the overview. Page 31. The utility -- The paragraph that begins, There is a divided system of decision-making toward the third sentence which begins, our report contains a number of examples -- the end of that sentence, may have led to less than optimal design and operating practices.

CHAIRMAN KEMENY: That is, you wish to add, and operating practices. Is there any objection to that addition? It certainly is consistent with all our --

COMMISSIONER TAYLOR: It's important, I think.

COMMISSIONER MARKS: Yeah, it is important. I was prepared to argue it, but in the spirit of --

CHAIRMAN KEMENY: I mean, that seems to me so obvious right, I thought I would just ask, by unanimous consent. May I now suggest that with the amendments we've made and with the power you delegated to me to incorporate things and go through it once more and clean it up, the Chair would like to have the notion to have the preface and overview approved.

COMMISSIONER HAGGERTY: I'm in agreement with that

1 provided what you will do -- there are some places in here --
2 we'd made some changes. If you'll make them coincide all the
3 way through, for example, you've got that same statement about
4 -- on page 29 in the old version -- We do see some evidence
5 of the old DEC promotional philosophy. That's in there in
6 another place. It's on page 29. It should agree with --

7 CHAIRMAN KEMENY: I promise to do all such things.

8 COMMISSIONER HAGGERTY: You've got, shift foremen
9 were overburdened with paperwork and could not fulfill their
10 supervisory roles. We changed that finding a little bit to
11 say somebody said so.

12 CHAIRMAN KEMENY: Yes, I believe I've already changed
13 the language in my version on that particular one.

14 COMMISSIONER HAGGERTY: Okay, all right.

15 COMMISSIONER MCPHERSON: John, I still have, in this
16 new version that I've just received, the two versions of the
17 accident. At the beginning. Are we taking the short one?

18 CHAIRMAN KEMENY: That was voted last time. It is
19 the short version. Here is the present official copy. We
20 voted last time unanimously to take the short version.

21 COMMISSIONER HAGGERTY: Question.

22 CHAIRMAN KEMENY: Okay, the question is, with the
23 proviso stated, to approve the preface and overview. Would
24 those commissioners in favor please raise their hand?

25 (Show of hands)

1 That's a unanimous vote.

2 COMMISSIONER PIGFORD: No, sir. I'm sorry.

3 CHAIRMAN KEMENY: No, sorry, I'm very sorry. I'm
4 very sorry.

5 COMMISSIONER PIGFORD: Please refer to me as being
6 against that.

7 CHAIRMAN KEMENY: Yes. Very well. Professor Pigford
8 wishes to be recorded as voting against that and the other
9 commissioners voted in favor of approving the preface and over-
10 view.

11 I think it's appropriate to have a ten minute recess
12 after which we'll turn to findings. I hereby declare a ten
13 minute recess.

14 (Brief recess)

15 CHAIRMAN KEMENY: Will the meeting please come to
16 order?

17 Given that the lunch hour is approaching, I'm going
18 to suggest that we might turn next to the narrative chapter
19 and then tackle the findings right after lunch. Incidentally,
20 I hope to have available as requested for distribution to you
21 the recommendations in their present form so that you have a
22 chance of looking through them during lunch, which may help
23 you also in the discussion of the findings.

24 Pat, you had some comments on the narrative chapter?

25 COMMISSIONER HAGGERTY: Yeah, I have a previous

1 example. I have the following -- I would suggest that the
2 narrative chapter -- we simply extend to the Chairman the --
3 again -- the same privilege of eliminating, rearranging, or
4 inserting changes that make it fit the findings and overview.
5 I don't think this requires any great elaborate deal. I've got
6 a -- I think that there are a bunch of little things and none
7 of them are substantive. I'm perfectly willing to hand it in
8 with the little things and you do what you please with it. I
9 think there are a couple of cornball kinds of bones left in it
10 that I would hope you would delete, but I'll even leave that
11 with you and they're marked.

12 CHAIRMAN KEMENY: Yes, Pat mentioned to me during the
13 break three of them and I agreed with two of them but I sort
14 of liked the third one, but if enough people object to the
15 same ones I'll change the third one.

16 COMMISSIONER LEWIS: Give us the cornball, we really
17 need some --

18 COMMISSIONER HAGGERTY: I think the Gross statement,
19 Theodore Gross statement, with its womb, womb, womb, doesn't
20 belong there.

21 COMMISSIONER MCPHERSON: Where is that?

22 COMMISSIONER LEWIS: That's the first page.

23 COMMISSIONER MCPHERSON: Where is "blood into the
24 bottom of an empty beer glass?"

25 COMMISSIONER HAGGERTY: That's even better than my

1 statement. There's another one that relates to -- I've got all
2 the pages I've got any marks on -- but there's the one about
3 the control room and it's description and the intercom booming
4 out ant so on and lights flashing, etc., etc.

5 CHAIRMAN KEMENY: That's the one I rather liked.

6 COMMISSIONER LEWIS: It was bright.

7 COMMISSIONER HAGGERTY: Which doesn't -- which, the
8 impression can be given. but it no longer quite flows from
9 the paragraph before and after. There was a third one, I can't
10 even -- Most of the rest of this -- some of the things you've
11 already found, because I know from talking to Ron there was
12 a double negative. There is such as thing as creating the
13 white vapor plumes that drift skiward, they only do it under
14 some circumstances, you know, it doesn't always happen.

15 COMMISSIONER LEWIS: You're taking all the poetry
16 out.

17 COMMISSIONER HAGGERTY: Oh, you got rid of all of
18 the washes but one, you've still got washing through that thing.
19 God, I mean, you know, water doesn't wash through there.

20 COMMISSIONER MCPHERSON: I think it is a very good
21 job. It's well written and clear and now that a lot of the
22 purple and lavender stuff is out of there.

23 COMMISSIONER MARKS: I've got one constructive comment
24 and one anaphylactic comment. You'll all have to look it up.
25 Anaphylactic.

1 COMMISSIONER MCBRIDE: I wish you had't done that.

2 COMMISSIONER HAGGERTY: Is that physical or is it
3 mental?

4 COMMISSIONER MARKS: This diagram, is this going to
5 be keyed to the text?

6 CHAIRMAN KEMENY: Yes, I have the same question here
7 because I was told it could be keyed, right?

8 COMMISSIONER MARKS: In other words, the reactor,
9 whether it's fuel rods and control rods, figure whatever A and
10 B --

11 CHAIRMAN KEMENY: Yeah, but I hope it will have some
12 sort of labels on it, will it?

13 MS. JORGENSON: It will. And yesterday I didn't have
14 a chance to tell you that that's exactly what will happen. It'll
15 not only have -- everything on there will be labeled, but
16 there will also be a very brief explanation that says start
17 here and go from here and follow the arrows.

18 COMMISSIONER MARKS: Okay. The anaphylactic one is
19 on page 30. Is it 30? Yeah. I think that we should eli-
20 minate all pictures with the towers. Therefore --

21 CHAIRMAN KEMENY: I agree with you, that there was
22 an agreement, no towers.

23 COMMISSIONER MARKS: And therefore --

24 CHAIRMAN KEMENY: And we have other pictures, both of

25 COMMISSIONER MARKS: Right, and since we have several

1 pictures of Henry and Denton, I think we're all but killing
2 them anyway --

3 COMMISSIONER MCPHERSON: What's wrong with the towers?

4 COMMISSIONER MARKS: Becuase people think that, when
5 they see a tower, there's where the radioactivity's coming out.
6 I said it was anaphylactic.

7 MS. JORGENSEN: That picture can be cropped.

8 CHAIRMAN KEMENY: Okay, we'll eliminate towers, okay?
9 Yes.

10 COMMISSIONER TAYLOR: I have just one substantive
11 comment and that is, on first page, the account of the acci-
12 dent -- I'm sorry --

13 COMMISSIONER HAGGERTY: While he's looking it up,
14 the illustration of simulated food pellets, I suppose that's
15 because you want to show what they look like, a lot depends
16 on how good the illustration is -- Do you want to describe it
17 a little more than just calling them simulated fuel pellets
18 then, if you're going to do that?

19 MS. JORGENSEN: Well, are you objecting to the cap-
20 tion of the picture or are you --

21 COMMISSIONER HAGGERTY: Just the caption. If you're
22 doing that to illustrate say these are models of what they
23 actually look like, or some such thing.

24 CHAIRMAN KEMENY: I wasn't sure what simulated meant.

25 COMMISSIONER HAGGERTY: That's what I have, simulated.

1 COMMISSIONER FIGFORD: Do you think it's possible
2 these are real?

3 MS. JORGENSEN: No, we were told that they were
4 simulated fuel pellets.

5 CHAIRMAN KEMENY: Okay. I hope that doesn't mean
6 that the simulator has fuel pellets in it. Ted.

7 COMMISSIONER TAYLOR: On page 2, we have that quote
8 from Win Oak (?) which, it seems to me, is unnecessary and
9 expresses an implied opinion that there's something dangerous --

10 COMMISSIONER LEWIS: Which page?

11 COMMISSIONER TAYLOR: Page 2. I think that generally
12 the accident, the account of the accident is a relating of
13 facts. That expresses a thought.

14 COMMISSIONER LEWIS: Which one?

15 CHAIRMAN KEMENY: Page 2, middle of the page.

16 COMMISSIONER TAYLOR: I'm sorry, the quote. I
17 would feel much better if we struck out the reference to the
18 memorandum and the quote.

19 COMMISSIONER FIGFORD: I second.

20 COMMISSIONER HAGGERTY: I would too, but I didn't
21 make a major issue of it.

22 COMMISSIONER LEWIS: I kind of like the quote, I
23 think it puts it in perspective.

24 COMMISSIONER TAYLOR: Well, the question is, why is
25 it there? What's its purpose, what's the message?

1 COMMISSIONER LEWIS: The message is that this is
2 all very experimental still.

3 COMMISSIONER TAYLOR: That's a view expressed by one
4 person and I think it begins to suggest to the reader that
5 they're going to get a lot of opinions expressed here and there
6 as you go through.

7 MS. JORGENSEN: Well, I think if you look at -- one
8 of the things we did in this document was try to cross-re-
9 ference to the staff reports and I think if you look at the
10 reference for that you'll see that it's cross-referenced to
11 the staff report and that there is an extensive discussion
12 of this issue in the NRC staff report and that's why we felt
13 it was justified in putting it in.

14 CHAIRMAN KEMENY: Incidentally, and that was the --

15 COMMISSIONER TAYLOR: What is the thought? What are
16 we trying to get across here?

17 CHAIRMAN KEMENY: I'll get back to that. Could I
18 just make one remark not relevant to yours and I apologize for
19 that. I think the staff did a superb job with the footnoting.
20 I spot checked them as I was reading it yesterday and it really
21 gives an excellent lead-in, even to indicate where people can
22 look for various kinds of materials. They really ought to be
23 complimented on that.

24 Ted, that does not answer your specific point. Look,
25 let's just --

1 COMMISSIONER HAGGERTY: My reaction was like Ted's.
2 With his feeling the same way I am about the same reaction, I
3 did not make a point of it and it's not marked in there.

4 CHAIRMAN KEMENY: Could we test the sentiment on
5 that? How many of you favor removing that particular point?

6 (Show of hands)

7 One, two, three, four, five, six, seven.

8 Those opposed.

9 (Show of hands)

10 Three.

11 The Chair will abstain. It's a seven to three vote
12 then we will remove that quote.

13 COMMISSIONER MCPHERSON: That changes all the footnotes
14 among other things.

15 CHAIRMAN KEMENY: No, no, no. There's a very easy
16 way. Isn't there 6-B?

17 MS. JORGENSEN: 6-A, and 6-B.

18 COMMISSIONER PIGFORD: That's right, he's right.
19 All you have to do is add one.

20 MS. JORGENSEN: That's a housekeeping problem.

21 CHAIRMAN KEMENY: First of all, there happens to be
22 a 6-A and 6-B, so it might actually help, but if that were
23 all, I'm sure I can find one other spot where we can put the
24 footnote. I see Tom, you and I are equally experienced at
25 footnoting long papers. You invent a new footnote in a case

1 like that.

2 COMMISSIONER PIGFORD: Mr. Chairman.

3 CHAIRMAN KEMENY: Ted.

4 COMMISSIONER TAYLOR: Well, just a second point,
5 there are too many pictures of Harold Denton, I think.

6 COMMISSIONER LEWIS: You don't think he deserves it,
7 right?

8 COMMISSIONER HAGGERTY: Especially since we're cri-
9 ticizing the hell out of the NRC.

10 CHAIRMAN KEMENY: Yes, Tom.

11 COMMISSIONER PIGFORD: Mr. Chairman, there are a few
12 places where there are still some just plain technical errors
13 and I hope that there'll be a way of getting those out. The
14 concrete shield is still stated to be four feet thick. That's
15 really not right. Can somebody work with the technical staff
16 and get this corrected? I haven't read all through, but I've
17 seen a few examples.

18 CHAIRMAN KEMENY: Maybe Vince -- Let me recognize
19 Vince and then Barbara. Okay.

20 MS. JORGENSEN: Thank you, Mr. Chairman.

21 CHAIRMAN KEMENY: No, I have a reason for doing it
22 in that order.

23 MR. JOHNSON: We have had people review this, Tom.
24 I'm not saying we have not missed something, we may have, but
25 certainly if someone has specific questions, where they think

1 we've missed some technical points, we'll go back and redo it.

2 CHAIRMAN KEMENY: I thought it was important for
3 Vince to state that this indeed had been submitted to the
4 technical staff and they read the entire thing trying to find
5 those errors.

6 MS. JORGENSEN: I would have liked to have been given
7 the privilege to make that statement because I think that
8 several commissioners have, and especially Commissioner Pig-
9 ford, has continually brought up the fact that this document
10 should be reviewed by the technical staff when in fact five or
11 six members of the technical staff have been over this document
12 on more than one occasion.

13 COMMISSIONER PIGFORD: I'll stick, look if there's
14 some problems of technical fact let's fix them. That's all
15 I'm asking.

16 CHAIRMAN KEMENY: Well, what I'm asking is, since
17 this has been as I understand it, the facts of it have been
18 thoroughly reviewed by technical staff, and if you notice some-
19 thing that you think is not right, could you call it to our
20 attention, because technical staff has attempted to get all the
21 evidence.

22 MS. JORGENSEN: And those things that you have pre-
23 viously pointed out have been checked.

24 COMMISSIONER PIGFORD: Okay.

25 COMMISSIONER PETERSON: On this discussion, it's just

1 a question of how thick the walls are?

2 COMMISSIONER FIGFORD: I don't propose to spend any
3 more time on it.

4 COMMISSIONER MARKS: Could you tell us, Tom?

5 COMMISSIONER FIGFORD: Well, usually these shields
6 if they're only four feet thick, they just don't do anything.
7 The shield has to be in the neighborhood of ten feet. That's
8 a big difference. Well, this thing would be dangerous at
9 four feet.

10 COMMISSIONER TAYLOR: There may be confusion between
11 the containment wall and the shield.

12 COMMISSIONER HAGGERTY: The containment wall is four,
13 isn't it?

14 COMMISSIONER FIGFORD: Yeah, well that's stated
15 separately, and that's right.

16 COMMISSIONER MCPHERSON: The tank is surrounded by
17 a concrete and steel shield four feet thick at the base. Is
18 that not so?

19 COMMISSIONER HAGGERTY: I raised that question on
20 an earlier one. This question, because I thought it was
21 somewhat thicker but I didn't know. When it came back again,
22 I decided well, I guess I just don't know.

REWOOD

APE 10

1 COMMISSIONER MC PHERSON: Let us find out. I will
2 mark the others.

3 CHAIRMAN KEMENY: I just think it is very important
4 for you to understand that Barbara made every possible attempt
5 to have all of the facts here checked by the technical staff.
6 I think it is important.

7 Any other comments?

8 If there are no other comments, could I suggest
9 that any of you, such as Pat who may have detailed things,
10 give them to me, and we will go over them, and --

11 COMMISSIONER MC PHERSON: Question. There are still,
12 I take it, some blanks to be filled in?

13 MS. JORGENSEN: Yes, in the footnotes, when we went
14 through and did the footnotes we knew where we got the things,
15 but we had not intended to footnote the document originally.
16 So, we did not have the page numbers. All of the cites are
17 going to be doublechecked this week. There will be some
18 additional cross referencing done. Everything will be checked,
19 and all those blanks will be filled in, Harry.

20 COMMISSIONER MC PHERSON: Okay.

21 MS. JORGENSEN: And I think there is one blank in
22 the text for number of hours that I did not have, and that
23 will be filled in.

24 COMMISSIONER MC PHERSON: Okay.

25 CHAIRMAN KEMENY: With that, are you willing to vote

1 approve' with the necessary changes?

2 COMMISSIONER MC PHERSON: So move.

3 COMMISSIONER TAYLOR: Second.

4 CHAIRMAN KEMENY: All those in favor?

5 (There was a show of hands.)

6 CHAIRMAN KEMENY: It is a unanimous vote of the
7 Commission. Thank you.

8 Do you want to take your luncheon break now or
9 do we have the recommendations? Would somebody please check
10 on that?

11 COMMISSIONER TAYLOR: Question, is the glossary
12 thought of as part of this?

13 CHAIRMAN KEMENY: No, we thought the glossary would
14 be in the appendix because it is a glossary to everything.

15 MS. JORGENSEN: And if you have comments on that
16 you can turn those in as well.

17 COMMISSIONER MARKS: You still have blanks in the
18 glossary.

19 MS. JORGENSEN: There are a couple of blanks, and
20 that was because we have not written those. I think there
21 were two blanks.

22 COMMISSIONER PIGFORD: Mr. Chairman, there are a
23 couple of technical findings where I think it has turned out
24 in one case, and I showed it to you, there is a problem of
25 clarification, in fact, two cases.

1 Would it be okay if I give, point these out to you
2 and I suggest that you decide some editing on those? It
3 does not change the substance at all.

4 CHAIRMAN KEMENY: I am not sure which document
5 this is.

6 COMMISSIONER PIGFORD: It is in the findings.

7 CHAIRMAN KEMENY: We will discuss the findings.

8 COMMISSIONER PIGFORD: Oh, I thought we were through.

9 CHAIRMAN KEMENY: No, I would not dream of doing
10 that without giving you a chance to comment, I would be
11 happy to follow that procedure, Tom.

12 COMMISSIONER TAYLOR: On the glossary I found a
13 number of errors, and I want to make sure that when they are
14 gone over that if there is any question in anybody's mind
15 that they come back to me, at least on the reason for
16 indicating changes, if there is any question about it,
17 because some of them there are some subtleties which I think
18 are not likely to -- but they are important.

19 CHAIRMAN KEMENY: Could I ask one thing? Have
20 you marked the ones that trouble you now?

21 COMMISSIONER TAYLOR: Yes.

22 CHAIRMAN KEMENY: Could we have a copy of that,
23 please?

24 COMMISSIONER TAYLOR: It is right here.

25 MS. JORGENSON: I just wanted to say that again

1 the glossary was given to the technical staff, and it was
2 gone over, and their changes were incorporated, and we will
3 be happy to -- if you will turn those in, we will be happy
4 to take it up and look at it and get back to you.

5 CHAIRMAN KEMENY: Barbara, I have one tremendous
6 change to suggest in the glossary, and I know you are going
7 to hate me for it, but I would like to add one more
8 abbreviation to the glossary, if that is all right.

9 MS. JORGENSON: Sure, you can add anything you want.

10 CHAIRMAN KEMENY: How about TMI? I am serious.
11 I sort of spot checked as I was reading it, whether it was
12 in the glossary or not, and literally the only abbreviation
13 I did not find was TMI which I thought was amusing.

14 All right. Let me suggest then where we stand is
15 the recommendations are ready. They have to be xeroxed.
16 Therefore I suggest we proceed for half an hour on the findings
17 so that we can give you for the lunch break the recommendations
18 as requested.

19 Okay, comments on the findings?

20 COMMISSIONER PIGFORD: I have a comment on No. 15.

21 CHAIRMAN KEMENY: No. 15.

22 COMMISSIONER PIGFORD: And that is on Page 11, and
23 as I have mentioned these numbers, I think, are pretty
24 important, and the replacement power is the bulk of it, and
25 it would be an awful lot more if we had a different time

1 period under which it is calculated, namely, how many years
2 of purchasing replacement power was assumed, and I think for
3 the table to be useful the number of years assumed needs to be
4 noted, and I would suggest that it be noted by a footnote
5 for the data put there.

6 CHAIRMAN KEMENY: Yes. Tom mentioned this before,
7 and I completely agree with him that since the biggest item
8 here is replacement power, it is not understandable without
9 some indication as to what periods they cover, and it is a
10 little bit complicated because they use different periods
11 for the different estimates.

12 COMMISSIONER PIGFORD: You have the tables readily
13 done.

14 CHAIRMAN KEMENY: Yes, there should be a footnote
15 which says footnote on replacement power that takes out of
16 the table what periods they cover.

17 COMMISSIONER HAGGERTY: Mr. Jaffe had suggested
18 the following changes for 16 which make it clearer. In the
19 third sentence which reads, this is on Page 11, Finding 16,
20 WASH 1400 showed that small break LOCA's similar to the
21 accident -- it should be similar in size. That is important.

22 CHAIRMAN KEMENY: Where?

23 COMMISSIONER MC PHERSON: Middle of Finding 16.

24 COMMISSIONER PIGFORD: In the last sentence he
25 proposes a change in wording, and I will explain why. He

1 proposes that it read further the probability of occurrence
2 of an accident like that at Three Mile Island was high enough
3 based on WASH 1400 that, and this is an insert, after having
4 accumulated over 400 reactor years of operation with nuclear
5 power plants in the US, an accident should have been expected.
6 The reason for this is that I think this, and he agrees, that
7 this statement could be because it says probability of
8 accidents, and the way it is phrased, can be interpreted that
9 each new plant has a reasonable probability of this accident
10 in its first or second year, and that is not right.

11 It is the probability of one of this sort after
12 that total accumulated experience.

13 CHAIRMAN KEMENY: I, personally, completely agree.
14 Does anybody object to that?

15 COMMISSIONER TAYLOR: Only one point. We don't
16 want to give a wrong impression and say that after you have
17 had 400 years it gets to be more likely that you are going
18 to have one, therefore, all I am saying is within a period
19 corresponding to 400 hours of experience -- I don't want to
20 propagate a misconception. That is all.

21 COMMISSIONER PIGFORD: I fully agree. That is a
22 better wording, whatever it is.

23 MR. GORINSON: Ted, could I have yours?

24 COMMISSIONER MC PHERSON: Within.

25 COMMISSIONER PIGFORD: Maybe he needs to see this

1 wording, Stan, and I think --

2 COMMISSIONER TAYLOR: I need to see your wording.

3 Well, Tom knows the point.

4 COMMISSIONER PIGFORD: Well, you are making it.

5 Right in there someplace.

6 COMMISSIONER TAYLOR: That within a period in which
7 400 reactor years of operation with nuclear power plants in the
8 US have been accumulated, within a period within which --

9 CHAIRMAN KEMENY: Could I suggest language that it
10 might be something like -- I think it should say that since
11 there has been 400 years of experience within such a period,
12 such an accident --

13 COMMISSIONER HAGGERTY: That is it.

14 COMMISSIONER PIGFORD: Now, only one small caveat.
15 I am going to ask him to check and see whether it is 400 or
16 480.

17 CHAIRMAN KEMENY: Why don't we say that since there
18 has been more than 400 years of nuclear experience or whatever
19 you want?

20 COMMISSIONER MARKS: Page 13, is that in order?

21 CHAIRMAN KEMENY: Yes.

22 COMMISSIONER MARKS: Finding 3, estimates of the
23 potential health effects of Three Mile Island accident are
24 based on extrapolations from the known health effects of
25 higher levels of radiation.

1 CHAIRMAN KEMENY: The word "on" is missing.

2 COMMISSIONER MARKS: Yes, on is missing.

3 COMMISSIONER MC PHERSON: Paul, where are you?

4 COMMISSIONER MARKS: Page 13, Finding 3.

5 CHAIRMAN KEMENY: On extrapolation. Is there
6 anything else you changed?

7 COMMISSIONER MARKS: From the known health effects
8 of higher levels of radiation.

9 CHAIRMAN KEMENY: Yes, very good.

10 COMMISSIONER MARKS: Then in the next four, the
11 last sentence is not correct as it is stated, and it should
12 state the highest levels of distress -- it is an awkward
13 sentence, but I will try to do it with minimum changes.
14 The highest levels of distress were correlated, among adults,
15 living within five miles of TMI and with having preschool
16 children, semicolon.

17 COMMISSIONER MC PHERSON: Can't we do something
18 better than the word correlated among adults?

19 COMMISSIONER MARKS: It is a very difficult sentence.
20 I was just trying to --

21 COMMISSIONER HAGGERTY: Why don't we just tell them
22 to rewrite it to say what it says?

23 CHAIRMAN KEMENY: Yes, but I think Paul's is a
24 substantive one and then give us freedom to rewrite the
25 sentence. I caught your substantive change, I believe. The

1 highest levels of distress were correlated, comma, among
2 adults, --

3 COMMISSIONER MARKS: With living within five miles
4 of Three Mile Island and with having preschool children,
5 semicolon, and, comma, among teenagers, living within Three
6 Mile Island -- living within five miles of Three Mile Island
7 and being in a family with preschool siblings, and in a
8 family who left the area. There are three items with which
9 it was correlated for the teenagers and two for the adults.

10 MS. JORGENSEN: I see.

11 COMMISSIONER HAGGERTY: It needs to be restated.

12 COMMISSIONER MC PHERSON: Which left the area.

13 CHAIRMAN KEMENY: Yes, the substantive change,
14 I think is clear, and it is an awkward sentence. I hope you
15 will let us rewrite it, okay?

16 COMMISSIONER TAYLOR: On Page 10, the first B on the
17 top of the page. It says 140,000 curies of the cesium and
18 strontium -- we have lumped together two numbers, and I think
19 I for one, and I think a lot of people would be interested
20 in knowing which numbers apply to which radioisotopes. I
21 think lumping the two together leaves open a big question.
22 I understand that those data are now available:

23 MR. STRATTON: I have the data finally, and I can
24 straighten that out.

25 CHAIRMAN KEMENY: If we now have the data, then we

1 can --

2 MR. STRATTON: I do not have it with me.

3 CHAIRMAN KEMENY: That is perfectly all right. I
4 just want to know if we do have the data.

5 MR. STRATTON: It breaks these out separately.

6 COMMISSIONER HAGGERTY: If we have it, we will put
7 it in. Is that --

8 CHAIRMAN KEMENY: Yes, if we don't have it
9 separately we cannot put it in. I hope that is understood.
10 Where we have it, we will put it in.

11 COMMISSIONER TAYLOR: Now, a more substantive
12 suggested addition, because this is something that everybody
13 that would be interested in those numbers wants to know is
14 these numbers then represent X fraction of the total quantities
15 of these two isotopes if we do them separately, that were
16 produced in the reactor because at least the cesium number
17 is around 40 percent, I believe. I am leaving it to you to
18 put down the right number, but that is an important number
19 to me.

20 COMMISSIONER MC PHERSON: During what period?

21 COMMISSIONER PIGFORD: Present in the reactor at
22 the time of the --

23 COMMISSIONER TAYLOR: Present at the time of the
24 accident or whatever.

25 COMMISSIONER PIGFORD: And the total of these numbers.

1 COMMISSIONER TAYLOR: That is right.

2 CHAIRMAN KEMENY: I am not sure I have gotten the
3 point yet. These figures are curies of cesium and strontium
4 still present in the reactor coolant water and so much in the
5 containment building and so much in the auxiliary building,
6 what in addition --

7 COMMISSIONER TAYLOR: I want to know what fraction
8 of what was available at the time of the accident in the
9 core got into the water. That is the number.

10 CHAIRMAN KEMENY: Okay, do we have that, too, Bill?

11 COMMISSIONER TAYLOR: Yes.

12 COMMISSIONER MARKS: I have another one, Page 17,
13 a very minor point. Stan, you were going to check on that
14 question of injured and contaminated.

15 COMMISSIONER HAGGERTY: Which one?

16 COMMISSIONER MARKS: Page 17, the implication here
17 is --

18 COMMISSIONER HAGGERTY: Which one?

19 COMMISSIONER MARKS: Both. The implication here is
20 that --

21 COMMISSIONER HAGGERTY: There are three.

22 COMMISSIONER MARKS: Three, all of them. The
23 point is that the substantive issue is the way it stands here
24 a worker does not get treated if he or she is merely
25 contaminated, only if they are injured and contaminated, and

1 I had suggested and/or, and the legal staff struck it out,
2 saying that the contract calls for both or they don't get it,
3 and it just does not sound reasonable. It is a very small
4 point, but --

5 CHAIRMAN KEMENY: Paul, first of all, let me say,
6 I agree it should be straightened out, but could I just make
7 one comment? It does not sound reasonable, but it may be the
8 truth, but it certainly should be checked.

9 COMMISSIONER MARKS: On the bottom of that page --

10 MR. ROCKWELL: Chuck has checked with Maura. She
11 has not gotten back to him. He believes that they had to be
12 both injured and contaminated.

13 MR. FABRIKANT: If it is recognized as contamination
14 they go straight to Hershey Medical Center.

15 COMMISSIONER MC PHERSON: You mean you have to be
16 hurt in some way as well as contaminated?

17 MR. FABRIKANT: Someone had to have physical injury
18 and be contaminated. In fact, if you are just contaminated
19 you are moved, as each one of those workers who were in the
20 decontamination were moved to Hershey Medical Center and not
21 injured.

22 COMMISSIONER MARKS: Therefore, I think if that is
23 correct and/or has to come between injured and contaminated
24 every time.

25 MR. FABRIKANT: But only an injured individual does

1 not have to go to Hershey Medical Center.

2 COMMISSIONER MARKS: I see. So, why don't we just
3 strike the injured and just say, treatment of contaminated
4 workers?

5 MR. GORINSON: We are talking about, Jack, the
6 on site.

7 CHAIRMAN KEMENY: Yes, but I think what is now being
8 suggested would take care of it. Just strike injured. If
9 contaminated ones always go, and injured ones don't always
10 go --

11 COMMISSIONER MARKS: In other words, the important
12 finding is what happens to the contaminated worker. Okay,
13 so can we resolve it by striking injured?

14 CHAIRMAN KEMENY: I mean just leave it contaminated.

15 MR. GORINSON: Okay.

16 COMMISSIONER HAGGERTY: Yes, what is the matter with
17 that?

18 COMMISSIONER MARKS: Okay. Then we have to deal
19 with the Item 8.

20 CHAIRMAN KEMENY: Yes, the famous Page 18. You
21 know this is the problem. With a truly automatic system you
22 can have an insert that is purely for you, but it gets
23 numbered. Fortunately it gets renumbered when you --

24 COMMISSIONER MARKS: My own recommendation would be
25 that we strike the last three words, see note attached and

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eliminate the note.

COMMISSIONER HAGGERTY: I think that is the
intention.

1 CHAIRMAN KEMENY: I have now forgotten, but I did
2 read the note a week ago. Did the note question something
3 innate or did it not?

4 COMMISSIONER MARKS: It just said that they cannot
5 give us what we had asked for.

6 CHAIRMAN KEMENY: I see. Well, that is what the pur-
7 pose was. So, therefore, are you satisfied with 8 as it is?

8 COMMISSIONER MARKS: Right. I have one thing on page
9 21, item 8. It says, "When the extent of the core damage and
10 the existence of the hydrogen bubble were recognized.

11 COMMISSIONER PIGFORD: Where does it say that?

12 COMMISSIONER MARKS: Gosh, if I picked up one you
13 did not, Tom.

14 COMMISSIONER LEWIS: It is at the end of 8.

15 COMMISSIONER MARKS: I did not realize that the extent
16 of the core damage was really known even to this day.

17 COMMISSIONER TAYLOR: That is right.

18 COMMISSIONER MARKS: So they certainly did not know
19 it two days after the accident.

20 COMMISSIONER PIGFORD: Of course, but look, they began
21 to be aware that there was extensive core damage on Friday and
22 that did indeed lead to a lot of apprehension or whatever it
23 says.

24 COMMISSIONER MARKS: I am not arguing that. I am
25 just saying shouldn't it then be "when the existence of core

1 damage".

2 COMMISSIONER PIGFORD: All right, sure, that is better.

3 COMMISSIONER MC PHERSON: Well, this fellow testified
4 on that on Wednesday.

5 COMMISSIONER PIGFORD: But only he.

6 COMMISSIONER MC BRIDE: But not the extent of core
7 damage.

8 COMMISSIONER MC PHERSON: Well, the existence does
9 not work though.

10 COMMISSIONER PIGFORD: "Existence" is not enough.

11 COMMISSIONER MARKS: The fact that there was extensive
12 core damage.

13 COMMISSIONER TAYLOR: I think that is better. "Exten-
14 sive core damage".

15 CHAIRMAN KEMENY: So how is it going to read?

16 COMMISSIONER LEWIS: Extensive core damage.

17 COMMISSIONER MC BRIDE: Is that right?

18 COMMISSIONER TAYLOR: I think this is a very important
19 point, because it is now being investigated by the Hart Subcom-
20 mittee whether or not in fact NRC became aware of this substan-
21 tially earlier and did not tell anybody. That is being investi-
22 gated. I do not know how that is going to come out. But I do
23 not think we want to state as a fact that we know that there is
24 no basis for what the Hart Subcommittee is now doing, because
25 we do not know that.

1 We know that Stello had some impression of core damage.
2 I do not know exactly what it was anymore earlier than this.
3 To what extent other people in NRC knew, I do not know. But I
4 think I can feel comfortable with the words "general recognized
5 by NRC".

6 CHAIRMAN KEMENY: Okay, could we then try this? "When
7 the fact of extensive core damage and the existence of the
8 hydrogen bubble were generally recognized within NRC". Is that
9 okay?

10 COMMISSIONER TAYLOR: That is fine.

11 CHAIRMAN KEMENY: I am trying to combine both points.
12 You see, I got around "the extent of core damage" by saying
13 "the fact of extensive core damage".

14 COMMISSIONER MARKS: Then on page 23, I have trouble
15 with that first paragraph, the second sentence, where we say
16 that they ignored correct information supplied by certain mem-
17 bers of its own staff -- "its" being the NRC -- and then say
18 it relied on incorrect information supplied by members of the
19 staff. I am not differing with the substance. It is just to
20 have in one sentence what seems to be contradictory statements.

21 CHAIRMAN KEMENY: Could we have by other members of
22 the staff?

23 COMMISSIONER MARKS: By other members.

24 COMMISSIONER PIGFORD: Paul, do you think some members
25 are supplying both kinds?

1 CHAIRMAN KEMENY: It could be possible, but I would
2 rather not say it. But, "by other members of the staff" would
3 fix that. Paul, you sure did a careful reading of this. You
4 are picking out good words.

5 COMMISSIONER MARKS: Thank you.

6 MR. GORINSON: Could I make a suggestion? I bracketed
7 the last sentence because based on what appears to be a conflict
8 within the staff, and they basically followed the wrong informa-
9 tion, I am wondering whether the last sentence, "The incident
10 demonstrates that NRC lacks sufficient knowledge and expertise
11 on water radiolysis, et cetera, really follows from it. They
12 made a wrong choice.

13 COMMISSIONER HAGGERTY: The people at the top end
14 made the wrong choice. It has to do with the information pro-
15 vided.

16 COMMISSIONER LEWIS: I think suggests might be a lit-
17 tle bit better. It is only one incident where they grouped up.
18 Although it only takes one as we know.

19 COMMISSIONER HAGGERTY: Why not just scratch it?
20 Does it really add anything?

21 COMMISSIONER LEWIS: It makes the point.

22 COMMISSIONER PIGFORD: I am the author of that one.
23 You see when there are facts known about NRC, I am all for
24 stating them. I think "suggests" is very good.

25 CHAIRMAN KEMENY: I was just going to say that in the

1 spirit of the changes you yourself made, how about "suggests"?

2 COMMISSIONER PIGFORD: Of course.

3 CHAIRMAN KEMENY: I would also favor this change.

4 COMMISSIONER MC BRIDE: "Suggests; instead of "demon-
5 strates".

6 COMMISSIONER MARKS: Do you want to leave the brackets
7 in?

8 CHAIRMAN KEMENY: No, the brackets just indicate to
9 please look at it.

10 COMMISSIONER MC PHERSON: On page 11, at the tail end of
11 that, a phenomenon related to reactor safety --

12 CHAIRMAN KEMENY: How about putting it into parentheses
13 or something, because it is really explanatory.

14 COMMISSIONER MC PHERSON: I was just trying to tie
15 a phenomenon which has been well known for many years to that.

16 COMMISSIONER LEWIS: That is Tom's dig at the NRC.

17 COMMISSIONER MC PHERSON: A safety related phenomenon
18 which has been well known?

19 COMMISSIONER HAGGERTY: That is fine.

20 COMMISSIONER PIGFORD: Safety related sounds pretty
21 good. Phenomena which have been well known over the years.

22 COMMISSIONER TAYLOR: Well, we have had some discus-
23 sions of this before about to what extent it was sort of a sim-
24 ple question to answer to anybody who really knew the situation.
25 They would have known that there could be no oxygen.

1 I have a direct statement to the contrary from both
2 Bob Budnitz and Richard Garland, who were heavily involved in
3 this during that period. I think we are making a statement
4 which to me is in conflict with a statement that I got from at
5 least two people who participated in this.

6 MR. GORINSON: Could I answer this? Chuck just tells
7 me that he went back to Mattson's deposition to check this para-
8 graph. They were told by Westinghouse on Friday that oxygen
9 was being generated.

10 COMMISSIONER TAYLOR: In view of the nature of all
11 this problem with the hydrogen bubble, the question is who in
12 Westinghouse?

13 COMMISSIONER PIGFORD: And in answer to what question?
14 The phrasing of the question was apparently one of the problems.

15 COMMISSIONER TAYLOR: I just see a conflict in making
16 a flat statement. This should have been well known to everybody.

17 CHAIRMAN KEMENY: Could I suggest a compromise, Tom?
18 "This incident suggests that NRC lacks sufficient knowledge and
19 expertise in water radiolysis." Is that okay? Then we do not
20 have to argue whether it was wrong. I have no doubt about that
21 question. Is that satisfactory, Tom?

22 COMMISSIONER PIGFORD: Yes sir.

23 COMMISSIONER TAYLOR: On page 11, finding 17.

24 COMMISSIONER MC PHERSON: Excuse me. Do we have a
25 glossary definition of radiolysis?

1 MS. JORGENSEN: No, but we can get one.

2 COMMISSIONER TAYLOR: We do have one. I suggested
3 a change in it. On page 11, the "what if" finding, number 17,
4 we referred to the overview. However, in the overview, we say
5 nothing about one finding which I think is important on the
6 "what if", because it has been incorrectly stated from the time
7 of the accident by many people. That is that if TMI had been
8 operating for a long period, the nature of the accident -- at
9 least during the few hours when the core damage was done --
10 would have been much more severe. Our assessment, which I
11 think is quite thorough, indicates that is not true.

12 I do not want to start putting substantive things
13 into this finding, because then we reopen the whole thing. But
14 I would suggest that in the overview that specific point should
15 be made. I realize that there are other important points that
16 were made in the analysis, but this particular one needs to be
17 dealt with.

18 CHAIRMAN KEMENY: Bill, you agree, don't you?

19 MR. STRATTON: If the Commission wishes to add a
20 sentence to that effect, I certainly can draft it.

21 CHAIRMAN KEMENY: Would you be willing to draft it?

22 MR. STRATTON: Surely.

23 CHAIRMAN KEMENY: The Commission has oversigned on
24 the overview with my having a chance to make final changes. If
25 no one objects, I would insert an appropriate sentence that

1 Bill Stratton will draft.

2 COMMISSIONER MC PHERSON: Tell me again what is
3 happening.

4 CHAIRMAN KEMENY: Could I try saying it in my own
5 words? Let me use an analogy. Remember the famous Davis-Bessie
6 one. There were two factors there. There was low power and
7 there was a very new core. That is why TMI did not happen.
8 People have suggested that at TMI, if the accident had occurred
9 when the core was much older and therefore there was a great
10 deal more radioactive by-products there, then accident would
11 have been much more serious. Our analysis shows that is not
12 true.

13 COMMISSIONER TAYLOR: Not quite. If you define the
14 accident as what took place during the first week, yes. If
15 you talk about the accident in terms of, for example, the
16 cesium inventory in the water now, it is a different matter.
17 So this would need to be explicit. It is six to ten times as
18 much cesium.

19 CHAIRMAN KEMENY: Then we should say that although
20 a great deal more would have been created, the accident would
21 not otherwise have been more serious, or something like that.
22 I would rather let Bill draft it.

23 COMMISSIONER TAYLOR: Bill knows the situation.

24 MR. STRATTON: There are two points then, Ted. The
25 statement on the decay heat content and the statement on the

1 long lived fission product inventory. Do you wish both of
2 those?

3 COMMISSIONER PIGFORD: On the fission product inven-
4 tory, I think you will have to be very careful if we are going
5 to state anything quantitative, because --

6 CHAIRMAN KEMENY: I do not think that a quantitative
7 statement belongs in there.

8 COMMISSIONER TAYLOR: All I had was just that one
9 statement that has been made that there would have been a core
10 meltdown if the reactor had been operating for three years.
11 That is not true.

12 COMMISSIONER PIGFORD: We can do that easily. That
13 is worthwhile.

14 COMMISSIONER HAGGERTY: Can I ask a question? Where
15 are you suggesting putting that in, Ted?

16 COMMISSIONER TAYLOR: In the overview. I do not want
17 to reopen this.

18 COMMISSIONER HAGGERTY: I agree. That is fine.

19 COMMISSIONER MARKS: The SRI report on the estimate
20 of the cost of the health effects is not based on our findings.

21 COMMISSIONER PETERSON: Are you looking at a given
22 page in here, Paul?

23 COMMISSIONER MARKS: This would be the table in page
24 11. Going back to the staff document, the SRI report, it is
25 based not on our findings but on the findings of the -- what

1 was the name of that?

2 MR. JAFFE: The HEW Easter Sunday Report.

3 COMMISSIONER MARKS: Which was a very quick approxi-
4 mation. It does not reflect the much more careful analysis
5 done by our staff.

6 CHAIRMAN KEMENY: I will have a suggestion, but could
7 I ask a factual question? Do the two differ substantially?

8 COMMISSIONER MARKS: Yes.

9 MR. JAFFE: There is something else involved in this.
10 It assigns a dollar value based on insurance values to the cost
11 of a life. It then indicates that it is because there are 0.7
12 excess cancer fatalities. They multiply this by a number taken
13 from insurance policies and come up with the value of life equal
14 to dollars. This is what is put into their report. But in
15 their report, they keep indicating constantly that this is all
16 very uncertain and we do not know. It is based on the 1972
17 Beer Report and so forth. It has very little factual support.

18 COMMISSIONER HAGGERTY: That does not change anything
19 though. It is \$100,000 to \$2,000,000.

20 MR. JAFFE: That is exactly it.

21 COMMISSIONER HAGGERTY: So footnote it and just indi-
22 cate its deficiencies.

23 COMMISSIONER TAYLOR: Do you want a footnote with all
24 the deficiencies?

25 COMMISSIONER HAGGERTY: I do not care.

1 COMMISSIONER MARKS: Why don't we knock off the health
2 effects lines and read the numbers? You are not going change
3 the numbers.

4 CHAIRMAN KEMENY: Yes, but not having health effects
5 in there at all. We already have one footnote on this table,
6 how about also footnoting health effects to say that these are
7 based on exceedingly crude calculations?

8 COMMISSIONER MARKS: For which the Commission takes
9 not responsibility.

10 CHAIRMAN KEMENY: For which the Commissioner takes no
11 responsibility.

12 (Laughter.)

13 COMMISSIONER MARKS: Personally, I would like that
14 in, because I find the basis of the analysis unacceptable.

15 COMMISSIONER TAYLOR: I do not like that kind of
16 analysis.

17 COMMISSIONER MC BRIDE: I do not either. I think it
18 puts a value on it that not too many people would be willing to
19 accept as a fair value.

20 MR. JAFFE: If you read the report, you would throw
21 that section out. There is no question about it.

22 CHAIRMAN KEMENY: So, literally, how about saying
23 that this line is based on an analysis that was extremely crude
24 and does not represent the Commission's thinking.

25 COMMISSIONER HAGGERTY: There is another way to do it.

1 COMMISSIONER TAYLOR: How about controversial rather
2 than crude?

3 CHAIRMAN KEMENY: Yes, controversial.

4 COMMISSIONER HAGGERTY: There is another way of doing
5 it. Since we are excerpting anyway, it says "an independent
6 study estimates costs as follows:" You can take the health
7 effects out and give these totals and then put a footnote in
8 which say, "in addition, the report included minor amounts for
9 health effects which do not change the totals and are based on
10 questionable data" or something like that. You can do the same
11 thing and it does not change anything that we have said anywhere
12 in the report.

13 COMMISSIONER MARKS: Yes, that is the only thing. If
14 anybody were to pick up the health effects and make an issue
15 out of it, it would be embarrassing.

16 COMMISSIONER HAGGERTY: I think we are perfectly
17 entitled to do that as long as we footnote to make sure that
18 we subtract it from what they put in. It does not have any
19 significant impact on the numbers.

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1 COMMISSIONER MC PHERSON: So move.

2 CHAIRMAN KEMENY: I realized, of course, that it
3 changes only the last digit, so the vote is -- unless there is
4 an objection -- to delete that line and then add a footnote
5 they attempted to make estimates on health costs, but the
6 commission did not support that action --

7 COMMISSIONER HAGGERTY: And they were trivial and
8 had no significance.

9 CHAIRMAN KEMENY: They had no significance.

10 I think you are quite right about that.

11 Okay. Any objection to that change. So ordered.

12 Next.

13 COMMISSIONER TAYLOR: Question.

14 CHAIRMAN KEMENY: Question on approval of -- yes,
15 Tom.

16 COMMISSIONER PIGFORD: I didn't want to interrupt
17 in the middle of your sentence.

18 CHAIRMAN KEMENY: Well, I was about to put the quest-
19 ion, so if -- Stan, may want to say something.

20 MR. GORINSON: I just wanted to point two things
21 out. One is the addition of a new finding, which wasn't in
22 Thursday's set that Commissioner Lewis proposed, which is
23 included in the public's right to information. And, also,
24 before we get to that on page 23 --

25 COMMISSIONER MC PHERSON: Is that the one about the

1 plebicitate?

2 MR. GORINSON: On page 23, No. 13, there are a
3 couple that I just want to point out to you specifically be-
4 fore you vote on them. No. 13, the example in there, throws
5 off the thrust of the entire finding. Chuck Harvey had just
6 looked at that out in the hall and pointed it out to me and I
7 would propose just striking the example. Or at least if you
8 want an example, giving us the chance to go back and putting
9 in one that is better.

10 CHAIRMAN KEMENY: Could you give us one moment to
11 read with and without it.

12 COMMISSIONER HAGGERTY: It is all right just leaving
13 it out, isn't it? It is put in right in the middle there.

14 COMMISSIONER MC PHERSON: Take out the four example
15 sentence?

16 CHAIRMAN KEMENY: Any objection to taking that
17 sentence out?

18 COMMISSIONER MC PHERSON: Take out the next sentence,
19 too?

20 COMMISSIONER HAGGERTY Yeah, because it applies to
21 the -- in other words, it quits after were explored and re-
22 solved. So moved.

23 CHAIRMAN KEMENY: So, you want to remove both sen-
24 tences?

25 MR. GORINSON: I was going to suggest leaving in

1 the --

2 COMMISSIONER HAGGERTY: Well, how can you? You
3 can't say instead without the --

4 COMMISSIONER LEWIS: Just say the Commissioners
5 became --

6 COMMISSIONER HAGGERTY: Instead of what?

7 MR. GORINSON: You can strike instead and just put
8 in the factual statement that they became preoccupied --

9 COMMISSIONER HAGGERTY: Then you would have to say
10 they were.

11 MR. GORINSON: Were preoccupied with details.

12 COMMISSIONER HAGGERTY: Or appeared to be.

13 COMMISSIONER TAYLOR: It is a matter of record that
14 they became preoccupied.

15 MR. GORINSON: Look at the drafting of that press
16 release. We will strike the "for example" and it will say
17 the commissioners were preoccupied with matters such as the
18 details of evacuation planning and the drafting of a press
19 release.

20 CHAIRMAN KEMENY: You were going to call our atten-
21 tion to a brand new finding.

22 COMMISSIONER HAGGERTY: If they are not in here,
23 we didn't vote on them, did we?

24 CHAIRMAN KEMENY: That is exactly why Stanley is
25 doing what he should do, is calling it to your attention.

1 MR. GORINSON: No. 7 on page 52.

2 COMMISSIONER LEWIS: This was an oversight on our
3 part.

4 COMMISSIONER PIGFORD: Wouldn't it be better to say
5 in the second phrase, even when company officials believe that
6 this information was being made available to the public by
7 others.

8 COMMISSIONER LEWIS: By others. That is correct, yes.

9 CHAIRMAN KEMENY: Remember, we have sworn testimony
10 from MacMillan on this. That was tried on me and I remember
11 that Stan was going to call it to your attention, but this is
12 a direct finding.

13 MR. GORINSON: One other place where I think you
14 should look --

15 CHAIRMAN KEMENY: Let me just ask? Is there any
16 objection to the addition of that finding? Without objection.

17 MR. GORINSON: One other place, page 50, B, we have
18 added two findings dealing with the NRC directors after the
19 accident. Because it just appeared to come out of no place,
20 I wrote an introduction to that and made B the specific instruc-
21 tions i and ii and I think you ought to review that B intro-
22 duction.

23 COMMISSIONER HAGGERTY: But this isn't new. This
24 clarifies something --

25 MR. GORINSON: That is right. But I think you ought

1 to look at it specifically. You haven't seen it before.

2 And we tried to modify the i and ii in accordance
3 with what several Commissioners recommended.

4 COMMISSIONER HAGGERTY: Well, this actually fits
5 what I had suggested to you would be confusing before. So,
6 it doesn't change it.

7 MR. GORINSON: No, but since you haven't seen it --

8 CHAIRMAN KEMENY: Stan is just being very conscien-
9 tious.

10 COMMISSIONER MARKS: I did point out that we have
11 dropped one finding in the public health area related to the
12 lack of directives with respect to whether or not the hospi-
13 tals should prepare to increase their census and when they
14 should resume normal operations. The reason I think these
15 are important findings is because clearly they led to a good
16 deal of confusion in a potentially critical area. I don't
17 know -- well, I am totally confused. They were in a previous
18 set of findings and they are totally lacking in the present
19 of findings.

20 MR. GORSINSON: What you have here is what the Com-
21 mission voted on and approved.

22 COMMISSIONER MARKS: Well, the fact is that I don't
23 know where -- I didn't bring my previous set of findings with
24 me.

25 COMMISSIONER HAGGERTY: That were really quite a

1 few findings that were collapsed and consolidated and so forth,
2 because I had made a pass at going through a first list and
3 then gave up on it, because I said, well, that is not what we
4 are talking about. We are talking about these. So, I just
5 put that other one away.

6 COMMISSIONER MARKS: I don't think this was a con-
7 troversial finding in any way. I don't want to speak for any
8 of the Commissioners. But I don't know how we can handle it.
9 Can we see if we can find it, Jack. Maybe you could find it
10 and maybe we could have a three-minute reading of it after-
11 ward to see if you want to put it in or not.

12 MR. GORINSON: Let me just point out that one other
13 place and that is in response to -- and this was in Thursday's
14 draft and I think is in response to the Commission's desire
15 to have more specific findings on the utility. In the last
16 two drafts you have seen more specific statement as to each of
17 those. But I just wanted to point that out. That was in
18 direct response to what the Commissioners had requested.

19 CHAIRMAN KEMENY: Okay. Any other matters while we
20 are waiting for that on the findings? Tom.

21 COMMISSIONER PIGFORD: Can you tell me where the
22 findings are on operator training? I want to be sure that
23 these are carefully stated.

24 CHAIRMAN KEMENY: On page 38. I just happened to
25 open it up there.

1 COMMISSIONER PIGFORD: 38. All right.

2 COMMISSIONER MC PHERSON: Excuse me. This is a
3 minor thing, but on 50 in B in the sentence that you read,
4 Stan, in the weeks following the accident, NRC was apparently
5 confused -- we don't have any evidence from them, do we? Out-
6 side of what they did?

7 COMMISSIONER TAYLOR: On page 40 E near the top of
8 the page, Met Ed did not require employees, I thought I had
9 suggested we say Met Ed could not require employees.

10 MR. GORINSON: That is not true. They could have
11 requested it.

12 COMMISSIONER HAGGERTY: The employer wouldn't have
13 to give it.

14 CHAIRMAN KEMENY: They can sign a waiver.

15 COMMISSIONER TAYLOR: The implication is that Met
16 Ed didn't bother.

17 COMMISSIONER HAGGERTY: There is a law against it.

18 COMMISSIONER TAYLOR: There is a law against it.
19 That is the problem. It is not as though they were just being
20 sloppy.

21 CHAIRMAN KEMENY: Okay. How about rewording, Met
22 Ed did not require waivers from employees with Naval reactor
23 experience that would allow them to examine their Naval records.
24 Ron, am I saying it right?
25

1 MR. EYTCHISON: I am not sure.

2 CHAIRMAN KEMENY: Ted, would this be all right.
3 Met Ed did not require waivers -- I had better get this one
4 right, Ron.

5 MR. EYTCHISON: I am not sure that I could give a
6 better answer than Stan did on that one, on the question of
7 what they could or could not require.

8 CHAIRMAN KEMENY: No. I am just saying is the
9 following statement a correct factual statement. Met Ed did
10 not require waivers from employees with Naval reactor exper-
11 ience that should permit examination of -- that is the neigh-
12 borhood.

13 COMMISSIONER TAYLOR: That is much better.

14 COMMISSIONER MC PHERSON: They didn't even request
15 it, did they? As far as we know? Isn't that right? So, why
16 not just say did not require or request?

17 CHAIRMAN KEMENY: Yes.

18 COMMISSIONER TAYLOR: Waivers -- but the thing is
19 we have what I thought was an important finding and that is
20 that if an employee doesn't want to have his record examined
21 he can refuse.

22 MR. ROCKWELL: Then they don't have to hire him
23 either. That is the point.

24 COMMISSIONER TAYLOR: We made a big point of this
25 after the session --

1 COMMISSIONER HAGGERTY: Are we sure that is true?
2 I think you had better stick to request, which is valid. I
3 am not sure that if the guy said, no, I won't give it to you,
4 that you wouldn't have a case.

5 CHAIRMAN KEMENY: How about just saying Met Ed did
6 not request waivers from employees with Naval reactor exper-
7 ience. That would allow --

8 COMMISSIONER MC PHERSON: Did not request Privacy
9 Act waivers.

10 CHAIRMAN KEMENY: Could you say waivers from employ-
11 ees which would allow examination of the Navy records. Okay?
12 Which would allow examination of their Navy records. I am
13 quite certain of that.

14 Do you remember the wonderful experience of one of
15 the NRC commissioners who was surprised by this and then one
16 of his staff members said it in our presence, you should know,
17 I am a Navy alumnus and nobody has requested me to sign a
18 waiver either. One of his own staff.

19 COMMISSIONER LEWIS: One of those cracks that they
20 keep falling through.

21 CHAIRMAN KEMENY: Okay. Anything else on the find-
22 ings other than what Jack is looking up?

23 Okay. I would like in that case a motion with one
24 loophole in it; namely, with permission of Dr. Marks who
25 raised that one specific finding with the Commission when it

1 is found, I would like a motion approving the findings subject
2 to last minute minor editorial changes.

3 COMMISSIONER HAGGERTY: Or rearrangements.

4 CHAIRMAN KEMENY: Or rearrangements.

5 COMMISSIONER BABBITT: So moved.

6 COMMISSIONER TAYLOR: Second.

7 COMMISSIONER PIGFORD: Mr. Chairman, I will vote
8 against the motion because of the problems I discussed earlier
9 and also I think it must be that when we went through these
10 before I didn't agree with some of them, so that would be on
11 the record.

12 CHAIRMAN KEMENY: Thank you. Would all those in
13 favor, please raise your hand.

14 (There was a show of hands.)

15 All those opposed.

16 (There was a show of one hand.)

17 Professor Pigford voted in the negative. The
18 other Commissioners voted in the affirmative.

19 Subject to that one finding which I will not forget
20 and the distribution of the recommendation that you are about
21 to do, I have an important remark to make.

22 The Commission has signed off on all of Volume 1.
23 Therefore, after you have had a chance to read the recommen-
24 dations over lunch and any discussion that may engender, I am
25 going to ask the Commission to sign off on the report; that is,

Bowers Reporting Company

1 on its own report. Then, we have two other items on the agen-
2 da. One is what do we do on the 30th and possibly the 31st
3 and, second, we can have as much time as remains to discuss
4 the status of staff reports. Is that a reasonable procedure?

5 What I thought we could do is if you wish to have
6 a sign off ceremony, we drafted the world's shortest transmit-
7 tal letter.

8 MS. JORGENSEN: It is right here.

9 CHAIRMAN KEMENY: Would you like to sign off on
10 the letter of transmittal.

11 COMMISSIONER MARKS: Is that going to be published --
12 incorporated in the book --

13 CHAIRMAN KEMENY: That is what we could do. We would
14 have to get Cora somehow. Let me ask if the following wording
15 is satisfactory. We thought, in accordance with Executive
16 Order No. 4130 -- I thought we were going to say we have the
17 honor of -- you took that out.

18 MS. JORGENSEN: I worked on it last night.

19 CHAIRMAN KEMENY: We hereby transmit to you the final
20 report of the President's Commission on the Accident at Three
21 Mile Island, faithfully yours -- and the names of the Commis-
22 sioners. I thought the usual phrase was something like accor-
23 ding to such and such, we have the honor of transmitting to
24 you the final report. Do you have a preference in language?

25 COMMISSIONER MARKS: Harry.

1 COMMISSIONER MC PHERSON: I don't know if there is
2 any necessary --

3 CHAIRMAN KEMENY: Well, let me ask you if there is
4 any objection to the present language, Dear Mr. President,
5 In accordance with Executive Order 4130, we hereby transmit
6 to you the final report of the President's Commission on the
7 Accident at Three Mile Island. Is that acceptable language?

8 I am going to have this available and I hope we
9 will ceremonially sign off on it after lunch and I wish I had
10 brought a bottle of champagne for the occasion.

11 Have the recommendations been distributed? Look
12 through them during lunch and I hereby declare a luncheon
13 recess until 2:30 P. M.

14 (Thereupon, at 1:38 P. M., the meeting was recessed
15 to be reconvened at 2:30 P. M., the same afternoon, October
16 22, 1979.)

A F T E R N O O N S E S S I O N

1
2 CHAIRMAN KEMENY: Will the meeting please come to
3 order. We have one unfinished item under findings and I recog-
4 nize Dr. Marks.

5 COMMISSIONER MARKS: The finding that I was referring
6 to, which would to the best of our ability to recollect, be a
7 new finding in the sense that the Commission may not have voted
8 on it -- I think that's as accurate as we can say. And the
9 finding is the following: Hospital administrators, and this
10 is presumably hospital administrators in the area around Three
11 Mile Island, found no one at the state level with authority to
12 instruct them on when to evacuate patients and when to resume
13 normal admitting procedures. MacLeod, and I think if we use
14 it we'd have to say Commissioner MacLeod of the State Depart-
15 ment of Health, viewed the role of the Health Department vis-a-
16 vis area hospitals as informational not advisory. This reflects
17 a finding of our staff and the importance of this relates to,
18 again, the issue of lack of preparedness specifically with re-
19 gard to the hospitals in the area.

20 COMMISSIONER HAGGERTY: May I ask a question? Do
21 you really mean the word 'instruct' or do you mean 'inform'?
22 Do you really want MacLeod to tell the hospitals to evacuate?
23 Instruct has the implication of giving orders.

24 COMMISSIONER MARKS: Yeah, where is Maura? Maura
25 left, oh there's Maura.

1 COMMISSIONER HAGGERTY: What do you mean?

2 MS. BLUESTONE: Hospital spokesmen were asking any-
3 body --

4 COMMISSIONER HAGGERTY: For recommendations or instruc-
5 tions?

6 MS. BLUESTONE: Yes, they were asking to be told --
7 They wanted information on what is happening and could you pleas
8 tell us what we ought to be doing and what we ought to be pre-
9 paring for. Because they had no basis upon which to know
10 what to expect.

11 COMMISSIONER HAGGERTY: Well, that's different from
12 saying you evacuate or don't evacuate.

13 COMMISSIONER MARKS: Advise?

14 COMMISSIONER HAGGERTY: Recommend. I'm just raising
15 the point, because there's a clean distinction, that's all.

16 COMMISSIONER MARKS: Well, we could say hospital
17 administrators found noone at the state level with authority
18 to --

19 MS. BLUESTONE: To advise.

20 COMMISSIONER MARKS: To advise, well this has finan-
21 cial implications.

22 MS. BLUESTONE: That's true.

23 COMMISSIONER MARKS: And that was the whole issue
24 here. In other words, if they were told to get the patients
25 out and stop admitting, they don't suffer financial loss. If

1 they do it voluntarily, they suffer financial loss. And, in
2 fact, what happened was they suffered financial loss. And it
3 is an area that --

4 MS. BLUESTONE: That's probably -- Noone ever said
5 that. You know, people have suggested that that was part of
6 the reason why the State Health Department was not giving any
7 advice. But, in a sense, they were asking for advice and not
8 receiving any so everything was voluntary.

9 CHAIRMAN KEMENY: We're not finding that, Paul, right?

10 COMMISSIONER MARKS: No, I just --

11 CHAIRMAN KEMENY: Repeat once more the proposed
12 finding.

13 COMMISSIONER MARKS: Hospital administrators found
14 noone at the state level with authority to instruct them on
15 when to evacuate patients and when to resume normal admitting
16 procedures. MacLeod viewed the role of the Health Department
17 vis-a-vis area hospitals as informational, not advisory.

18 COMMISSIONER HAGGERTY: Put advise instead of instruct.

19 COMMISSIONER MARKS: Okay. So, it would then read,
20 Hospital administrators found noone at the state level with
21 authority to advise them on, etc.

22 CHAIRMAN KEMENY: How do you feel, Tom?

23 COMMISSIONER PIGFORD: I'm sorry.

24 CHAIRMAN KEMENY: Any commissioners wish to comment
25 on the proposed finding? May I ask how many commissioners

1 favor adding that as read to our proposed findings?

2 (Show of hands)

3 That's a unanimous vote of the Commission. Thank you.

4 CHAIRMAN KEENEY: Now, the moment has come. We have
5 completed signing off on the Commission's part of the report
6 and therefore I think we ought to have a ceremony as we dis-
7 cussed in which commissioners prepare to sign the letter of
8 transmittal to the President of the United States.

9 (Signing transmittal)

10 Governor Babbitt, are you prepared to sign?

11 Commissioner Lewis

12 Commissioner Haggerty

13 Commissioner Marks

14 Commissioner Marrett is not present, but she has
15 authorized me to inform the Commission that she will sign and
16 she is in full agreement with our report.

17 Commissioner McBride

18 Commissioner McPherson

19 COMMISSIONER MCPHERSON: I'm going to sign it even
20 though it doesn't have anything about what the standard of
21 issuing press releases --

22 COMMISSIONER LEWIS: Right, we never did settle that.

23 CHAIRMAN KEENEY: Yes, you covered that in Supple-
24 mentary remarks.

25 COMMISSIONER MCPHERSON: I don't think I could write

1 one that i'd be satisfied with.

2 COMMISSIONER HAGGERTY: The old King Henry role,
3 first hang all the wires.

4 CHAIRMAN KEMENY: Commissioner Taylor.

5 COMMISSIONER MCBRIDE: I'll tell you what. If I
6 know those lawyers, they'll be around when the rest of us are
7 gone.

8 COMMISSIONER HAGGERTY: They'll be debating that
9 rule.

10 COMMISSIONER MCBRIDE: They'll say, he was a good
11 client but he violated the 11th Commandment. He got caught.

12 CHAIRMAN KEMENY: Commissioner Trunk.

13 May the record show that the Commission has signed
14 off on its own part of the report by signing the letter of
15 transmittal to the President of the United States. I will, in
16 a few minutes, declare a short recess for purposes I will
17 explain, to commemorate this occasion. But, before then, I
18 have to fulfill a promise I made earlier.

19 MR. STRATTON: I think we will not go through with
20 that.

21 CHAIRMAN KEMENY: We will not go through with it?

22 MR. STRATTON: We will not go through with it.

23 CHAIRMAN KEMENY: As you know, we were offered, Bill,
24 an opportunity to make further remarks on the record and I wish
25 to honor that. And, Bill, you opted not to do that. Thank

1 you, Bill. I just wanted to make sure you had the opportunity
2 if you wished it.

3 In that case, the Chair will hereby -- I ask you not
4 to leave -- but I hereby declare a brief recess.

5 (Brief recess)

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1 CHAIRMAN KEMENY: Will the meeting please come back
2 to order?

3 Our next item of business is that you have all had
4 an opportunity to look at the recommendations, and I want
5 to know if there are any general comments on the organization
6 and structure?

7 COMMISSIONER HAGGERTY: I think the organization
8 as you now have it really does most of what I was concerned
9 about yesterday, except I recommend that the technical
10 assessment follow the utility, probably after the training
11 of operating personnel and ahead of worker and public health
12 and safety because the points recommended so often fit
13 exactly in that sequence.

14 CHAIRMAN KEMENY: Yes, that is the one I did not
15 know where to put. Is that agreeable to everybody? The
16 Chair hears no objection. Therefore it will be done that
17 way.

18 Therefore technical assessment will come after
19 operator training and before public health. The problem was
20 NRC had to come first because we keep referring to the
21 restructured NRC, and it was logical to go to utility and
22 operator training refers to those, too.

23 COMMISSIONER HAGGERTY: You took care of two-thirds
24 of concerns.

25 CHAIRMAN KEMENY: Health and emergency preparedness

1 go together, and we went health and emergency preparedness,
2 and this now settles what to do with the remaining.

3 Any other comments on recommendations?

4 COMMISSIONER MARKS: I would suggest we have a
5 short table of contents or a short, well, I think you should
6 have some organizational table in front of the recommendations
7 with pagination.

8 CHAIRMAN KEMENY: You mean table of contents in the
9 literal sense, just the topics on which we have recommendations
10 and what page?

11 COMMISSIONER MARKS: Right.

12 CHAIRMAN KEMENY: That is very easy,

13 COMMISSIONER HAGGERTY: Do you want that there or
14 do you want one table of contents?

15 COMMISSIONER MARKS: By the way, I don't think
16 the Commissioners have seen your cover. Do you want to show
17 them?

18 CHAIRMAN KEMENY: It is elegant. Have you seen it?

19 COMMISSIONER MARKS: I don't care where it is.

20 COMMISSIONER LEWIS: John, are we still dealing
21 in recommendations?

22 CHAIRMAN KEMENY: Yes.

23 COMMISSIONER LEWIS: It is a minor correction, but
24 in our recommendations on Page 32, David reminded me that
25 there is such a thing as a broadcast emergency network which

1 our wording might be somewhat confusing, and if we could just
2 change -- this is No. 4 on Page 32, state emergency plans
3 should include provision for creation of a local broadcast
4 media network for emergencies so that there won't be confusion.

5 CHAIRMAN KEMENY: Is there any objection to that?
6 It seems eminently sensible, local broadcast media network
7 for emergencies.

8 COMMISSIONER LEWIS: And we, also, thought on No. 5,
9 on Line 3, Pat pointed out that depart measurably we really
10 meant appreciably will be a more precise word on that.

11 CHAIRMAN KEMENY: And besides you have measurements,
12 local radiation measurements that depart appreciably.

13 COMMISSIONER HAGGERTY: Otherwise measurably would
14 mean as soon as they --

15 CHAIRMAN KEMENY: Yes, Tom, you were author on
16 that with Anne, so can I ask the two of you if you object
17 to changing, this is No. 5 on Page 32 on Line 3 where it
18 says depart measurably. People point out that that means
19 the moment it goes 1/10 of something above, they suggest
20 departs appreciably. Is that all right?

21 Anne, is that all right with you?

22 COMMISSIONER TRUNK: I guess so, as long as I know
23 what it is.

24 COMMISSIONER PIGFORD: If you are happy, I am happy.

25 COMMISSIONER TRUNK: What did we put in?

1 CHAIRMAN KEMENY: You had measurably. Let me tell
2 you what the problem is. Suppose it is normally at 116.3.
3 Suppose one day it goes to 116.4 or --

4 COMMISSIONER HAGGERTY: That is measurable.

5 CHAIRMAN KEMENY: That is measurable, but --

6 COMMISSIONER TRUNK: But I just don't want to know
7 when it goes high or --

8 CHAIRMAN KEMENY: That is why it says appreciably.
9 Yes, Tom? ..

10 COMMISSIONER PIGFORD: I think on Page 33, and I
11 want to call attention to this to Pat who I think was the
12 author of this sentence, in the second paragraph which is a
13 one sentence paragraph the next to the last line says, panel
14 of just these key measurements. Don't you think just is
15 going to be --

16 COMMISSIONER HAGGERTY: Take the just off. It does
17 not really --

18 CHAIRMAN KEMENY: You are on Page 33.

19 COMMISSIONER HAGGERTY: Thirty-three, point 1,
20 second paragraph, second line from the bottom. Eliminate
21 just.

22 CHAIRMAN KEMENY: Incidentally that is the kind of
23 thing which on rereading I would have felt free to do.

24 Any other comments on recommendations?

25 It not, then let us turn to the staff reports and

1 do we have a list that we can distribute?

2 A list has been distributed of staff reports.

3 Barbara, can you make some comments on what we have in front
4 of us?

5 MS. JORGENSEN: The first page, let me tell you
6 what the code means. The question marks are pretty clear,
7 but the P's mean that those have been planned to be published.
8 An A means it is going to the Archives, and the question of
9 No. 18, quality assurance and reliability, there is a P with
10 a question mark. That means that there was originally a
11 provisional decision to publish that report, but the report
12 had not been reviewed, and it had in fact not been reviewed
13 by the senior staff in its present form.

14 MR. JOHNSON: In the second form; the original one
15 was.

16 MS. JORGENSEN: Right. The last four recovery,
17 cost of accident, WASH 1400 and iodine filters decisions
18 have not been made on what to do with those, whether they
19 should be published or simply sent to the Archives.

20 CHAIRMAN KEMENY: May I ask the following question?
21 On the other pages these notations do not appear because
22 these were the documents that were designated for publication?
23 Is that correct?

24 MS. JORGENSEN: Right. The other pages, all those
25 documents have been --

1 CHAIRMAN KEMENY: Designated for publication.

2 MS. JORGENSON: Designated for publication.

3 COMMISSIONER HAGGERTY: What is the difference then
4 between those and the ones in the first list that have a P?

5 MS. JORGENSON: Nothing.

6 CHAIRMAN KEMENY: All I am saying is imagine there
7 is a P after all the ones on the other pages.

8 Tom?

9 COMMISSIONER HAGGERTY: I am puzzled then on public
10 health by the PH2, public health and epidemiology task force
11 report. I thought we were supposed to review a revised copy,
12 and I don't think I have gotten one yet. How can this be --
13 we be sure that this is designated for publication?

14 COMMISSIONER MARKS: I have reviewed the revised
15 copy. I know I got one. I thought it was distributed.

16 COMMISSIONER PIGFORD: Is that right?

17 MS. BLUESTONE: My understanding was that the
18 October 13, version went to -- we did send it out. Yes, it
19 was sent out.

20 COMMISSIONER PIGFORD: Maybe it out there in
21 Berkeley. I don't know.

22 It could be Barbara. I have more than once thought
23 I did not have things when they were sent to me.

24 CHAIRMAN KEMENY: I don't blame you. I panicked
25 one day. I could not find any copy of the overview. Believe

1 me I was panicking. My secretary did find it for me. Len?

2 MR. JAFFE: Missing on this list is the overall
3 summary of the technical papers.

4 CHAIRMAN KEMENY: Oh, that is absolutely correct.
5 Could we put down zero just to make it correct numbering?
6 Of course, this is Len Jaffe's summary of all the technical
7 reports.

8 COMMISSIONER MARKS: And do I assume, too, that the

9 CHAIRMAN KEMENY: It certainly should have a P
10 after it.

11 COMMISSIONER MARKS: I mean is the summary also
12 that Jack Fabrikant wrote of all the public health documents,
13 is that a separate publication or --

14 CHAIRMAN KEMENY: Yes, that should have been noted
15 here. Let me call that PH zero in the same way.

16 COMMISSIONER HAGGERTY: Under public health?

17 MS. JORGENSON: The way that these things will
18 physically be published, the idea is under each one of the
19 groups to publish those as one book. So, yes, if there is a
20 summary of the public health area, it would be in the front
21 of the public health book and then those other --

22 COMMISSIONER MARKS: And they are going to be
23 published like this one?

24 MS. JORGENSON: They will have different covers.
25 I don't think they will have a picture.

1 COMMISSIONER HAGGERTY: Do you really mean all of
2 these are going to be published as one report?

3 MS. JORGENSON: It depends. We have got to look at
4 them. We may have to break those down, probably into
5 subject areas for those.

6 CHAIRMAN KEMENY: But it is important to put on this
7 list the two summaries that were not mentioned because
8 Dave Rubin's summary is listed in here. So to be consistent
9 we should have a zero on the first page and a PH zero on
10 public health.

11 Yes, Tom?

12 COMMISSIONER PIGFORD: I think, for example, on the
13 first page, number 2, 3, and 4, probably the task force
14 commissioner task force said these are subject matters which
15 undoubtedly should be published once we get them straightened
16 out.

17 Now, the first draft of these reports I just got the
18 day I left, and I have not yet had a chance to review them
19 adequately. So, I am still willing to stick by that. I think
20 it looks like the kind of material that should be published.
21 However, if it is meant by the P that they are ready to be
22 published, then I don't know.

23 COMMISSIONER TAYLOR: I am wondering, I find it
24 completely infeasible to imagine a rereview or in some cases a
25 first review by me at least of all of the reports in the two

1 areas in which I was involved in the task force before
2 publication.

3 What I would like to suggest is for consideration
4 by the Commission is that we somehow make it clear, perhaps
5 in a little caption in each of the reports that these are
6 staff reports to the Commission and should not, and we need
7 to find the right language, and I don't know what it is, but
8 the thought is that individual Commissioners or the Commission
9 as a whole does not take the responsibility.

10 MR. GORINSON: Why don't we do what we did on the
11 papers we prepared during the hearings, if you remember, that
12 disclaimer that we put on the front of each of the books
13 that went to the Commissioners? This is a staff document,
14 does not necessarily represent the views of the President's
15 Commission of the President's Commission on the Accident
16 at Three Mile Island or of any member thereof.

17 COMMISSIONER TAYLOR: I think that would do it.

18 MS. JORGENSEN: That is the normal way to handle
19 that.

20 COMMISSIONER TAYLOR: That is not to say that we
21 don't have the motivation because in a way we are a complete
22 organism for doing the best we can.

23 CHAIRMAN KEMENY: Stan, what would you think,
24 and Barbara, just on the first part of that? Shouldn't the
25 phrase here be these are reports by the staff to the

1 Commission and then go on as you said?

2 MS. JORGENSEN: Yes.

3 COMMISSIONER PIGFORD: But, Ted, you know there is
4 a closed loop. In the Commissioner report I believe it says
5 its findings are based upon the staff reports. Now, it does
6 not say we approved the staff reports, but it says we based
7 our findings on them.

8 COMMISSIONER TAYLOR: I, for one, was trying to
9 make sure that all of the findings in the areas in which I
10 considered myself to have any responsibility were, in fact,
11 backed up by findings.

12 So, I am willing to -- now, if there are big changes
13 in findings and so on and I track them through or someone
14 else tracks them through and says, how could you have said
15 that, and it turns out there were big changes, and I believe
16 I have copies of all the reports on which I based my sense
17 of what the findings were, I will say, "Look, I don't know
18 how it happened, but that was changed, and here is what I
19 was basing what I agreed to on."

20 CHAIRMAN KEMENY: Could I try to argue the logic
21 of the disclaimer? While we said that there cannot be any
22 recommendations within the staff report, that is a Commission
23 privilege, the staff reports are certainly full of findings.
24 Not all of these findings were accepted by the Commission.
25 As a matter of fact there were some specific ones the

1 Commission rejected. That does not mean they have to delete
2 it from the staff report, if the staff feels that that is a
3 correct finding. So, therefore, a disclaimer is necessary.

4 COMMISSIONER HAGGERTY: I think if anybody is
5 concerned, a statement of that -- with that statement being
6 elaborated to say many of these reports contain findings
7 and conclusions of the staff that were not necessarily
8 approved by and included by the Commission itself in its
9 findings, I don't care. If anybody wants that, I am perfectly
10 willing to put that in there, and maybe that would help a lot
11 in not being as concerned about the staff report.

1 COMMISSIONER HAGGERTY: It is just a bit more elaborate
2 statement on the disclaimer.

3 COMMISSIONER TAYLOR: I have just one further question.
4 Keeping an eye on what I am sure is going to be a lot of foaming
5 of what we have done, looking at the staff report and so on,
6 is it intended that the individuals who wrote each staff report
7 that their name be on each staff report? So if somebody wants
8 to discuss one of the staff reports with an individual, they
9 know who to go to.

10 MS. JORGENSON: Certainly the listing of the staff
11 members responsible in that area will be on each and every list.

12 COMMISSIONER TAYLOR: Okay, fine.

13 COMMISSIONER PIGFORD: Along that line, John, it
14 reminds me of something I really wanted to be sure it was said.
15 I hope it can be handled in your editing of the overview. Many
16 times the overview says things as if we Commissioners have
17 done them. I think we are sort of slighting the staff there.
18 I think it would be good to try to say a little more that these
19 nice things were done by the staff. Is that possible?

20 CHAIRMAN KEMENY: Yes. What would you think of my
21 having a blanket statement? I think it would be very appropriate
22 in the preface to have a blanket statement on the staff, so
23 that we do not have to say it over and over again. I myself
24 thought of that, but I forgot it, Tom. I am very glad you
25 brought it up. Would that be agreeable if I had a blanket

1 statement about the staff in there?

2 COMMISSIONER HAGGERTY: I so move.

3 CHAIRMAN KEMENY: Is there a second to that motion?

4 COMMISSIONER PIGFORD: I second it.

5 CHAIRMAN KEMENY: All those in favor.

6 (There was a show of hands.)

7 Those opposed.

8 (No response.)

9 The motion is carried with no opposition. Two people
10 were not paying attention, but there was no opposition. I
11 want an actual reflection in the record.

12 Since the unresolved issues, if any, were on the tech-
13 nical staff area, do you wish to resolve some of the question
14 marks? Do we have recommendations from either Vince or Len
15 on this area?

16 MR. JOHNSON: Len, why don't you go ahead?

17 MR. JAFFE: Well, there are a couple of areas where
18 I think we could make a recommendation. We put things into
19 the archives. For instance, the cost study, there is a concern
20 on the part of Jacob Fabrikant with regard to some items that
21 have to do with health effects. I understand that that portion
22 was deleted from the findings here. My suggestion is that
23 be deleted from my summary with a note to indicate that that
24 portion was not carried forward. We will put that cross study
25 in the archives, which supports the publication.

1 CHAIRMAN KEMENY: There are other things in that
2 cost study that would worry me about publishing it as a Commis-
3 sion document.

4 COMMISSIONER TAYLOR: I have a question about the
5 supports that go into the Archives. Barbara, could you tell
6 us what someone would have to do to get at one of those documents

7 MS. JORGENSEN: Well, you would have to do what any-
8 body has to do when they go to the Archives.

9 COMMISSIONER TAYLOR: I just do not know.

10 CHAIRMAN KEMENY: Would you answer the question di-
11 rectly, because some of us do not know what we have to do.

12 COMMISSIONER TAYLOR: I have never taken anything out
13 of the Archives.

14 MS. JORGENSEN: You go to the National Archives and
15 you tell them that you want to look at the index of the documents
16 from the President's Commission on the accident at Three Mile
17 Island. They give you the index and you point out what you want
18 and they have a librarian, which is what I guess the person is
19 called, who goes back and brings that document out and you are
20 allowed to look at it.

21 COMMISSIONER TAYLOR: Can you borrow it and make co-
22 pies? Is there any way to get copies of what is in the Archives?

23 MS. JORGENSEN: It is my understanding that material
24 can be copied.

25 COMMISSIONER LEWIS: What is going to happen to the

1 transcript of these deliberations?

2 MS. JORGENSON: Three things will happen to these. One,
3 they will go in our public reading room the day the Commission
4 releases its report. Two, they will go to the National Archives
5 and, three, in accordance with what we have been doing all
6 along for the libraries in the Middletown area, sets of these
7 will be sent to those libraries.

8 COMMISSIONER TAYLOR: There is the Archives, the
9 libraries in the Middletown area and what else?

10 MS. JORGENSON: Our reading room.

11 COMMISSIONER TAYLOR: But our reading room has a
12 short life.

13 MS. JORGENSON: Our reading room will go out of busi-
14 ness the same time the Commission does and then all of the docu-
15 ments there will be shipped to the National Archives.

16 COMMISSIONER MC PHERSON: That is Christmas?

17 MS. JORGENSON: That is Christmas.

18 CHAIRMAN KEMENY: I hope before Christmas.

19 MS. JORGENSON: Possibly before Christmas.

20 CHAIRMAN KEMENY: I mean we will not have any staff
21 left by Christmas.

22 MS. JORGENSON: By Thanksgiving.

23 CHAIRMAN KEMENY: I am coming back in the middle of
24 November. I did not know how the Congressional things will
25 go, but more importantly there are two problems. As I now know,

1 it is impossible in the Federal Government to start a new agency,
 2 particularly a temporary one, because it takes more than six
 3 months to get organized under Federal rules. I do not yet
 4 know if it is possible to close out an agency like this one,
 5 but I am going to try to discover in mid-November what one was
 6 has to do. I have already talked with one other Commissioner,
 7 namely, Harry, as the Washington based one. If I figure out
 8 what has to be done, I plan to assign the delegation of authori-
 9 ty as Chairman to Harry. So, if there are some last minute
 10 papers that have to be signed, Harry can do it.

11 COMMISSIONER MC PHERSON: Or residual end comments.

12 COMMISSIONER HAGGERTY: How about bills? That is
 13 more important.

14 COMMISSIONER PIGFORD: Mr. Chairman, I would like to
 15 inquire on when is the record of this investigation closed?

16 CHAIRMAN KEMENY: I suppose when the Commission goes
 17 out of existence, which I hope will be before Thanksgiving.
 18 In one sense, it is closed now. In another sense, there are
 19 still some staff documents that have to be finished. So, it
 20 depends on what you mean exactly.

21 COMMISSIONER HAGGERTY: Well, you have got modifica-
 22 tions that you are making, so it is not quite true.

23 CHAIRMAN KEMENY: Sure.

24 COMMISSIONER PIGFORD: Well, for example, I expect
 25 when the report hits the public -- when is the report going to

Bowers Reporting Company

1 hit the public?

2 MS. JORGENSON: It will be distributed on the 30th of
3 October.

4 COMMISSIONER PIGFORD: All right, then I expect there
5 will be a lot of parties under many caps and in many groups who
6 will want to make statements. They then write statements and
7 send them to be added to this record.

8 CHAIRMAN KEMENY: I would not think so. We would
9 not have anybody who could process them.

10 COMMISSIONER PIGFORD: Of course, I am getting into
11 something I do not know anything about. But when I have been
12 on licensing boards, that has been a crucial issue. When is
13 the record closed? Because then we say at that time that is
14 the body of information and that is it.

15 CHAIRMAN KEMENY: Let's see. I think it would be
16 good to have a vote that as far as receiving additional infor-
17 mation, the record should be closed as of now.

18 COMMISSIONER HAGGERTY: There is no way for us to
19 consider anything as group. I think that is the difference be-
20 tween a licensing board, et cetera, which has a continuing
21 existence.

22 COMMISSIONER MC PHERSON: Part of the record of this
23 Commission, as I understand it, is the hundreds of letters that
24 we have received from people about what we ought to do and what
25 we ought to look at it.

1 CHAIRMAN KEMENY: Sure.

2 COMMISSIONER MC PHERSON: What Tom is raising is
3 whether there should be included in the record comments on
4 the Commission's report after it is made. Is that correct?

5 COMMISSIONER PIGFORD: I suppose so. Yes, that is it.

6 COMMISSIONER MC PHERSON: The record being accumula-
7 tion of documents which will repose in the National Archives.
8 So, if GE or Westinghouse or the Union of Concerned Scientists
9 want to fire away at parts of the report, that would be included
10 in the Archives and in the record.

11 CHAIRMAN KEMENY: I sure hope we do not do that. We
12 do not know who would process that.

13 COMMISSIONER MC PHERSON: I do not know when it would
14 end.

15 COMMISSIONER TAYLOR: I have a specific example of
16 the question. Suppose that the Hart Committee has hearings
17 in November while this Commission still exists as an entity.
18 Suppose it calls in members of the Commission to testify. As
19 members of the Commission which still exists, we are still
20 members of the Commission. The question is, for example, should
21 any prepared statement they make before that committee be
22 entered in as part of the record of the Commission?

23 CHAIRMAN KEMENY: I hope not. I hope it is part of
24 the record of the Hart Committee. We are sure to be called.
25 Whenever this Commission goes out of existence, we are sure to

1 be called after it. Let me point out a very serious staff pro-
2 blem that we have had. We have had great difficulty and I hope
3 we can hold the staff together long enough to get these reports
4 out and that may be Frank Holten and myself and a couple of
5 secretaries closing out the Archives. I mean who is going to
6 process all of this?

7 COMMISSIONER TAYLOR: I have one other question.

8 COMMISSIONER MC PHERSON: In answer, I would propose
9 that when the report is submitted to the President, that the
10 Commission not receive for treating as its work product, which
11 would be filed with the Archives, any comments on the Commission's
12 work, its recommendations, its staff reports or whatever. I
13 say this on the grounds of administrative burden and difficulty
14 in determining when to stop. This could literally go on for
15 years.

16 CHAIRMAN KEMENY: So, therefore, we in effect said
17 that we should stop as of the moment of the report to the Presi-
18 dent.

19 CHAIRMAN MC PHERSON: That would be my motion.

20 CHAIRMAN KEMENY: Is there a second to that motion?

21 (The motion was duly seconded.)

22 It has been moved and seconded. It is open for dis-
23 cussion.

24 COMMISSIONER TAYLOR: I have a point for discussion.

25 First, I have a question. Is it really now planned to have

1 published in final form all of the documents on this list that
2 are listed with a "F"?

3 CHAIRMAN KEMENY: Do you mean on the 30th?

4 COMMISSIONER TAYLOR: On the 30th.

5 CHAIRMAN KEMENY: No, although I will need some help
6 on which ones will be ready and which ones will not be ready.

7 COMMISSIONER TAYLOR: Well, suppose some are not
8 ready and one of us is reading through one of those reports and
9 finds some glaring error, which has nothing to do with the find-
10 ings, but it is something where we think that the authors, if
11 nothing else, would be much better off to correct something that
12 is wrong by a factor of 10^4 and which makes a big difference.
13 I am talking about that kind of thing.

14 CHAIRMAN KEMENY: I presume that you would call the
15 author or authors of the paper.

16 COMMISSIONER TAYLOR: Okay. I was a little concerned
17 about the formal cloture on entering anything into the record
18 of the Commission after the 30th. I do not think you literally
19 mean that.

20 CHAIRMAN KEMENY: No, Harry did not speak to printing
21 staff documents that are not ready, but we should not receive
22 from the outside world any further contributions.

23 COMMISSIONER TAYLOR: Then I would like to know what
24 that needs. Someone sends in a letter which says, "Dear Chairman
25 Kemeny," what do you do with it? Do you just send it back?

1 COMMISSIONER PIGFORD: They are too late.

2 CHAIRMAN KEMENY: They are too late. You would
3 send them the standard form saying that the Commission closed
4 its method for receiving information from the outside world on
5 October 30.

6 COMMISSIONER BABBITT: Maybe those letters should go
7 to the President.

8 COMMISSIONER TAYLOR: I am just curious about why our
9 original charter had us in being for two months after we report.

10 CHAIRMAN KEMENY: That is quite important. May I
11 speak to that?

12 COMMISSIONER LEWIS: For paying.

13 CHAIRMAN KEMENY: It is paying and it is closing down
14 the office. Very importantly, staff reports that are not
15 finished and certainly those which the Commission wishes to
16 have published, I mean you do not want it if it happens to be
17 ready the day after. Look, the bill from the Government Print-
18 ing Office is not likely to come in on the 30th.

19 COMMISSIONER TAYLOR: Then I have one final question
20 and then I will shut up. Are we to understand that from the
21 time after we have met with the President, insofar as any of
22 this as individuals, we are no longer constrained in any way
23 to be speaking for the Commission? We are now a group of indi-
24 viduals and we can say anything we please.

25 COMMISSIONER LEWIS: We can leak openly instead of

1 secretly.

2 COMMISSIONER TAYLOR: I have not thought about it,
3 but I just want to be sure.

4 CHAIRMAN KEMENY: Let me remind you of the vote we
5 took at the very first meeting we had when none of us knew
6 what a horrendous job it was we were getting into. There was
7 a motion made and passed unanimously that until such time that
8 this Commission reports to the President only the Chairman shall
9 speak for the position. Once that occurs, every member is free
10 to speak.

11 COMMISSIONER BABBITT: After the 30th, I view myself
12 as having complete license to do everthing except attack you
13 personally or any other member of the Commission.

14 COMMISSION TAYLOR: It is a matter of general ethics
15 or morals or whatever.

16 (Laughter.)

17 COMMISSIONER PIGFORD: I will even extend that privi-
18 lege to you.

19 (Laughter.)

20 But here is something else I am concerned about. I
21 do not think it is going to be a trivial problem. As I have
22 told you, I have really never expected to have to sign a report --
23 and I know we are talking about delivering the report next week --
24 until the staff reports are completed. Frankly, I could not
25 care less about some of them, but some of the material is

1 important to me. When is the time for the staff reports when
2 I can say "here is what it is". I do not care if it is final,
3 but this is the way it is and no more changes.

4 CHAIRMAN KEMENY: The area where the biggest ambiguity
5 on that is is in technical assessment. This is where I am
6 trying to remind you that we really have some unfinished business
7 here.

8 COMMISSIONER TAYLOR: Can we do that now?

9 CHAIRMAN KEMENY: That is what I am trying to get you
10 to concentrate on.

11 COMMISSIONER PIGFORD: May I say that there are two
12 aspects of this concern? First, I want to know what is there
13 that I am using to base my findings. Secondly, and I will not
14 do this if you do not think it is constructive, is it is quite
15 conceivable that in reading them I may want to suggest some
16 modifications that might get them out of trouble. I will not
17 do the latter unless you want me to do it. I do not propose
18 to continue an investigation at all, but those are two areas
19 that I am concerned about and I would like to have some advice.

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CHAIRMAN NEMENY: Let's see. First of all, the determination of which do get published and which go into the archives we had agreed from the beginning as a Commission.

Signing off on the documents is a staff thing, on the other hand, clearly at any stage where you see a document where you can call to the author's attention something that is just plain wrong, I would think that author would be deeply grateful for.

Len.

MR. JAFFE: I wonder if Dr. Pigford isn't asking for a date, which we accepted was following which input's terminated.

COMMISSIONER HAGGERTY: The first date for when the final drafts so far as content is available and then an input date, if there is such a date.

COMMISSIONER PIGFORD: Suppose, hypothetically, I make a mild statement that in that particular staff report I don't think the data support the finding. Well, of course, we've talked about that. Well, suppose the staff comes back and changes it? That's going to make some of us look a little funny, isn't it? And, so partly I'm worrying about, I don't want to get in that position. I'd rather have the report corrected, but I don't think I can do that. What do I do.

COMMISSIONER HAGGERTY: I believe this is like all law courses, let's not judge hypothetical cases. First of all, when are the reports going to be ready? Those that aren't

1 ready, can't we put some dates on them, number one?

2 CHAIRMAN KEMENY: I would be very glad to do that,
3 but could I please get my question answered first? That was
4 going to be my next question, to talk about which ones will
5 be ready by the 30th.

6 I see some question marks on the front page. I would
7 like to have recommendations and Commission resolution as to
8 which go into the archives and which get published. Len.

9 MR. JAFFE: Those which have question marks on them,
10 with the exception of Recovery, and I have to defer an answer
11 on this one because I'm not quite sure where that stands at
12 this moment, are available. They have not been reviewed by
13 the internal review group. I am concerned that the substance
14 has not been reviewed by the appropriate Commission members.
15 So, those drafts need to get out for review.

16 MR. GORINSON: Which one, for instance?

17 COMMISSIONER TAYLOR: Seven, Radiation Releases and
18 Events?

19 MR. GORINSON: Was that the one on the Friday morning?

20 MS. JORGENSON: Yes, that's the Friday morning one.

21 MR. JOHNSON: That was reviewed and was sent back
22 for further work.

23 MS. JORGENSON: That's right.

24 CHAIRMAN KEMENY: Okay, but look, that's an internal
25 problem. I'm asking are there recommendations Vince as to

1 which of the question marks should be published and which should
2 not be published?

3 COMMISSIONER HAGGERTY: It's pretty hard to answer
4 the question, you know, on those that aren't --

5 CHAIRMAN KEMENY: Well, no, I'm asking Len if he --

6 MR. JAFFE: Oh, you want my recommendation?

7 CHAIRMAN KEMENY: Absolutely. Yes.

8 MR. JAFFE: I think that the Recovery report should
9 be published because of the high level of interest. There are
10 a lot of unknowns with regard to recovery, but they are stated
11 as unknowns. I believe that the WASH-1400 report should be
12 published and the idem Filter report should be published. The
13 Quality Assurance report is a very long report. I believe it
14 can be adequately summarized. It's just a very, very long,
15 voluminous report.

16 CHAIRMAN KEMENY: Therefore, there you would recommend
17 putting it into the archives and a summary in your summary.
18 And, just to go through the question marks, how about --
19 Yes okay, I just want to finish Len's recommendation. Please
20 let Len --

21 Radiation Releases and Events, what is your recommen-
22 dation?

23 MR. JAFFE: My recommendation is that that report --
24 that report can be summarized, okay?

25 CHAIRMAN KEMENY: Therefore you would say that should

1 go into the archives with a summary.

2 MR. JAFFE: That's correct.

3 CHAIRMAN KEMENY: Okay, so Len's recommendation on
4 the five question marks were that number 7 and 18 should go
5 into the archives with a summary included in Len's report.

6 COMMISSIONER HAGGERTY: 7 and what?

7 CHAIRMAN KEMENY: 7 and 18. But, that 22, 24, and
8 25 be published. Now, let me hear what the rest of the staff
9 feels about this.

10 COMMISSIONER HAGGERTY: What about 23?

11 MR. GORINSON: Vince and I were just looking at each
12 other. The Quality Assurance paper forms quite a basis for a
13 lot of what the Commission has done. It's a long report, but
14 it's got a lot of information in there about the utility and
15 its programs. Just on that basis I would think it would be
16 one that should see the light of day, instead of going to the
17 archives.

18 COMMISSIONER TAYLOR: Were you concerned about any-
19 thing except length?

20 MR. JAFFE: I'm only concerned about length. I have
21 to agree with Stan, it's a very important report.

22 COMMISSIONER MCPHERSON: How long is it?

23 MR. JAFFE: A couple hundred.

24 COMMISSIONER HAGGERTY: But, is it good now?

25 MR. JAFFE: Yes.

1 MR. JOHNSON: That report, it was broken in two
2 parts. But they're about equal in size. The previous re-
3 view had indicated that the appendices could be put in the
4 archives. And I think that can be done without doing any
5 harm to the information required to support the findings.

6 COMMISSIONER HAGGERTY: Incidentally, I think that
7 could be said in the technical assessment hearing, in fact.

8 MR. JOHNSON: That's what I'm referring to.

9 COMMISSIONER HAGGERTY: That's right.

10 COMMISSIONER MCPHERSON: How much does that reduce
11 the 200 pages?

12 MR. JOHNSON: It does not, I am talking about the
13 200 that are left, Harry. The status of that report from the
14 time you saw it, and you have seen that report before, it has
15 been gone over completely by Len. He changed a number of the
16 findings, the conclusions. I have reviewed the findings and
17 the conclusions. I have not reviewed the total body of the
18 report. Stan and Barbara, I don't think have had a chance to
19 look at it yet. My feeling is, it can be fairly easily made
20 acceptable for publication, but that's my own feeling, just
21 based on my review.

22 COMMISSIONER MCPHERSON: What is the Commission's
23 wish, to publish it or to stick it in the archives with a sum-
24 mary? Do I hear a motion?

25 COMMISSIONER HAGGERTY: Say it again.

1 MS. JORGENSEN: Harry, can I say something first?

2 COMMISSIONER MCPHERSON: Yes.

3 MS. JORGENSEN: Some of these, really, with the
4 questions marks have not been reviewed by any member of the
5 staff. John has set up a committee that's supposed to review
6 these and we haven't even done this. And I would think that
7 what you people were going to do is suggest that you defer, or
8 you delegate the responsibility for the decision on publishing
9 these documents to the Chairman after he's conferred with that
10 group.

11 COMMISSIONER MCPHERSON: Is that satisfactory to the
12 Commission? We would defer to Chairman Kemeny the decision of
13 whether or not to publish as in part II, Quality Assurance and
14 Reliability. Does that apply also to Recover, WPSH-1400 and
15 Iodine Filters? Or were they --

16 COMMISSIONER MARKS: Well, he'd given an indica-
17 tion of the others and I'm sure --

18 COMMISSIONER HAGGERTY: Why don't we do it the other
19 way around. We've expressed an opinion about publishing, but
20 authorized the Chairman to not publish if, on the basis of
21 review and recommendation he decides it's inadvisable.

22 COMMISSIONER MCPHERSON: That would apply to 19, 22,
23 24, and 25?

24 COMMISSIONER MARKS: I would second that.

25 MS. JORGENSEN: Okay, now. Let me also ask you that

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1 if that's the same kind of system you'd like to use for some
2 of these others. And I'll just tell you that, the other pages
3 that don't have p's by them, the other two pages, some of these
4 have not been reviewed and --

5 COMMISSIONER MARKS: Which two, Barbara.

6 MS, JORGENSEN: Start at the Public Health and
7 Emergency Preparedness, The Utility, The NRC and the Public
8 Information, some of those have not been reviewed in their
9 second draft or third draft forms.

10 COMMISSIONER PIGFORD: Can you tell us which ones
11 again?

12 MS. JORGENSEN: All of those are slated for publi-
13 cation, but I can tell you the ones that have not been re-re-
14 viewed and Vince and Stan, you'll need to help me with this.
15 The Public Health Summary, has not re-reviewed. The Health,
16 Physics and Dosimetry Report has been signed off on and in
17 fact has been copy edited. Public Health and Epidemiology has
18 not been reviewed in its revised form. Radiation Health Effects
19 has not been reviewed in its revised form. Behavioral Effects
20 Task Force has not been reviewed in its revised form. Emergency
21 Preparedness and Response by the Dynes group has not been re-
22 viewed in its revised form and I understand that Cora Marrett
23 was working on it while she was here so there's now a third
24 revised draft. The Legal Staff Report on Emergency Response
25 has been signed off on and has been copy edited already. The

1 Emergency Response Chronology by Chuck Harvey is -- has not been
2 reviewed and I think he may even still be working on April 2nd.
3 The Role of the Managing Utility has been signed off on and has
4 been copy edited. The Role of the NRC has not been reviewed
5 in its third, 3 $\frac{1}{2}$ or whatever it's called, draft form.

6 MR. KAME: Fourth and a half draft.

7 MS. JORGENSEN: Fourth and a half draft.

8 MR. KAME: Fourth final draft is just about complete
9 as of this afternoon.

10 MS. JORGENSEN: Okay. The summary of the public
11 information task force has been, well, David is doing one small
12 addition to the summary, but basically we've signed off on that.
13 The report of the Public Information Task Force has not been
14 reviewed.

15 COMMISSIONER MARKS: Well, I don't see how you can
16 not publish most of these, if not all of them. They are the
17 findings on which -- I mean they are the staff reports on which
18 the findings are based. I think that presents -- I mean, I just
19 don't see having all our findings without any place to go.

20 MR. GORINSON: Let me tell you what happens. Normally,
21 in the review most of the reports are coming in in pretty good
22 shape. The question comes down to, in some place something will
23 be presented in a particular way and you just go back to the
24 source and a lot of them have been corrected in one or two
25 hours.

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1 COMMISSIONER MARKS: I understand that. But, the
2 question as I heard it was, the report as a whole. We're not
3 talking about sections --

4 MS. JORGENSEN: Paul, what we do is, we don't go back
5 and re-read the whole thing every time. If we've said that this
6 section needs to be corrected, we go back and look at that
7 section.

8 COMMISSIONER MARKS: So, in other words there will
9 be a Summary, a Health Physics, a Public Health, a Radiation,
10 a Behavioral Effects, all those things will be published but
11 there may be parts that will be revised.

12 MS. JORGENSEN: Right.

13 COMMISSIONER MARKS: Subject to --

14 COMMISSIONER TAYLOR: The question that was raised
15 was whether the Commission would authorize the Chairman to
16 make the decision about whether --

17 COMMISSIONER HAGGERTY: To reverse a decision, really.

18 COMMISSIONER TAYLOR: To decide not to publish some-
19 thing. I'm a little bit nervous about that on the grounds that
20 what may strike the staff and the Chairman as not a good re-
21 port is still the only one we've got on, I don't know, on some-
22 thing or another.

23 COMMISSIONER HAGGERTY: It's hard to believe that
24 the senior staff and the Chairman, if that's true, won't come
25 to that conclusion.

1 MR. GORINSON: After the same pragmatism.

2 COMMISSIONER HAGGERTY: I mean, I am willing to
3 assume that if the senior staff and the Chairman recommend
4 against publication, it must be because the thing is just in
5 such bad shape and the guy drowned or something, that there's
6 no possibility of rebuilding it.

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1 COMMISSIONER HAGGERTY: That is why I put it that
2 way.

3 CHAIRMAN KEMENY: Did you do that when I was out
4 of the room?

5 COMMISSIONER MC PHERSON: The proposal Barbara made
6 and everybody seemed to think well of was that on 7, 18, 22,
7 24 and 25, which all have questions, that the decision of
8 whether or not to publish those, which if they were in good
9 shape and signed off on everybody feels they should be --

10 COMMISSIONER HAGGERTY: No. Seven was a change
11 from the recommendation.

12 COMMISSIONER MC PHERSON: It goes with the summary.
13 Eighteen is maybe the same thing.

14 COMMISSIONER HAGGERTY: That is A, isn't it? No,
15 that was changed to B.

16 COMMISSIONER MC PHERSON: Twenty-two, 24 and 25,
17 decision to be left to you and the senior staff as to whether
18 to publish or send to the archives.

19 COMMISSIONER HAGGERTY: We had actually recommended
20 publication and authorized the Chairman with the advice of the
21 senior staff to change that if he thought it desirable. That
22 is what the motion really was.

23 COMMISSIONER TAYLOR: Could I ask why No. 7 is
24 being nominated for the archives. What is the problem?

25 MR. JAFFE: Part of it was a bit redundant. There is

1 a sequence of events in there which some have thought unneces-
2 sary.

3 COMMISSIONER TAYLOR: Well, why unnecessary? Let
4 me ask the point directly, what I am concerned about. Is
5 there treatment of hypothetical releases or large releases or
6 something like that in there? I want to know what the issue
7 is.

8 MR. JOHNSON: This one essentially addresses whether
9 Floyd was justified or not in his Friday morning release.
10 This is not the report that discusses the routes of radiation
11 releases.

12 COMMISSIONER TAYLOR: Okay. Okay.

13 MR. JOHNSON: And as Len said, I think that portion
14 of the report can be summarized.

15 COMMISSIONER TAYLOR: Okay.

16 COMMISSIONER HAGGERTY: And he put a paragraph in
17 the summary. The paragraph and the summary took care of it.

18 MR. JOHNSON: That is the primary message of that.

19 COMMISSIONER TAYLOR: I hesitate to say this, but
20 I have to say it anyway. I want to make absolutely sure and
21 I am quite willing to deed this responsibility to the Chairman,
22 that there is never any decision to put something in the ar-
23 chives instead of publishing it because of the nature of the
24 information contained in the document. If it is wrong, okay.
25 Into the archives or, if possible, burn it, if it is just plain

1 wrong. If it is badly written or too voluminous, it can be
2 summarized, but if it is because there is something we want
3 to make somewhat more difficult, this is not --

4 COMMISSIONER HAGGERTY: We haven't got anything
5 like that, have we? Something we are putting under the rug
6 among these?

7 COMMISSIONER TAYLOR: Nothing under the rug. I just
8 want to make sure that we don't -- are not effected by anything
9 related to how easy or difficult we want it for people to
10 find out what we think.

11 COMMISSIONER LEWIS: I just want to go on record and
12 say I would be outraged if the two little pieces that we have
13 in information ended up in the archives. Because we really
14 never had public hearings on that issue. They won't give any
15 guarantees on that because it is the only case we have.

16 CHAIRMAN KEMENY: I couldn't hear what it was you
17 were --

18 COMMISSIONER LEWIS: I need a guarantee that those
19 two pieces will not end up in the archives. Okay. Because
20 that is all we have --

21 CHAIRMAN KEMENY: I don't understand the question,
22 Carolyn. I don't think those were being discussed. We had
23 several other ones.

24 COMMISSIONER MARKS: I am now confused.

25 MS. JORGENSON: I am not surprised.

1 COMMISSIONER MARKS: We are now having a number of
2 the documents which I thought we had signed off on still being
3 reviewed. That is why I was told the summary of public health
4 and public health and epidemiology and radiation health effects
5 and behavioral effects, etcetera, were still up for review.

6 MR. GORINSON: Let me take, for instance, behavioral
7 effects. I went through -- how many draft -- that draft has
8 differences in it from the other draft. So, that has to be
9 looked at just to make sure what the differences are.

10 COMMISSIONER MARKS: I think we need some assurances
11 today as to what will be published.

12 CHAIRMAN KEMENY: Certainly, in the public health
13 area, there has to be a summary and four reports published.

14 COMMISSIONER MARKS: Okay. And in the preparedness?

15 MR. GORINSON: Preparedness, right now, the plan is
16 to publish three of them.

17 COMMISSIONER MARKS: In other words, I think what
18 you mean is if you don't do what we understand is being done,
19 I am going to suggest some system to check out a reversal of
20 what we think is going to happen if it becomes necessary.

21 CHAIRMAN KEMENY: Excuse me. Could I engage in a
22 colloquy? The reason I stepped out was to call Commissioner
23 Marrett to tell her the outcome and to get her permission to
24 get her signature on this document to which she very happily
25 agreed. Could I ask -- you only told me that there were four

1 documents on which I was supposed to check. Was that broader
2 than that?

3 COMMISSIONER MC PHERSON: Much. This was as far as
4 I got. While you were out, we talked about the documents on
5 the next two pages.

6 COMMISSIONER HAGGERTY: As soon as we got to those,
7 Barbara raised the point that, in fact, these documents have
8 not been signed off by staff to some extent --

9 MS. JORGENSON: That is the point.

10 MR. GORINSON: Certain points have gone back for
11 reworking.

12 COMMISSIONER LEWIS: But these will be covered.
13 There is no doubt about their publication?

14 MR. GORINSON: Right. Barbara raised the point.
15 One of the emergency preparedness papers Cora has been going
16 over herself --

17 COMMISSIONER LEWIS: But it will be covered. Am I
18 correct?

19 CHAIRMAN KEMENY: I am just trying to ask the quest-
20 ion, is there a question that any of the documents on the
21 second and third page would not be published?

22 COMMISSIONER MC PHERSON: That wasn't the point.
23 They just described to us that they were in various stages of
24 approval and redrafting and so on.

25 MR. GORINSON: Maybe it was my fault. I always use

1 the words "present intention" because something may ultimately
2 come in when you send it back for review that will require
3 just enormous work and then you have to send it back again.

4 COMMISSIONER LEWIS: It is a lawyer's dodge.

5 MR. GORINSON: A lawyer's dodge.

6 MR. FABRIKANT: I just want to clarify something.

7 If you recall the Commissioners did request revisions of those
8 very first drafts. Some of them were major revisions and these
9 have been revised. They have not been signed off yet and so
10 these final drafts are in virtually pristine order, but do
11 require the signing off.

12 COMMISSIONER TRUNK: Do we get copies after you
13 check them?

14 CHAIRMAN KEMENY: That is a good question. We may
15 have to send them to the printing office -- I assume we send
16 them to the printing office as quickly as possible. In
17 addition, Xerox copies of as many as possible will be available
18 on the 30th, but what should the general policy be about
19 Commissioners getting copies of documents and there is a
20 subsidiary question about staff? What is our printing and
21 distribution policy internally? Have we got one?

22 MS. JORGENSON: Let me -- what we plan to do with
23 the Commission's report, the dummy of which was just passed
24 around -- we are going to order 5,000 copies of that and the
25 Commission is going to pay for those and we are going to make

1 sure that each of you can have a reasonable number of copies
2 plus we are going to make a distribution to our -- not only to
3 the public, but also to -- NRC has requested a certain number.
4 Other groups have requested a certain number -- for all of
5 the major interested parties. After that version is published,
6 then there will be a final version, which will be typeset and
7 certainly the Commissioners will each be given, say, 10 copies
8 apiece or. I haven't really thought about a specific number,
9 but some copies apiece. And also the staff will also each
10 be given a few copies and after that, they will have to be
11 sold, because they are going to cost around \$5 apiece.

12 COMMISSIONER PIGFORD: Don't you think the staff
13 ought to get copies of it, too.

14 MS. JORGENSEN: There will be copies -- I didn't
15 mean to leave that out. The staff will also get copies of
16 the pre-publication, shall we call it, version.

17 Now, for the release on the 30th, we plan to have
18 Xerox copies --

19 CHAIRMAN KEMENY: Could we stick to one subject?
20 The Commissioners will get some fixed number of copies like
21 10 of the Commission report. How about -- who gets copies of
22 the staff report?

23 MS. JORGENSEN: That is what I was just going to
24 address. The staff reports are going to be distributed in two
25 different forms. The first form is just simply going to be a

1 Xerox form and that will come out on the 30th and we will give
2 Commissioners copies of those. We are only going to print or
3 Xerox a limited number of copies of those reports. When they
4 are published and that is at a date down the line -- I can't
5 even tell you because GPO would sing when I tell them how many
6 pages we are talking about. Certainly, there will be a distri-
7 bution then made to the Commissioners of those published re-
8 ports. So, in the end, you will get a copy of everything that
9 has ever been published.

10 CHAIRMAN KEMENY: Yes, but in the staff report, for
11 example, I would find it satisfactory to have a complete set.
12 I certainly would hate to get 10 complete sets of the staff
13 report.

14 COMMISSIONER MARKS: Would it be possible in giving
15 us those things on the 30th if we could --

16 CHAIRMAN KEMENY: Give you one and mail you the
17 rest.

18 MS. JORGENSON: I am not promising them more than
19 one set of those on the 30th.

20 COMMISSIONER MARKS: No. Mail all of those to us.
21 Don't bring them to the White House or something. Is that
22 all right?

23 MS. JORGENSON: Fine with me.

24 COMMISSIONER MARKS: As long as there is a set
25 available for reference.

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CHAIRMAN KEMENY: The other thing on the staff report, certainly every member -- staff member who contributed to giving staff report should receive a printed copy of that staff report.

MS. JORGENSON: Sure.

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1 CHAIRMAN KEMENY: All right, anything else we have
2 to do?

3 COMMISSIONER LEWIS: John, this is a frivolous ques-
4 tion, but would it be possible for the family to come the cere-
5 monies at the White House? Has that been cleared yet? Do you
6 know?

7 CHAIRMAN KEMENY: Since I now have to go back to the
8 White House and check with what procedures they wish, which
9 after all will dominate, I will raise the issue.

10 COMMISSIONER LEWIS: Would you let us know?

11 CHAIRMAN KEMENY: May I limit it to one family member
12 per Commissioner? Or if anybody wishes to bring more than one,
13 just let me know what we are in for?

14 COMMISSIONER LEWIS: I cannot bring my son without
15 his wife.

16 COMMISSIONER BABBITT: Mr. Chairman, my suggestion
17 is the answer will be the protocol will not allow family mem-
18 bers to be at the presentation. Now there is a separate issue,
19 I suppose, as to whether or not they would be willing to have
20 family members brought and sort of wander around the White House.
21 That would be the maximum.

22 COMMISSIONER LEWIS: But they cannot be at the cere-
23 mony?

24 CHAIRMAN KEMENY: I had assumed that the actual presen-
25 tation ceremony would only be the Commissioners and senior

1 staff. But the question is whether family members would be
2 allowed to be at the White House on the occasion. I will raise
3 that issue with the White House and I will get on the phone
4 with you.

5 COMMISSIONER MARKS: One thing I want to ask is isn't
6 the press going to be present at the presentation?

7 MS. JORGENSON: It will be handled the same way it
8 was when we were there before. The press will be allowed in
9 for something which is called the photo opportunity. Then they
10 will be ushered out and the Commissioners will sit with the
11 President and make their presentation and answer his questions.
12 There will be a tape recording made of that and the transcript
13 will be made public that same day. But the press will not be
14 sitting there watching and taking note while the Commissioners
15 are making their presentation.

16 CHAIRMAN KEMENY: That reminds me. On the other hand,
17 let me tell you what we are in for and you had better be prepared
18 for it. The moment we walk out of there we are going to be cor-
19 nered by the entire White House press corps. I was warned about
20 that. I would strongly urge you there to make a very brief
21 statement that this is not the best report yet written and
22 then say we will have a press conference at 1:30 this afternoon
23 and we will be happy to answer all questions at that time. At
24 least that is what I am planning to do.

25 MS JORGENSON: We do plan to put an embargo on the

1 report.

2 COMMISSIONER MARKS: A what?

3 CHAIRMAN KEMENY: Would you explain that, Barbara?

4 MS. JORGENSON: We plan to have the press conference
5 at 1:30 in the afternoon and embargo the report for a.m. papers
6 the next morning, which means as Carolyn knows that broadcasters
7 can use it that evening.

8 COMMISSIONER LEWIS: But they will not get it until
9 the 30th?

10 MS. JORGENSON: They will not get it until the 30th.

11 CHAIRMAN KEMENY: Excuse me, they will not get it from
12 us.

13 MS. JORGENSON: I will be glad to talk to you about
14 the plans we have about that.

15 CHAIRMAN KEMENY: Incidentally, on that one, I do
16 not mind saying this on the record. There is nothing on this
17 that I should not say on the record. I had a chance to ask a
18 representative of the major media what she would like on this.
19 She said she personally would like to have it the day before.
20 She would very strongly urge this Commission not to do that.

21 She made the following interesting point and this is
22 my reason for saying this. The point she made is if you put
23 an embargo on it of 48 hours, all the major media will honor it
24 because they cannot stay in business if they break an embargo
25 that they agree to. But they said that there will be so many

1 papers all over the world, including a number of local small
2 town papers, that she said it was inconceivable that somebody
3 would not break the embargo. The moment one person breaks
4 the embargo, the embargo is off. Therefore, we would in effect
5 have released it before we present it to the President.

6 COMMISSIONER LEWIS: The only problem is that it is
7 such a complex report that that is the trade-off.

8 MS. JORGENSEN: We have got a plan for that. I will
9 tell you about it.

10 COMMISSIONER LEWIS: That is the trade-off for them
11 to understand enough for them to write on it.

12 CHAIRMAN KEMENY: Okay, does that complete the business
13 of this Committee?

14 MR. JOHNSON: Not quite, John, I do not think we ever
15 got an answer to Len's question on the timing of inputs from
16 Commissioners on staff reports, if there are staff reports
17 that they feel they have to have input on. Because if there
18 aren't, then we could go ahead. If there are, we have to set
19 a date, because we cannot wait forever.

20 COMMISSIONER MARKS: Well, I have the summary of the
21 public health thing, which I have not yet read. I will get my
22 remarks back to you as soon as possible.

23 MR. JOHNSON: What does that mean?

24 COMMISSIONER MARKS: Well, when do you need them?

25 MS. JORGENSEN: These things have got to go into

1 production Wednesday night.

2 COMMISSIONER MARKS: You will have them by Wednesday
3 night. If you don't, go with it.

4 MS. JORGENSEN: Thank you.

5 COMMISSIONER HAGGERTY: Which Wednesday?

6 MS. JORGENSEN: This Wednesday.

7 COMMISSIONER HAGGERTY: Do you mean the day after
8 tomorrow?

9 MS. JORGENSEN: The day after tomorrow.

10 CHAIRMAN KEMENY: Sorry, no. Those which should be
11 ready for the 30th.

12 COMMISSIONER PIGFORD: Can we identify those?

13 MS. JORGENSEN: Certainly. John and Stan and Vince
14 and I sat down and made up a list of what we thought we could
15 realistically have ready for the 30th and also that were essen-
16 tial to have ready for the 30th. They are the summary of the
17 technical reports, the core damage report, the thermal hydrau-
18 lics, the chemistry, containment, the alternative events sequence
19 personnel training and qualifications, control room, technical
20 assessment of procedures, PORV, closed emergency feed water valve

21 In the other areas, we wanted to have all the public
22 health ones ready. We are starting to have all the emergency
23 preparedness forms ready and we are striving to have the role
24 of managing utility, which is already ready. We also wanted
25 to have the NRC paper and the summary of the Public Information

1 Task Force. We are going to give a shot at the full report of
2 the Public Information Task Force. But David's people have
3 turned in a document that is well over 500 pages, but we are
4 going to do our best to get that out.

5 COMMISSIONER HAGGERTY: Would you read those first
6 ones again?

7 CHAIRMAN KEMENY: You will make sure your summaries
8 are out, if you cannot get the whole report out.

9 MS. JORGENSEN: David and I have talked about it.

10 COMMISSIONER HAGGERTY: What about the technical ones?

11 MS. JORGENSEN: Okay, summary of the technical reports,
12 number two, core damage; number three, thermal hydraulics; num-
13 ber four, chemistry; number six, containment; number eight,
14 what might have happened, which is also known as the alternative
15 events sequence; number ten, personnel training; number eleven,
16 control room; number twelve, procedures; number sixteen, PORV;
17 number 20, emergency feed water valves.

18 MR. FABRIKANT: Barbara, does that mean that five
19 that you are talking about in public health, you want to put
20 these to bed by Wednesday?

21 MS. JORGENSEN: That is right.

22 CHAIRMAN KEMENY: We felt in that area that all five
23 should be ready for the 30th. Don't you agree?

24 Therefore, I guess the answer to Tom's question is
25 that on those that are scheduled to come out on the 30th, the

1 deadline for an input is really Wednesday. We can have a some-
2 what later deadline for those that are not 35 percent.

3 COMMISSIONER PIGFORD: I will certainly abide with
4 that. I need then to have some copies with me. I will assume
5 that the public health one is at Berkeley. Could I then have
6 a copy of the four and a half draft on the NRC report on the
7 legal staff?

8 MR. KANE: There is a copy on my desk.

9 CHAIRMAN KEMENY: Okay, is that it?

10 COMMISSIONER TAYLOR: Just one more quick generic
11 question. I do not know to what extent this would apply to
12 other reports, but there is at least one in which the author
13 did an inquiry after he wrote the report. In that case, I
14 would like to see that afterthought in the report. This is
15 core damage report, Bob English. Is that generally what you
16 intend to do?

17 MS. JORGENSEN: It is my understanding that he has
18 revised that.

19 MR. JOHNSON: Are you speaking here of the separate
20 paper that English wrote?

21 COMMISSIONER TAYLOR: Yes.

22 MR. JAFFE: I am not satisfied that that analysis
23 is corroborated yet or valid or whether or not it should go
24 into the report. I think what he did was prepare that for
25 you and certain other people to find out whether it is valid

1 CHAIRMAN KEMENY: That this is our final meeting.

2 COMMISSIONER LEWIS: I hear a sigh of relief.

3 CHAIRMAN KEMENY: Do I hear such a motion?

4 COMMISSIONER MARKS: I have no anaphylactic reactions.
5 (Laughter.)

6 I so move.

7 CHAIRMAN KEMENY: Is there a second to the motion?

8 COMMISSIONER LEWIS: I second it.

9 CHAIRMAN KEMENY: Professor Marks moved it and Pro-
10 fessor Lewis seconded it. Will all those in favor, please
11 raise your hand.

12 (There was a show of hands.)

13 It is a unanimous vote. This Commission's business
14 is completed.

15 (Thereupon, at 4:47 o'clock p.m., the meeting was
16 concluded.)

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