

*Deletions to be  
made on pages  
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DLM

IN THE MATTER OF:

THREE MILE ISLAND SPECIAL  
INQUIRY DEPOSITION

DEPOSITION OF:

JOSEPH L. FOUCHARD

**POOR ORIGINAL**

Place - BETHESDA, MD.

Date - Thursday, September 17, 1979

Pages 1 - 92

Telephone:  
(202) 347-3700

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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In the Matter of:       :  
:  
THREE MILE ISLAND       :  
SPECIAL INTERVIEWS     :  
:  
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DEPOSITION OF JOSEPH L. FOUCHARD

Room 6211  
Maryland National Bank Bldg.  
7735 Old Georgetown Road  
Bethesda, Maryland

Thursday, September 27, 1979  
9:15 a.m.

BEFORE:

For the Nuclear Regulatory Commission:

RALPH G. PAGE  
WILLIAM H. FOSTER

C O N T E N T S

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WITNESS:

DIRECT

Joseph L. Fouchard

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E X H I B I T S

EXHIBIT NUMBER:

IDENTIFIED

5063

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5064

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P R O C E E D I N S

(9:15 a.m.)

Whereupon,

JOSEPH L. FOUCHARD

was called as a witness and, having been first duly sworn,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PAGE:

Q. Please state your full name for the record.

A. Joseph J. Fouchard.

Q. Mr. Fouchard, I show you what has been marked for  
identification as Exhibit 5062. Is this a copy of a letter  
sent to you by the NRC TMI Special Inquiry Group concerning  
your deposition here today under oath?

A. Yes.

Q. Do you understand the information set forth in this  
letter, including the general nature of the NRC TMI Special  
Inquiry?

A. I do.

Q. Your right to have an attorney present here today  
as your representative and the fact that the information that  
you provide here may eventually become public?

A. I do.

Q. Mr. Fouchard, is counsel representing you personally  
today?

1 A No.

2 Q I would like to note for the record that the  
3 witness is not represented by counsel today.

4 Mr. Fouchard, if at any time during the course of this  
5 interview you feel you would like to be represented by counsel  
6 and have counsel present, please advise me and we will  
7 adjourn these proceedings to afford you the opportunity to  
8 make the necessary arrangements. Is this procedure agreeable  
9 to you?

10 A It is.

11 Q Mr. Fouchard, you should be aware that the testimony  
12 that you give has the same force and effect as if you were  
13 testifying in a court of law. Our questions and your responses  
14 are being taken down, and they will later be transcribed. You  
15 will be given an opportunity to look at that transcript and  
16 make changes that you may deem necessary.

17 However, to the extent that your subsequent changes are  
18 significant, those changes may be viewed as affecting your  
19 credibility.

20 So, please be as complete and accurate as you can be in  
21 responding to our questions. If you, at any point during the  
22 deposition, do not understand a question, please feel free to  
23 stop and indicate that and we will make the clarification at  
24 that time.

25 Let me warn you of two basic ground rules. One is that

1 you permit us to finish our questions before you give your  
2 response, even if you know what the question is going to be.  
3 Because the reporter cannot take down both of us speaking at  
4 the same time.

5 Secondly, respond audibly. Motions, such as nodding your  
6 head, cannot be taken down by the reporter.

7 I believe you have brought with you today a copy of your  
8 resume.

9 A. Yes.

10 MR. PAGE: Would the recorder please identify this  
11 as Exhibit 5063.

12 (Exhibit 5063 identified.)

13 BY MR. PAGE:

14 Q Does this document accurately summarize your educa-  
15 tional and employment background?

16 A. It does.

17 Q The letter that we have marked for identification  
18 as 5062 asks that you bring with you any documents in your  
19 possession or control concerning TMI-2, the accident or  
20 precursor events which you have reason to believe may not be  
21 in the official NRC files, including any diary or personal  
22 work file.

23 Have you any such documents?

24 A. The only thing I have -- and I'm not even sure that  
25 I can find them -- were a couple of tape cassettes that I

1 made while I was at Three Mile Island. And they're essentially  
2 feature-type material, like stories that people told me about  
3 what they did. And I'll have to look for those. I'm not sure  
4 I still have them. I have not played them since that time.  
5 I'll be happy to give them to you. There's nothing, as I  
6 say, that I'm aware of of any particular significance on them.  
7 They're just more human interest stories.

8 Q Okay. Fine.

9 Have you given a statement to any investigative body  
10 concerning the Three Mile Island accident?

11 A Yes, two. One to the representatives of the  
12 President's Commission and a second to representatives of  
13 Senator Hart's Subcommittee.

14 Q Do you recall when these were given?

15 A The meeting with the President's Commission people,  
16 I am sorry, I do not recall. It was --

17 BY MR. FOSTER:

18 Q Would that have been about the third week of July?

19 A I was going to guess about two months ago. That's  
20 strictly a guess. I have not received the tape.

21 BY MR. PAGE:

22 Q Okay. We will receive a copy of this and will  
23 include it in our records.

24 A The other interview was September the 21st, for  
25 which I now hand you a transcript.

1 BY MR. FOSTER:

2 Q Have you reviewed this transcript?

3 A Yes.

4 Q Is it accurate?

5 A Yes, to the best of my knowledge.

6 MR. PAGE: Would the recorder please identify this  
7 as Exhibit 5064.

8 (Exhibit No. 5064 identified.)

9 BY MR. PAGE:

10 Q I do understand, then, for the record, that you  
11 believe the statements made by you in Exhibit 5064 to be  
12 complete and accurate to the best of your knowledge?

13 A I can't say that they're complete, because there  
14 were many things which I could not recall.

15 Q Complete to the questions that --

16 A The most complete and honest answer that I could  
17 provide to the question, yes.

18 Q To begin our set of questions, Mr. Fouchard, would  
19 you give us a chronological briefing on your emergency  
20 response activities following the TMI accident, starting on  
21 Wednesday, March 28th, 1979, and going up through the first  
22 five days until April 1, 1979?

23 First, would you tell us when you first learned about the  
24 accident at TMI on March 28th?

25 A Some time between 8:00 and 8:15, we received a



1 call in the Public Affairs Office.--I think I took it personally  
 2 myself, but I can't recall for certain -- from our regional  
 3 public affairs officer in King of Prussia, Earl Abraham,  
 4 saying that a state of emergency had been declared at Three  
 5 Mile Island and that is all he knew.

6 I subsequently went to the sixth floor of the Maryland  
 7 National Bank Building to see if the Executive Director for  
 8 Operations had been notified. I believe he was getting a call  
 9 just about at that time. I believe it was from John Davis,  
 10 but I can't be certain of that, either.

11 Subsequently, Mr. Gossick, Mr. Case and I went to the  
 12 incident response center at the East-West Towers Building,  
 13 where I remained 'til late on Wednesday evening of the 28th.  
 14 Thursday morning, I went to a Commission briefing, which is  
 15 an open briefing, and it preceded the briefing on the Hill of  
 16 Congressman Udall's Committee. That was the briefing of the  
 17 Commission, was held at our H Street office.

18 Of course, the briefing of the Congressmen was at the  
 19 Capitol.

20 Thursday afternoon, I returned to the incident response  
 21 center, where I stayed until that evening, and I don't remember  
 22 when I left. Early on Friday morning, I accompanied  
 23 Harold Denton to the NBC studios here in Washington, where  
 24 Mr. Denton was a guest on the Today show discussing the  
 25 Three Mile Island accident.

1 By the time we had returned to the incident response center,  
2 it began to be apparent that the situation was deteriorating  
3 at Three Mile Island. I believe the transcripts of the  
4 discussions between the incident response center and the  
5 Commission on that morning will indicate, unless you want me  
6 to go into more detail, I had a number of conversations --  
7 number, I don't remember how many -- with the Chairman.

8 Q Do you recall what time you arrived back at the  
9 incident response center on Friday morning?

10 A I do not, because I cannot recall what segment  
11 Mr. Denton was on that morning. I believe it was the 8:00  
12 o'clock segment, but I'm not sure, which would have put us  
13 back at the incident response center at 9:00 o'clock. But  
14 that's a very hazardous response, because I don't remember  
15 whether it was the 7:00 or 8:00 o'clock segment he was on.

16 Q Do I understand, when you arrived back at the  
17 incident response center, word had already been received  
18 concerning the release of radioactive materials that morning?

19 A No, no, no, no. I do not remember the precise  
20 timing on when the word was released -- received on the --  
21 what became the -- what the 1200 MR above the containment  
22 building -- I just don't remember at the time of that, but --

23 Q Were you present in the incident response center  
24 when the first call came in notifying the NRC headquarters of  
25 the release that morning?

1 A. I very honestly cannot recall. I have not read  
2 any of the tapes of the incident response center. I've had  
3 some presented to me in connection with some previous inter-  
4 views. But I don't remember the circumstances of the 1200.

5 Q. And do you recall a telephone call that morning  
6 from Karl Abraham?

7 A. I'm sure there were many telephone calls from  
8 Karl Abraham -- I'm sure there were many telephone calls from  
9 Karl Abraham that morning.

10 Q. -- concerning the matter?

11 On the IRC tapes, there is a record of a conversation  
12 apparently involving you with Mr. Abraham on Friday morning at  
13 about 9:09, thereabouts, wherein he called and said that he  
14 had some information concerning a possible release that morning,  
15 and was attempting to verify the numbers that had been reported  
16 to him.

17 Do you recall that conversation?

18 A. I very honestly do not, no.

19 BY MR. FOSTER:

20 Q. I have purportedly a copy of the transcript of that  
21 call. Would you take a look at that and maybe it'll help out.  
22 I think it begins halfway down the page.

23 BY MR. PAGE:

24 Q. I have the same record here, but I listened to the  
25 tape again yesterday and identified who I think made what

1 statements.

2 A All right. I'll use the one you've given me,  
3 Mr. Page.

4 Q But this is strictly on the basis of what I heard,  
5 and I could not definitely identify people.

6 A I notice that this is -- I notice that, while the  
7 voices identified are myself and Mr. Abraham, there is also  
8 an indication here that this is on the speakerphone, which  
9 means it could be played to the people in the EMT section.

10 All right. I read it. I must say, I don't recall the  
11 specific conversation. But I'm sure there were many specific  
12 conversations I don't recall.

13 Q And do you recall a discussion in the incident  
14 response center concerning the possible need for NRC to recom-  
15 mend to the Governor an evacuation around the TMI site?

16 A I do.

17 Q Could you tell us something about the conversation,  
18 as you recall it?

19 A All right. And this is a very hazy recollection,  
20 and I will try very hard not to be selective in my recollection.  
21 And it's going to be general, not specific.

22 It is my recollection that we did not know where this  
23 1200 MR figure had come from. And we did not know whether  
24 there might be other releases subsequent to this one. There  
25 was general discussion, and I believe Mr. Collins of the

1 State Programs people was instructed to get in touch with the  
2 -- I thought it was the state health people. But I subse-  
3 quently was told by Collins that it was Colonel Henderson's  
4 people. So --

5 BY MR. FOSTER:

6 Q Who made this instruction?

7 A I think it was pretty well unanimous in the AMC.  
8 I don't know that it was any specific individual. I've tried  
9 to recall who -- there was no disagreement that I'm aware of.

10 Q Offhand, do you remember who was present and would  
11 have been involved in this discussion?

12 A Mr. Gossick, I believe was there. Mr. Davis,  
13 Mr. Denton, myself. Those are the people that I can recall.  
14 There may have been others, because Collins was working out  
15 of a side office, and I remember him coming in. And my  
16 recollection, which does not gibe with what Collins subse-  
17 quently told me, was that the recommendation would be to  
18 evacuate five miles in the direction of the plume.

19 Collins has subsequently told me it was ten. But my  
20 recollection was five.

21 BY MR. PAGE:

22 Q Do you recall the arguments that were made that  
23 morning for and against the evacuation recommendation?

24 A I do not, no. I do not. I guess I simply don't  
25 recall anyone who -- there may have been, but I don't recall

1 anybody who didn't believe that we should be moving in that  
2 direction. The uncertainty of the situation seemed to make  
3 that recommendation appropriate at the time.

4 As I think you know, the events subsequently changed rather  
5 rapidly. And the off-site measurements indicated -- I don't  
6 remember what they were, but they did not indicate any high  
7 levels.

8 Q Do you recall whether or not the EMT contacted the  
9 Commission concerning their recommendation on evacuation  
10 before Mr. Collins was instructed to call the state?

11 A It is my recollection that it was afterwards. And  
12 I think the -- I can't tell you who Mr. Gossick was talking  
13 to and when. Mr. Gossick was frequently on the phone, keeping  
14 the Commissioners and others advised as to what was going on.  
15 So I can't tell you, you know, who he may have talked with.  
16 My subsequent conversation with the Chairman -- and I think  
17 we have to backtrack just a moment to understand that the  
18 only line that we had going into the state capitol at  
19 Harrisburg was the one I had going into the Governor's press  
20 office with Karl Abraham at the other end.

21 At that point, Karl Abraham was not performing public  
22 affairs functions; he was performing a more vital function, in  
23 my view, and that was liaison with the Governor. And as this  
24 transcript indicates, the need for accurate, up to date  
25 information from the Governor--there is an omission here

1 which does not indicate, you know, who the person was. If  
 2 I had to speculate, I'd speculate it was the Governor's  
 3 press secretary. Because at that point, everybody was trying  
 4 to get better information and nobody had any very good infor-  
 5 mation.

6 You will recall in the tapes of the discussions between the  
 7 EMT and the Commission that I was urging the Chairman to get  
 8 in touch with the Governor of Pennsylvania promptly. The  
 9 Governor, it seemed to me, needed the most up to date informa-  
 10 tion that the NRC had, and I was urging very strongly that  
 11 the Chairman get in touch with him, which he subsequently did.

12 But I -- well --

13 Q Well, at the time Mr. Collins was asked to call the  
 14 state officials to advise on the evacuation, apparently the  
 15 EMT was of the single mind as to -

16 A To the best of my recollection, if there were -- I  
 17 can't single out anybody, for example, who I -- I can recall  
 18 opposed the recommendation.

19 Q Do you recall if that feeling continued or was there  
 20 a change of sentiment within the EMT as time went on?

21 A I believe it changed as the situation changed.

22 Q Do you know what contributed to that?

23 A I think the readings from off-site, which indicated  
 24 that the off-site levels were not anywhere near the level  
 25 that was being measured above the containment building.

1 BY MR. FOSTER:

2 Q Where did this information come from?

3 A I can only assume it came from the site. We had  
4 people at the site by that time.

5 BY MR. PAGE:

6 Q Do you recall who, from the IRACT, came in and  
7 reported to the EMT?

8 A No. That detail, I simply don't recall.

9 BY MR. FOSTER:

10 Q I'd like to back up for a second. Upon reviewing  
11 this transcript, are you -- would you say this is a conversa-  
12 tion, indeed, that did take place between yourself and  
13 Mr. Abraham?

14 A I have no reason to question it.

15 Q Are you satisfied that that conversation did indeed  
16 possibly take place?

17 A I have not heard the voice, but I have no reason to  
18 say it didn't. So I would accept it as it is.

19 Q Assuming this call was made at 9:09 a.m., was there  
20 any information, to your knowledge, previous to that time, with  
21 respect to the 1200 millirem figure that EMT had?

22 A Not that I can recall. And the tenor of the ques-  
23 tioning which follows that -- keep in mind Abraham was not  
24 talking to me. He was talking to everybody in the EMT on  
25 the speaker -- would indicate that this was the first



1 indication that we had of this 1200 MR. But that is the  
2 impression, not something I can -- it just seems to appear  
3 that way.

4 Q Okay. Again, operating from the assumption that  
5 this is the first time the EMT gets the information of the  
6 1200 millirems, how long a discussion or release took place  
7 with respect to the evacuation decision?

8 A I can't answer that, sir. I don't know.

9 BY MR. PAGE:

10 Q Do you recall if there was any confirmation as to  
11 who made the 1200 MR per hour measurement that was referred to  
12 by Mr. Abraham when he called that morning?

13 A I do not. I simply don't know the answer to that  
14 question. You gentlemen have reviewed the tapes. You tell  
15 me. Is there nothing else on the tapes?

16 Q No. There's nothing that we can tell from the  
17 tapes as to who performed the 1200 MR per hour reading. We  
18 may be able to determine that through depositions that we are  
19 getting from other individuals. But the tapes themselves --

20 A You're saying that this is the only reflection of  
21 the 1200 MR figure that came into the EMT?

22 Q On the IRC tapes, I believe that's correct.

23 A Interesting. I notice there is reporting this  
24 number -- are you going to assert this in the record? Because  
25 the number is being recorded by civil defense to the Governor's

1 office. In other words, the state civil defense people were  
2 reporting that.

3 Q This has already been included in the record as part  
4 of Mr. Abraham's deposition to the Presidential Commission.

5 A It was?

6 Q Yes. This transcript that we're referring to is  
7 identified as Exhibit 2 to the deposition given by  
8 Karl Abraham to the Presidential Commission on the Accident  
9 at Three Mile Island.

10 I gather, then, Mr. Fouchard, your memory is a little fuzzy  
11 on what kind of deliberations took place in the EMT after the  
12 phone call was received from Mr. Abraham?

13 Do you recall what was said in terms of any need to  
14 reconfirm that number before advising the state to -- that  
15 NRC recommended that the area around the plant be evacuated?

16 A I do not recall anything in that area. I must say  
17 that the first few days of this accident remain a blur to me.

18 BY MR. FOSTER:

19 Q Do you remember if you participated in that discussion  
20 yourself?

21 A Of the evacuate?

22 Q Yes.

23 A I wouldn't have been in a decisionmaking role. I  
24 believe at that point I shared the view of the others in the  
25 EMT, that some precautionary evacuation should take place.

1 Q Do you remember if you voiced that to the other  
2 members of the EMT?

3 A I'm sure I did. I'm not a shrinking violet.

4 Q Do you happen to know what Lake Barrett's role was  
5 in this whole decision?

6 A No, sir. I don't recall Lake Barrett's role.

7 MR. FOSTER: All right.

8 BY MR. PAGE:

9 Q Would you continue describing your activities after  
10 these calls were made on Friday morning? What were your  
11 activities later on in the day on Friday?

12 A At approximately -- I don't remember whether it was  
13 late morning or shortly after noon, I accompanied Mr. Denton  
14 and his team to the Three Mile Island site by Air Force heli-  
15 copter. We arrived up there early afternoon. We were met by  
16 a number of media representatives. We landed in a cornfield  
17 behind the observation center at Three Mile Island.

18 Mr. Denton went into the observation center to be briefed  
19 on the situation. The observation center was a very small  
20 building. They talked to, I believe, Mr. Herbein. By that  
21 time, I believe the White House had wired in the hard lines  
22 so that we could talk to Washington.

23 Subsequently, Mr. Denton went over to a lady's house, the  
24 little green house, we called it, which is across from or  
25 across a short lane from the observation center and also

1 faces the Three Mile Island plant.

2 By that time, he had dispatched the NRC people into the  
3 plant. The media were anxious for some statement from Denton.  
4 I told them that he would come out at some point, but not  
5 until he'd had a chance to talk to those people. There was  
6 further discussion with Metropolitan Edison. One of the things  
7 I recall is that a Metropolitan -- a representative of  
8 Metropolitan Edison presented us with a draft of a joint  
9 press release, which I took a look at, and I don't remember  
10 the words, but clearly it painted a more optimistic picture  
11 than it appeared to me the situation warranted.

12 BY MR. FOSTER:

13 Q Let me stop you for a second. Do you know who the  
14 Metropolitan Edison representative was?

15 A Bill Gross, but he was accompanied by the company's  
16 president, Walter Crietz.

17 Q Did you have any dialogue with Mr. Crietz at this  
18 time?

19 A I told him I didn't believe we were going to be  
20 issuing any joint press releases. Mr. Denton gave me kind of  
21 a funny look. Then he took a look at the draft and agreed  
22 with me.

23 Q During this conversation, did Mr. Crietz request  
24 NRC's participation in a joint press conference?

25 A I do not recall that he did. But certainly, anything

1 at that point, it seemed to me, of a joint activity would not  
2 have been appropriate.

3 Q And if he were to make such a request?

4 A I would have recommended against it.

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1 BY MR. PAGE:

2 Q What is the reasoning for your feeling that there  
3 could not be a joint press conference or release as with the  
4 public releases with the licensee?

5 A I believe that we are the regulatory agency. We  
6 are the agency to whom the public should and hopefully does  
7 look to for objective information.

8 I believe that as days will demonstrate, we provided  
9 objective information. I believe also that the opportunities  
10 for appearance of conflicting statements, even though they  
11 may not be conflicting, technical people tend to describe  
12 the same situation in different words.

13 But the opportunities for that in a joint press conference  
14 would have made the situation unworkable.

15 But my basic reason is, as I believe, the NRC has to remain  
16 at arm's length with the licensee. We are the regulatory  
17 agency. We are responsible to the Congress, to the President,  
18 and to the public.

19 Q Would this decision on your part have been made --

20 A It would have been made in a consultation with Mr.  
21 Denton.

22 Q Would it have been made regardless of who the  
23 licensee was or was it made because of any prior problems with  
24 Met Ed?

25 A Well, I'm just dealing with the circumstances that

PL gsh

1 existed at that time. I would have to, and am giving some  
2 more thought as to what the role of the NRC should be in the  
3 future.

4 But I still believe that being the regulatory agency, we  
5 must maintain our independent point of view at all costs.

6 It simply is vital to the credibility of the agency. But  
7 this particular judgment was made on those particular  
8 circumstances.

9 BY MR. FOSTER:

10 Q Could we have official policy with respect to NRC  
11 participation with the licensee in press conferences?

12 A I don't know that there's any official policy. My  
13 general approach has been not to. But, again, there may be  
14 exceptions.

15 Q Prior to going to the site, did you receive any  
16 instructions whatsoever with respect to participating in any  
17 press conferences with Metropolitan Edison?

18 A No, no.

19 BY MR. PAGE:

20 Q Why don't we continue with your description of  
21 activities after that.

22 A So, after being badgered by particularly the  
23 television people, who were anxious to get their film to  
24 Harrisburg, Mr. Jenton subsequently went out, talked to the  
25 reporters very briefly, told them why he was here, told them

PL gsh

1 that we were planning to go in and meet with the governor  
2 that evening, and that there would be a joint press conference  
3 in there, where he hoped by that time he would have some more  
4 details on the situation at Three Mile Island.

5 we were a bit late getting off to Harrisburg that night  
6 because Denton wanted to have the best information he could  
7 before the first meeting with the governor.

8 There had been a telephone conversation between Denton and  
9 the governor. And as a matter of fact, a telephone  
10 conversation between the President and Mr. Denton after his  
11 arrival at the little greenhouse.

12 We went into Harrisburg that evening, met with the governor.  
13 Mr. Denton met with the governor and then there was a joint  
14 press conference in the governor's press room that evening.

15 We came back to Three Mile Island. I don't remember when,  
16 if at all, we got to bed that night. Saturday was a day  
17 which I guess I will never forget. Mr. Crietz advised me,  
18 and I don't remember the time, I know he advised me and I'm  
19 not sure whether Mr. Denton was present or not.

20 I think he was, but I can't swear to it, that they would  
21 be holding one more news conference that day and that would  
22 be their last.

23 That the -- that we -- I believe there had been discussions,  
24 but again, I can't be precise on this, about the NRC taking  
25 over as the spokesman since we were there. And since it was



L gsh

1 clear that there was some conflicting information emerging  
2 from TMI, I believe Mr. Crietz mentioned that he had had a  
3 call from the White House on this matter.

4 But that is a recollection which -- that's just exactly what  
5 it is. But in any event, it had been pretty well determined  
6 that we were going to take over as the spokesman.

7 MR. FOSTER: Off the record.

8 (Discussion off the record.)

9 THE WITNESS: Well, Metropolitan Edison held its  
10 news conference. We -- at which Mr. Herbein was quoted as  
11 saying the crisis is over.

12 Mr. Denton held a news conference earlier that afternoon  
13 saying that the crisis won't be over until the plant is in  
14 cold shutdown.

15 Then I had some discussions with Washington on Saturday  
16 about the desirability of the chairman holding a news  
17 conference here in Washington. By that time, we had set up  
18 a press center in the East/West Towers Building and there was  
19 clamor to hear from the head of the agency with respect to  
20 Three Mile Island.

21 The Chairman subsequently did hold a news conference and  
22 I believe in discussing possible evacuation, mentioned a  
23 figure of 20 miles, which sort of was the first time that  
24 state officials had heard the figure 20 miles.

25 That created a bit of a furor.

L gsh

1 In addition, late that afternoon I had a call in the  
2 command trailer from Dick Lyons of the New York Times, who  
3 said, Joe, you got a problem. This is a paraphrase. There is  
4 a story moving indicating that the bubble is becoming  
5 potentially explosive. Why don't you tell me about it?

6 I put Lyons on the phone with Harold Denton and got the  
7 Times squared away. I believe I called Washington from the  
8 trailer. We were getting ready to go into Harrisburg at that  
9 time, and asked Frank Ingram to check to see about the  
10 Associated Press, which Lyons identified as the source of the  
11 information, what sort of a story the AP was moving.

12 And I guess -- I can't recall whether Mr. Ingram got back  
13 to me while I was still in the trailer or after he got to  
14 Harrisburg. But irrespective of that, by the time we  
15 reached Harrisburg that evening, we were walking through the  
16 capitol, heading from the governor's office and we again ran  
17 into Dick Lyons of the New York Times. And I asked him  
18 where Paul Critchlow, the governor's press secretary was.

19 He said, he's in the press room down here trying to calm  
20 the concerns of the reporters over the bubble.

21 So Denton and I went into the press room, held an impromptu  
22 news conference there with the people who were present.

23 Q MR. PAGE:

24 Q This was about about time?

25 A Oh, I'm sorry. I'm sorry. I've lost track of what

PL gsh 1 time it was. So many events happened on Saturday that it  
2 would have been --

3 Q It was before you were scheduled to see the  
4 governor?

5 A Yes.

6 Q What time were you scheduled to see him?

7 A There was no time scheduled. We just got to the  
8 governor's office when we could get to the governor's office.

9 You know, there was a goal, but it was understood. At  
10 that point, Mr. Critchlow needed our help more than the  
11 governor did.

12 Anyway, we talked to the reporter there. I looked at the  
13 Associated Press story. It did not seem to me to be  
14 particularly inflammatory. There was a line in it, as I  
15 recall, quoting an unnamed NRC source as saying that the  
16 bubble could become potentially explosive in two days, which  
17 was a number which was certainly new to me and I believe quite  
18 new to Mr. Denton.

19 In any event, we talked to the reporters there. We went  
20 up, met with the governor, gave him an assessment of the  
21 situation.

22 By that time, I had talked to Washington again from the  
23 governor's office and had seen the news story by then. And  
24 I was trying to figure out what was causing all of this  
25 furor.

PL gsh

1 And the report at that time was that the radio and possibly  
2 the television were carrying not the story itself, but sort  
3 of a teaser, which the wire services frequently put out to  
4 notify their clients of an upcoming story.

5 And I don't remember the precise language. I've never seen  
6 it. But I'm told that it said something like, bubble becoming  
7 potential explosive.

8 If that indeed was the language and that flashed across  
9 the television screens in central Pennsylvania, I can certainly  
10 understand the apprehension, because reporters themselves  
11 were frightened for their own selves.

12 I've known, you know, some of those people for a long time.  
13 And we subsequently went out and held a joint news conference  
14 with the governor. They were feeding it live in many parts  
15 of Pennsylvania where Mr. Denton repeated his views with  
16 respect to the danger of the bubble.

17 I believe by that time we'd had an indication from the  
18 White House that the President probably would come to Three  
19 Mile Island.

20 The next day Harold and I went back, I think, to TWI. I  
21 can tell you I had no sleep that night. I had a call from  
22 the President's advance man and we arranged to meet at the  
23 site when their chopper came down about 7:30 the next  
24 morning to begin advancing the President's arrival there.

25 By that time, we had set up a press center at the Burroughs

PL ash

1 Hall in Middletown. This was done with the assistance of  
2 the local congressman, Mr. Erdahl, because I believe some  
3 time on Saturday morning, I approached him and said, I'm --  
4 we're going to have a press center up here and I don't know  
5 anything about this locality.

6 And he recommended -- he put his assistant in touch with  
7 the town officials in Middletown.

8 I subsequently told Karl Abraham to go over and start  
9 setting up a press center at the Burrough Hall. So, I advised  
10 the White House that we already had a hall, if that's what  
11 they wanted.

12 And Sunday morning was spent primarily with advancing the --  
13 preparing for the visit of the President.

14 Q Do you recall who you interacted with from the  
15 White House that morning?

16 A No. A Congressional Directory would refresh my  
17 memory. There was a woman advance person and I think she was  
18 the chief of the advance party.

19 And the press advance, with whom I worked, again, a  
20 Congressional Directory again might refresh my recollection.

21 But the man had just returned from advancing something in  
22 Tokyo. So he hadn't had much more sleep than I had.

23 The President came. He used the Burrough Hall. Mr. Denton  
24 again briefed after the presidential visit.

25 We're now into Sunday.

PL gsn 1 Q Well, now let me stop you there before you —

2 A I'm rambling on. Go ahead.

3 Q I gather from the events that ensued following  
4 the discussion of the bubble, that Mr. Denton felt that there  
5 was no likelihood of an explosion in the reactor, at least in  
6 the immediate future?

7 A I believe the phrase that he used with respect to  
8 the bubble was the same phrase that he used with respect to  
9 a story which had moved on the wires on Friday afternoon  
10 while we were still on our way to TMI with respect to the  
11 possibility of the meltdown.

12 And that is that there was no imminent danger.

13 I believe he gave the best numbers that he could with  
14 respect to the situation as he saw it. I think it is also fair  
15 to observe that the people in Bethesda consistently were more  
16 worried about the situation at Three Mile Island than those  
17 of us who were there.

18 I cannot explain it, but I believe it's a fact.

19 I remember that Sunday morning while I was waiting for the  
20 advance party, and you have to realize what was going on in  
21 that community, Mr. [REDACTED] approaching me saying, let's go  
22 take a walk. He just returned from Mass where he received  
23 general absolution from a priest who said, that's the first  
24 time he had given absolution since the time he gave absolution  
25 to the troops in World War II.

PL gsh 1 Q From what you're saying, Mr. [REDACTED] had gone to  
2 church that morning. I gather he didn't go there for that  
3 reason —

4 A He went to church because he's a good Catholic. But  
5 that community was very, very tense. And —

6 Q Do you recall who in Bethesda were the proponents  
7 of possible hydrogen explosion in the reactor?

8 A No, sir. I was not part of any of the technical  
9 discussions at all. I was primarily working with Denton,  
10 with Stello on news media aspects of the situation, trying  
11 to set up, trying to get an idea when we should brief.

12 Then Sunday night, we progress now. Somebody from the  
13 Metropolitan Edison had said that the bubble was gone.

14 BY MR. FOSTER:

15 Q Let me stop you for a second. Was that Sunday night  
16 or was that Monday morning?

17 A That was Sunday night. Monday morning papers will  
18 reflect it. Pretty sure of it, anyway, because -- I'll get  
19 into Monday, which was another -- I began to receive some  
20 calls. I talked to Mr. Denton. Denton said that there were  
21 some encouraging signs, that we were recalculating the bubble  
22 matter overnight.

23 He described how difficult it was to do these calculations  
24 and he gave me a phrase which I have used many times since,  
25 that the bubble didn't have a meter on it.

PL gsh 1 And so, my response to the media throughout that night,  
2 again, without much sleep were that the signs were encouraging.  
3 We were calculating it.

4 Then Monday morning, we began to -- by that time, of course,  
5 there was a good deal of pressure from the media. What is  
6 the situation? What is the situation?

7 Monday morning, late morning, I guess it was, Denton held  
8 another news conference and he said essentially what I have  
9 been saying, that there were encouraging signs, that he  
10 was not prepared at that time to say that the bubble had gone  
11 away, but certainly, things were moving in the right direction.

12 And I believe it was another day or so before we agreed  
13 that the bubble was gone.

14 Now, see, does that take me to April Fools' Day? I think  
15 it does.

16 BY MR. PAGE:

17 Q Yes. I would like to get into some specific  
18 questions pertaining to the public information and activities  
19 that you were involved in.

20 But do you have any other questions, Mr. Foster, at this  
21 time?

22 MR. FOSTER: No.

23 BY MR. PAGE:

24 Q A report prepared by a Peter Sandman and Mary  
25 Fadden, Columbia University Study Group, indicated that an



1 article in the Washington Post following the accident had  
2 stated that NRC: "Worked hard to make sure mainly reassuring  
3 information would reach the public."

4 How would you respond to this assertion?

5 A That's not true. What we were concerned about was  
6 making sure that factual information reached the public. I  
7 think that it's fair to say that the article, which I  
8 referred to, was a review prepared by Mr. Sandman, who I  
9 understand it, is a journalism professor, not a working  
10 newsman, for the Columbia Journalism Review.

11 There's another phrase in there, that same story, as I  
12 recall, saying while you couldn't prove that NRC lied, dot,  
13 dot, dot, dot --

14 I object to that kind of journalism. If there is any  
15 demonstration that we lied, I'd like to see it.

16 Q Do you believe that some media people have alleged  
17 that NRC actions on information releases were prompted by  
18 an underlying effort to protect the nuclear industry?

19 A Absolutely not.

20 Q There has also been an assertion by some of the  
21 media people that NRC played down potential radiation  
22 hazards, that this is common or similar to one I quoted from  
23 the Sandman report.

24 Do you have any comments on the assertion that potential  
25 radiation hazards were played down in public?

1           A           In the first place, I object to anonymous  
2           allegations. If there is any particular reporter who has  
3           raised these, I would like to know who he or she is.

4           I'll answer your question generally, but with the  
5           objection that I don't know who the reporters are, so I'm not  
6           able to adequately assess their competence to make the  
7           statement.

8           But no, we did not. We did not attempt to play down  
9           anything. We attempted to tell it as we saw it. The fact that  
10          our eyesight might not have been as precise as it should have  
11          been at given points does not lead the motivation.

12          Q           Do you believe that NRC gave timely and correct  
13          information to the media?

14          A           To the --

15          Q           Go ahead. For example, information concerning  
16          off-site releases, the extent of core damage, potential  
17          radiation hazards to the public, the hydrogen bubble problem,  
18          et cetera?

19          A           I believe there were times when NRC gave confusing  
20          information to the media and to the public and I cite the  
21          bubble question as a prime example. I think that there are  
22          some general observations which have to be made.

23          First, in the early days or early hours of an accident,  
24          it is extremely difficult to obtain accurate information.  
25          That's why anything that we issue early on in an accident is

L esn 1 described as preliminary information. It can change.  
2 Indeed, it did.

3 But with respect to our formal press releases which we  
4 put out, which on the first day were three in number with  
5 respect to the subsequent briefings that we held, I think  
6 the NRC people were trying to tell it as they saw it. There  
7 was no effort on anyone's part, in my judgment, to either  
8 overplay or downplay the situation at Three Mile Island.

9 Unfortunately, early on, our information was of such a  
10 tenuous nature that we may not have given a totally accurate  
11 picture.

12 But this was not a matter of motivation.

13 Q NRC public release 79-65 issued 5:00 p.m. on 3/28  
14 stated that radiation levels off-site were not significant  
15 and believed principally because --

16 A I object to the characterization. I don't believe  
17 that's what we said.

18 Can I have the release?

19 Q Do you have it with you?

20 A I don't believe that we ever used the word  
21 "significant" or "insignificant" in describing it.

22 Q I do not have a copy of the release with me.

23 A I can get one up here.

24 MR. PAGE: Why don't we?

25 MR. FOSTER: Off the record.

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(Discussion off the record.)

BY MR. PAGE:

Q Let's go back on the record.

We have a copy of the public announcement coming to us from Mr. Fouchard's office based on a call that he's made. While waiting for the releases to arrive, let's move on to some other questions that we have.

In retrospect, looking back on the situation in hindsight, are you satisfied with the number and quality of the public announcements that NRC issued concerning the accident?

A Well, the answer is obviously no because the announcements contained information which subsequently turned out to be not the case.

So with respect to quality the answer is no.

With respect to quantity, you have to keep in mind that in addition to issuing formal releases and unfortunately, in the bureaucracy, some people think unless you put it down on paper, it doesn't count.

We were answering questions all day long on Wednesday, Thursday, and Friday from the media. Mr. Ingram and the remainder of my staff, which is a total of four people, were answering questions from here in the Maryland National Bank building.

If they had a question, we would try to get them the answer from the EAT.

L gsh 1 In addition, Mr. Abraham was working out of the King of  
2 Prussia office on Wednesday. He went to Harrisburg Wednesday  
3 night.

4 I guess in -- you're never satisfied, and I don't think  
5 that anybody in this particular accident should take any  
6 satisfaction. I would lump into that the NRC, the utility,  
7 and the news media.

8 I think we all had problems. I think the state had  
9 problems, too.

10 I recall, you know, reading of some criticisms of the  
11 governor's press secretary, that he was the only person in  
12 Harrisburg that could answer the media's questions. And  
13 they couldn't find him.

14 That's a bum rap. We were all working as hard as we could.  
15 There just weren't enough of us and there wasn't enough  
16 information.

17 Q Would you describe the circumstances leading to the  
18 establishment of a press briefing room in Bethesda on,  
19 I believe, Thursday?

20 A It would have been Friday.

21 Q On Friday.

22 A I cannot because at that time, I was on my way to  
23 Middletown with Denton. I believe that --

24 Q Have you any more to add on that?

25 A No. Mr. Ingram advised me that he was planning to

L gsh 1 set up a news center in Bethesda and this was probably my  
2 first call back from TMI.

3 I told him that I thought it was a good idea.

4 Subsequently, that afternoon, I guess Brian Grimes and  
5 Dudley Thompson briefed the press on that information. And  
6 that's where the meltdown story originated.

7 And I do not fault either of those people for that. In  
8 this agency, people have been encouraged to answer questions  
9 as -- in the most straightforward fashion by the commission.  
10 Any discussion of the ultimate in a nuclear accident leads  
11 you to meltdown.

12 BY MR. FOSTER:

13 Q With respect to the briefing center which was  
14 established in the East/West Towers, do you recall receiving  
15 any requests from the media Wednesday or Thursday that yes,  
16 you should go ahead and establish something like this, it  
17 was badly needed?

18 A I don't recall any, but there may have been. No,  
19 I don't recall.

20 Q Do you recall Mr. Ingram mentioning anything about  
21 that the media had been requesting a briefing?

22 A No. I'll tell you. On Thursday, aft. the Chairman  
23 and the senior staff had briefed the Udall Commission in a  
24 very heavily covered session on Capitol Hill, I must say  
25 that rightly or wrongly, I thought we were on the downhill

1 track on this accident. I went back to the EMT and there  
2 really, as I recall on Thursday, it was not that much, you  
3 know -- on, obviously media calls continuing. I don't mean  
4 it that way.

5 But I mean the pressures seemed to be releasing a bit.  
6 Then we got into that Thursday evening, to the water, the  
7 discharge of the water which created a bit of a hullabaloo  
8 up in Harrisburg.

9 But as I say, my feelings generally Thursday was that we  
10 might be on the downhill side.

11 Q But do you recall Mr. Ingram mentioning any such --

12 A I do not. But it's conceivable. It was my  
13 impression that we were handling the media pretty well.  
14 We'll have to check with the media. I must say, let me  
15 follow that one up.

16 I must say that I have had very few complaints from the  
17 news media with respect to the way we attempted to serve  
18 them during Three Mile Island.

19 If there are any, they haven't been stated to me personally  
20 and I've had a number of people saying we didn't do a  
21 half bad job, considering.

22 Q Do you remember having any conversations with the  
23 director of news at NBC with respect to establishing a  
24 briefing room?

25 A No.

PL gsh 1 Q In any of the conversations Wednesday, Thursday  
 2 that you had with Chairman Hendrie, do you recall him  
 3 mentioning to you that the white House had suggested that  
 4 the NRC establish a briefing room?

5 A No, not on Wednesday or Thursday.

6 Q How about Friday?

7 A By Friday, I was already heading for TMI and  
 8 getting ready to locate something up there.

9 Q Is it fair to say in summary, then, that as far  
 10 as the decision-making process to establish the briefing  
 11 room, it's your recollection that it was simply a decision  
 12 reached by you and Frank Ingram?

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1           A.       No. I can't answer that because I don't really  
2 know. I recall Frank telling me that Commissioner Gilinsky  
3 had mentioned that we ought to set something up. This was  
4 Friday afternoon after I arrived at TMI. I think you have  
5 to keep in mind that the situation was a good deal different  
6 on Friday than it was on Wednesday and Thursday, not only in  
7 terms of media interest, but in terms of the facts. There  
8 was a serious accident at Three Mile Island. Wednesday, the  
9 facts were reported as best people could. Thursday, the media  
10 had full opportunity with the Chairman of the Nuclear Regulatory  
11 Commission on the Hill. The Chairman talked to any number of  
12 them down there following that briefing. We were getting  
13 information out.

14           I think in hindsight, if -- and it's something we are  
15 trying to do. We, in my view -- an accident cannot be managed  
16 from Washington. It has to be managed by the people on the  
17 site. And it has -- we have to have an adequate number of  
18 public affairs people on the site. And in a situation like  
19 Three Mile Island, pray it does not occur again, but should it,  
20 I think we would have to move our people in the local area.  
21 I believe that's the place to handle it.

22           And if there is a criticism of our operation, it is -- and  
23 it's a valid one -- that we did not move sufficient numbers of  
24 people into TMI soon enough. I think that's also a criticism  
25 valid of the technical staff, but for a different reason.

1 Q You had not yet established a briefing room when  
2 Frank Ingram called you to the site Friday afternoon?

3 A No. We were beginning to. Abraham and I had already  
4 talked.

5 Q Excuse me?

6 A The press center at Middletown was established on  
7 Saturday.

8 Q I'm thinking of the one at East-West Towers in  
9 Bethesda.

10 A My impression was it was established on Friday  
11 afternoon. But again, I wasn't here. I'm sure it was,  
12 because that's where Grimes and Dudley Thompson briefed the  
13 people.

14 Q Okay. Let me clear something up for the record.  
15 The call from Frank Ingram on Friday with Chairman or  
16 Commissioner Gilinsky's suggestion that you establish a  
17 briefing room or press center --

18 A That is my recollection of what Frank told me.

19 Q Okay. That would be with respect to the one in  
20 Bethesda, as opposed to --

21 A Yes, sir.

22 Q Okay.

23 BY MR. PAGE:

24 Q You had indicated earlier that you thought that  
25 NRC should get more people out quicker to the site.

1 A. Should get more people, period. Public affairs  
2 operation.

3 Q Well, that was my question. Are you presently  
4 adequately staffed to respond if another accident should occur  
5 tomorrow?

6 A. No. We're moving in that direction, but we are not.  
7 We are presently recruiting for a second public affairs officer  
8 in Region I. We have requested the Congress for two additional  
9 positions for second public affairs officers in Regions II and  
10 III. We're recruiting for a deputy commissioner of public  
11 affairs.

12 The '81 budget has an additional person in it, and I  
13 believe that person will be located in headquarters. I think  
14 it's also fair to observe that you can never staff up to  
15 handle an accident.. If you have as many people as you need  
16 to handle an accident--while this was a very busy office, I  
17 would love to have 40 or 50 professionals at Middletown.  
18 You have to draw on other resources, which is what we did at  
19 Middletown. Belatedly, but we did.

20 Another mistake that we made in hindsight was not having  
21 technical people in the pressroom at all. Robert Bernaro and  
22 Tom Elsasser did not get to Middletown until some time Monday.

23 Q Why was that?

24 A. I think clearly an error in judgment. I'm sure they  
25 would have come if we'd have called them earlier.

1 BY MR. PAGE:

2 Q Are plans under way to establish some kind of a  
3 training program for technical people within NRC to throw in  
4 to help respond to a situation like TMI, to help out in the  
5 public information department?

6 A I think it's a good suggestion. Nothing formal has  
7 been done. I think it's possible among those of us who work  
8 with the technical staff every day, to identify people who  
9 are particularly talented in translating difficult technical  
10 language into something that the public can understand. We  
11 spot them around the place. We know who they are. I just am  
12 not quite sure what a training course would encompass. I just  
13 look for the natural instincts, frankly, and I think we have a  
14 good number of people around this agency who have good instincts  
15 in this area.

16 I think the two who came were exceptionally talented and I  
17 told them so.

18 Q All right. We have had delivered to our room, where  
19 we're taking Mr. Fouchard's deposition, the public announcements  
20 that were issued by NRC on Wednesday, and I have looked through  
21 them and in fact confirmed what Mr. Fouchard has said, that  
22 there was no statement made that the radiation releases from  
23 the plant were insignificant or anything indicating that.

24 I recall now the basis for my earlier question was a  
25 preliminary notice that was issued on Monday. It was not a

1 public announcement as such. This was something that was  
2 referred to in an exhibit to the deposition that we had with  
3 Karl Abraham earlier. He was interviewed by Mr. Sandman and  
4 Mr. Reuben of the Presidential Commission on the accident at  
5 Three Mile Island. We included in his deposition as  
6 Exhibit 5046.

7 In that exhibit, on page 104, and making comments to  
8 Mr. Abraham, they had indicated concern with the statement in  
9 the PN. I guess the "PN" stands for public notification?

10 A Preliminary notification.

11 Q Preliminary notification, that radiation levels at  
12 the boundary were not significant as of 8:00 o'clock that  
13 morning, I believe is the way that it was put. And they had  
14 made a comment that they felt that NRC should not have issued  
15 such a notice at that time, making that statement, because  
16 they felt that the radiation levels were, in fact, significant  
17 at that time.

18 In responding to the comments that they had made,  
19 Mr. Abraham did not seem to disagree with what statement they  
20 had made. And the point I wanted to get at with you,  
21 Mr. Fouchard, is whether or not you believed that any informa-  
22 tion -- any inaccurate information may have been included in  
23 the Preliminary Notification that should not have been put in  
24 there?

25 A If that's a question, I haven't read the PN, but

1 if they describe the radiation as being significant or insig-  
2 nificant, I just personally don't use those terms if I can  
3 avoid it. I try to relate it to something. But --

4 Q Would you like to read for the record what is stated  
5 in the public announcement that was issued that morning about  
6 what the radiation levels were?

7 A Well, we said -- and this was when you say 10:30,  
8 it means we were using it beforehand. What we say is:

9 "There has been a release of radioactivity inside the  
10 reactor containment system. Measurements are still being made  
11 to determine if there has been any radioactivity detected  
12 off-site, and there is no indication of release off the site."

13 This was the first release we issued, which was mid-morning  
14 on March the 20th.

15 Second one -- in between the times, keep in mind we were  
16 answering questions from everybody. The second release, which  
17 went on the wires about 5:00 o'clock, which would have meant  
18 that probably it was being used by 4:30 at least, indicated:

19 "Some more precise readings off the site. Maximum confirmed  
20 reading of about 3 MR per hour about one-third mile from the  
21 site; one mile, one MR."

22 We indicated that this was -- we believed it was principally  
23 direct radiation coming from within the containment building.

24 Q Do you recall what the basis for that statement was?

25 A The basis for that statement would have been the

1 considered judgment of the senior people of the agency and the  
2 EMT, because these were all checked with them.

3 BY MR. FOSTER:

4 Q I have a question. Metropolitan Edison, earlier on  
5 that day, 9:00 o'clock, 10:00 o'clock that morning, was  
6 publicly stating that the radiation was principally coming  
7 from a spillage of radioactive water into the auxiliary  
8 building. Wouldn't NRC have access to this information some  
9 time during Wednesday?

10 A I would have hoped so. But I can't tell you for a  
11 fact that we did.

12 BY MR. PAGE:

13 Q I referred earlier to the PN system of reporting  
14 information, the so-called Preliminary Notification. Can you  
15 tell us what is the relationship of those to public announce-  
16 ments? Are the PNs made a matter of public record?

17 A Well, there is no relationship except that they  
18 deal with the same thing, with public announcements. We issue  
19 or write public announcements in far different language than  
20 is used to write the preliminary notifications. I think this  
21 is regrettable, because I think that the PNs could serve a  
22 more useful purpose.

23 For example, they are sent to the Congress and placed in  
24 the public document room. They could serve a far more useful  
25 purpose if they were written in language which members of the

1 Congress and the general public could understand.

2 The answer is yes, they are made, placed in the public  
3 document room, is my understanding. They are not issued out  
4 of our office. They're issued out of the Office of Inspection  
5 and Enforcement.

6 Q I believe you said that the public announcements  
7 which were issued were reviewed by EMT people before they were  
8 released.

9 A That's correct.

10 Q Are the PNs likewise reviewed by EMT before they're  
11 released?

12 A I can't answer that. My expectation is that they  
13 probably were not. But I couldn't --

14 Q Do I understand that PNs are not written principally  
15 to inform the public, then?

16 A If they are, they don't serve that purpose.

17 Q I believe you indicated earlier that Chairman Hendrie  
18 held a press conference in Bethesda Saturday afternoon. Did  
19 I understand you correctly that you had suggested that he hold  
20 such a conference?

21 A It was suggested to me, but I do not remember by  
22 who. It could well have been Mr. am, because we talked  
23 frequently. My recollection is that Frank said that there  
24 were a number of reporters in the center that the Chairman  
25 had -- we are now what, four days into the accident, you know,



1 had not yet held a press conference, and there was a good deal  
2 of urging that he do so.

3 I told him I thought it made sense to me. In essence, I  
4 approved it.

5 Q We were informed by at least one -- well, we were  
6 informed by someone from the AP that after the press conference  
7 was held in Bethesda, he was somewhat concerned about why a  
8 press conference would be held back in Bethesda, when press  
9 conferences were also being held in Middletown. He had thought  
10 perhaps the purpose of that was to give out bad information  
11 far from the site, so it wouldn't be picked up.

12 A I --

13 Q Or words to that effect.

14 A In the first place, without challenging the accuracy  
15 of your report, I know most of the people who worked for the  
16 Associated Press in this town and cover the NRC. And I find  
17 it very hard to believe that any one of them would have made  
18 such a statement.

19 BY MR. FOSTER:

20 Q The statement was indeed made.

21 A If the statement was made, I would like to see it  
22 and have it identified by person. Again, we are -- you're  
23 asking me to respond to anonymous allegations and I have no  
24 way of determining, you know, the credibility of the person  
25 who says it, except to tell you that I find it difficult

1 for any reporter to complain that the news conferences held --

2 Q Let's back up a second on that.

3 A In other words, what I'm challenging is the accuracy  
4 of the interpretation. I find it hard to believe, from what  
5 I know of the AP reporters in this town.

6 Q Number one, it was the Associated Press Harrisburg  
7 bureau chief. Number two, it was a feeling on his part -- and  
8 he felt that it was shared by other members of the media --  
9 that this was a possible reason for holding the press confer-  
10 ence in Bethesda, that information of an alarming nature may  
11 be best coming from Bethesda, away from the site.

12 A Well, if indeed he made that statement, the allega-  
13 tion is ridiculous. The reason for holding the news conference,  
14 as I have stated it, is that there were probably -- you'll  
15 have to ask Mr. Ingram, but my guess is that a hundred or so  
16 reporters were in the news center over at East-West. They  
17 were clamoring for information.

18 I would suggest that you might pose the same question,  
19 attributing it to the bureau chief at Harrisburg, to the  
20 reporters who covered from the Associated Press here in  
21 Washington, and see if you get the same view. I seriously  
22 doubt that you will.

23 We're all exercising beautiful hindsight, including some of  
24 my colleagues in the media.

1 Q Were you in any way involved with giving the NRC  
2 clearance on that AP bulletin that we talked about earlier  
3 Saturday night? Press release, I believe, was cleared with  
4 Bethesda. At the time you heard about it, it had already  
5 been released on the wire, is that it?

6 A Yes. The word "clearance" is a bit strong. Let me  
7 describe the situation, and this is repetitive because I think  
8 I described it earlier.

9 But after talking with Dick Lyons of the Times, I did call  
10 Ingram in Washington saying I had this report. You remember,  
11 we are out in the middle of a cornfield in a trailer. So we  
12 didn't have access to radio, television, or what was moving  
13 on the news wires.

14 I asked Frank to check with AP. Frank did. And subsequently  
15 -- and this is not my personal knowledge, but what I have  
16 read and had reported to me by the person who wrote the  
17 story, Stan Benjamin, that he read the story to Ingram.  
18 Ingram said it sounded accurate to him. He read it to Case  
19 or portions of it to Case, and Case says, yes, that was what  
20 was said.

21 And I think that what we're missing here is not that the  
22 story was necessarily accurate or inaccurate or inflammatory,  
23 because I believe I told you before, subsequent to getting  
24 to Harrisburg, AP bureau manager -- I don't know if it's the  
25 same man who we just discussed -- handed me the story and he

1 said, this is what people are raising hell about. Is there  
2 anything wrong with it?

3 And I read it and I did not see anything inflammatory  
4 except for that one paragraph about the two days. And I  
5 object -- and I told the AP this -- to attributing it to an  
6 anonymous source, a statement of that sort. If a man is going  
7 to tell you a bubble's going to explode in two days, he ought  
8 to have the courage to have his name attributed.

9 BY MR. FOSTER:

10 Q That wasn't the story that was run by Mr. Case and  
11 Mr. Ingram?

12 A It was, yes.

13 Q The two days --

14 A Yes, it was, if it was the same story that I saw  
15 in Harrisburg. There's no reason to think they moved a  
16 different story for Harrisburg.

17 MR. PAGE: Off the record.

18 (Discussion off the record.)

19 THE WITNESS: I think what is confusing you, because  
20 you're not familiar with the terminology that the wire services  
21 use, is that there was an advisory, I am told, put out by the  
22 Associated Press that they had what they call a new night lead  
23 coming up on the Three Mile Island situation, and that it  
24 would say that the bubble is becoming potentially explosive.

25 Now, I have not seen that advisory. I have had people

1 tell me about it, as this transcript will reflect. I earlier  
2 said that if indeed that was the advisory and rather than  
3 waiting for the story, the radio stations and the television  
4 stations of central Pennsylvania flashed across their screen  
5 the lines, bubble becoming potentially explosive, I can  
6 understand the apprehension of the people up there. But I'm  
7 also saying that the story, as I read it, did not have that  
8 impact.

9 It might have said the same thing, but there were so many  
10 qualifications in it that I think the reporter was trying to  
11 do an honest job of reporting what he was told.

12 I have had a number of discussions with the executives of  
13 the Associated Press on the matter. They have -- they tell  
14 me, go over their entire file that night. They do not believe  
15 that they were responsible for upsetting the people of  
16 central Pennsylvania. All I know is somebody was.

17 BY MR. FOSTER:

18 Q Unless I misunderstood you, I thought you had  
19 mentioned that the story that was cleared by Mr. Case and  
20 Mr. Ingram had a time frame of two days in conjunction with  
21 the --

22 A The story that I saw in the press room in Harrisburg  
23 on Saturday night had a statement attributed to an anonymous  
24 NRC person as saying that the bubble will explode within two  
25 days. I will have the copy up here shortly.

1 Q Was it also your understanding that this is the  
2 story that was read to Ingram and Case?

3 A It was my understanding that this was the story which  
4 was read to Ingram and Case, yes.

5 Q Do you know now, in retrospect, who the source of  
6 that information was?

7 A No, I do not. If you find out, please tell me.

8 BY MR. PAGE:

9 Q In light of the TMI experience, how do you believe  
10 NRC can improve its effectiveness in communicating with the  
11 news media following a nuclear accident?

12 A Move in sooner, in force. I think that the word  
13 "accident" is sort of an all-encompassing one. There are  
14 different varieties of accidents. For example, subsequent  
15 to Three Mile Island, there was a problem at Oyster Creek.  
16 The agency moved its regional director and I put my --  
17 Karl Abraham on a helicopter from Middletown to Oyster Creek.

18 It soon became apparent that there was no need to move  
19 gobs of people to Oyster Creek.

20 On the other hand, TMI taught us that we've got to be  
21 prepared to move in quickly.

22 I think that the NRC has under way an effort to locate an  
23 off-site emergency center where state, local, federal, and  
24 I guess utility people would gather to assess the information.  
25 There would have to be a press center, either in that

1 facility or nearby, it seems to me, where the press could be  
2 accommodated. Certainly in the times in which we live now,  
3 anything involving nuclear creates a good deal of media  
4 attention.

5 So we are -- we have some preliminary planning under way  
6 in conjunction with what the Office of Nuclear Reactor Regula-  
7 tion is doing. Our people are ready to move if the need  
8 arises. I'm also hopeful that Congress will give us the  
9 additional people we requested.

10 Q Do you have any suggestions for ways in which there  
11 could be an improvement on the information that reaches the  
12 public, information that reaches the people from the site  
13 following an accident? Of course, now, you must depend upon  
14 getting that information from NRC technical people on site.

15 A I still believe that that's -- from where else would  
16 it come? You have to rely on your technical people. I think  
17 in this agency we have good technical people, people whose  
18 judgment I regard very highly. They are people with whom I've  
19 worked for many years.

20 I think Three Mile Island has taught us all a lot. But  
21 that doesn't mean that we know everything. And each accident,  
22 I think, is going to be a little different. I think you have  
23 to keep in mind that the accident that people have always  
24 contemplated in this agency is a little like the DC-10. It's  
25 down and it's over. Then you're playing consequences, but the

1 accident is over.

2 Three Mile Island went on for days.

3 Let's go off the record just a minute.

4 (Discussion off the record.)

5 BY MR. FOSTER:

6 Q With respect to the information that NRC has  
7 available to it, how do you think in the future the NRC should  
8 use technical information coming from the utility?

9 A I think that if the situation ever arises where this  
10 agency does not believe that the information it is receiving  
11 from a licensee is accurate, that this agency should immediately  
12 revoke that license.

13 In other words, you have to trust it. And if you can't  
14 they have no business being a licensee.

15 Q Did you trust the information obtained from  
16 Metropolitan Edison?

17 A I didn't get information from Metropolitan Edison.  
18 I got my information from NRC people.

19 BY MR. PAGE:

20 Q What do you believe can be done for the future,  
21 Mr. Fouchard, to lessen the impact of public demands placed  
22 on NRC for information following a nuclear accident of the  
23 type that occurred at TMI? As we understand it, the phones  
24 were ringing off the hook and many people were involved in  
25 answering these phone calls. And some of these people who



1 were answering phone calls were high officials of the NRC.

2 Is there some way that the public affairs organization  
3 could be structured to take some of the burden off of the  
4 people in the emergency response center?

5 A Well, I think indeed the record will show that by  
6 far the number of telephone calls handled by the public affairs  
7 staff exceeded those handled by people in the emergency center.  
8 At the same time, I think you have to understand that news  
9 media, particularly in Washington, have become well-acquainted,  
10 as they should, with the senior technical staff of this agency.  
11 A statement coming from a senior technical person on a techni-  
12 cal matter is and always will have more weight than that made  
13 by a public affairs person.

14 That doesn't mean the absence of any credibility on the  
15 one hand. It just means that medical doctors are more  
16 believed when they're talking about medical subjects than are  
17 the public relations spokesmen for the American Medical Asso-  
18 ciation.

19 I don't believe there was any undue burden placed upon the  
20 staff. I don't believe it's a burden to ask technical people  
21 to speak to the media and thereby to the public. I think it's  
22 part of all our responsibility.

23 To try to segregate statements by the agency into one  
24 office or another office and say, no, I can't talk to you,  
25 you've got to talk to him, it would be a gross mistake and

1 very poor public policy.

2 Q Was any kind of arrangement made whereby the NRC  
3 operator knew who to direct phone calls to when they came in?  
4 Were certain individuals designated for certain types of  
5 calls?

6 A No. I believe most of the calls probably came into  
7 our office down here on the third floor of the Maryland  
8 National Bank Building. We set up a whole new bank of phones.

9 The Department of Energy provided us with some of its  
10 nuclear public affairs people to help answer the phones. I  
11 believe this was not an NRC problem. I believe it was a  
12 government problem, and we are very grateful to them for the  
13 help they gave us.

14 But there is no way, it seems to me, that the volume of  
15 telephone calls which came into this agency following and  
16 during the days of TMI could be satisfactorily handled. I  
17 don't believe there is any agency in government that's prepared  
18 to do it.

19 Q Shifting over somewhat to some different line of  
20 questioning, would you tell us what you heard, if anything,  
21 following the accident concerning any plan of NRC to take  
22 over direct operation of the TMI plant?

23 A I guess I cannot recall any conversation in which  
24 there was a suggestion that the NRC take over the operation  
25 of the TMI plant.

1 I would add as an aside, I think that would have been a  
2 serious mistake, since the most important thing for the safety  
3 of the public was to have the people who were familiar with  
4 the operation of that plant continue to operate it.

5 I have heard it reported to Harold Denton and I have been  
6 asked about it, that at one point in a conversation Met Edison  
7 threatened to walk away. I never heard anything like that.  
8 I never saw any sign of anything like that. And I assume  
9 there were some very tense moments between the technical  
10 people, and I can only assume that tempers flared on occasion.

11 But I never took that subject seriously, primarily because  
12 I guess I believe it would be bad policy.

13 Q We talked earlier about the deliberations on Friday  
14 morning concerning a possible NRC recommendation for evacua-  
15 tion of the surrounding area around the reactor there. Do  
16 you recall hearing any conversations about desirability of  
17 recommending evacuation on any other day, Wednesday, Thursday?

18 A I do not. And I've been asked this question before.  
19 I recall no discussion of evacuation prior to Friday morning.  
20 If you have anything to refresh my memory, I'll be happy to --

21 Q No. I have nothing.

22 Did you hear anything about possible need to evacuate on  
23 Saturday morning or Sunday morning?

24 A Well, I was at the site at that point and I did not.  
25 But I have the benefit now of listening to testimony by

1 members of the Commission. And also, I have read the text  
2 of the Chairman's news conference, which was Saturday afternoon  
3 where evacuation -- as we bring the bubble down, we may have  
4 to do this ourselves. As I pointed out, the 20-mile figure  
5 was used, which did not -- well, it surprised the people in  
6 Harrisburg, I mean, the state officials.

7 Sunday, I understand the Commission was still working on  
8 something involving evacuation. But my knowledge from that  
9 comes from testimony given -- I believe of the Commissioners,  
10 given before the Presidential Commission.

11 Q You heard nothing while you were at the site, then?

12 A No. And I would repeat that throughout the early  
13 days, Bethesda seemed to be more concerned than those of us  
14 at the site.

15 BY MR. FOSTER:

16 Q On Friday, did you make any recommendation with  
17 respect to evacuation to the Chairman or any of the other  
18 members of the Commission?

19 A I think the record will show that I asked the  
20 Chairman, do you not think there should be some precautionary  
21 evacuation. And his reply was, I suppose so, but. And that's  
22 where we got into it like a couple of blind men.

23 Q Then you suggested to him that this may be a con-  
24 sideration?

25 A Yes, indeed. I believed it should be a consideration.

1 Q What did you base this recommendation on?

2 A The fact that at that point there was radiation  
3 coming from the plant and we weren't quite sure of the source  
4 of it. And we didn't know whether there was going to be some  
5 more of it.

6 Q So you felt that you had a --

7 A Let me clarify. The Chairman, Mr. Denton and I  
8 don't remember who else was in on that conversation, we were  
9 all talking to the Chairman downtown. The tapes are available  
10 to you. So you can determine the precise language that was  
11 being used.

12 The Governor had, through Karl Abraham, passed word that  
13 he needed some more information from the NRC, that he was  
14 getting information from the utility. He didn't have a good  
15 source of information.

16 At that point I was talking to the Chairman about getting  
17 on the phone with the Governor of Pennsylvania. Even if we  
18 didn't know very much, we could tell him that. I believe I  
19 used the phrase: Don't you believe some precautionary  
20 evacuation should be made?

21 And the Chairman, as I recall, said: I suppose so, but.  
22 But that's all a matter of public record.

23 Q You were comfortable enough, then, with the technical  
24 understanding you had of --

25 A I trusted the people that I was working with.

1 Q Were you basing, then, this recommendation on the  
2 technical information that you had gotten from the other  
3 members of the EMT?

4 A Yes, sir.

5 BY MR. PAGE:

6 Q Mr. Fouchard, were you personally involved in any  
7 way in NRC's effort to keep the State of Pennsylvania informed  
8 concerning the accident?

9 A You had better believe it.

10 Q Did you have personal conversations with the Governor  
11 or his press secretary?

12 A No, sir. The press secretary had enough work to do  
13 without being bothered by that. In any event, Mr. Abraham  
14 was in Harrisburg on Wednesday evening. So he was our liaison  
15 with the Governor's press office.

16 I believe my first involvement was on Thursday, when, as  
17 I recall, Commissioner Gilinsky was Acting Chairman that day.  
18 He came to the EMT and we discussed the desirability-- and I  
19 don't know whether it was his suggestion or mine, and I think  
20 it's not very important, but we did discuss desirability for  
21 him to talk with Lieutenant Governor Scranton, who the  
22 Governor had designated as the State's lead in this matter.

23 I know that Mr. Gilinsky tried to reach Mr. Scranton. I  
24 don't know whether he did or not. But this, and then of  
25 course, Friday, I think as the transcripts reflect, there

1 was a keen need for us to communicate with the State. I  
2 believe then, in a situation like this, the State has every  
3 right to look to the federal agency for the best technical  
4 advice it can get.

5 And in addition, subsequent to my arrival at TMI, I talked  
6 several times a day with the Governor's press secretary. I  
7 met, Mr. Denton and I and the staff met, every evening with  
8 the Governor and his staff. I think once we got on the scene  
9 the -- I think the State would tell you that they were satis-  
10 fied with the relationship between NRC at the site and  
11 Harrisburg.

12 In addition, the State had a technical person in Denton's  
13 trailer at all times. So he knew what was going on.

14 Q He was there to keep Mr. Critchlow informed?

15 A He was there to keep the Governor informed.

16 Critchlow didn't need anybody to keep him informed. We talked  
17 regularly.

18 BY MR. FOSTER:

19 Q During the Friday, Saturday, Sunday, it's my under-  
20 standing that prior to each one of the Governor and Mr. Denton's  
21 conferences, there would be a briefing by yourself and  
22 Mr. Denton.

23 A Not a briefing. I would call down to the press  
24 center. I would ask them what sort of -- what are the key  
25 questions that are coming up down there that you haven't been

1 able to handle? What should we make sure we cover so that --  
2 because the press briefing is the best way to get at lots of  
3 people in the shortest possible time. There are only seven  
4 of our people trying to serve 300 people down at the press  
5 center. It's obvious that was unsatisfactory. We knew that,  
6 they knew that.

7 So what we would try to do in these briefings is just cover  
8 the areas which were coming up most frequently, handle a lot  
9 of people's questions with one answer.

10 Q Had you prepared briefing papers?

11 A No.

12 Q There wasn't a briefing paper handed out to members  
13 of the media after these --

14 A No. It was transcripts of the news conferences.  
15 Here they are. Occasionally, we would have, you know, a press  
16 release.

17 First place, let me tell you how it worked. The morning,  
18 Bernaro and Elsasser would come out to the trailer. We would  
19 by that time be getting the PNs. We would talk to them about  
20 what was in the PN to make sure they understood. If they had  
21 any questions, interpretation, either Stello or Denton would  
22 talk with them.

23 So then they could go down to the press center and be  
24 available to answer questions on what was in the PN when we  
25 made the PN available in the press center. As I say, that's



1 why two of them simply were not enough. They did a beautiful  
2 job, but nobody could have handled that mob.

3 Then, some time later on in the day, Denton would come down  
4 and brief. So the morning, the afternoon story was usually  
5 the preliminary notification. And then, as we got on later  
6 in the day, Denton would brief.

7 So there were really two sources of daily activity, plus  
8 the questions which arose. And of course, if anything of any  
9 significance took place, we would advise the press center.  
10 But there were no briefing papers prepared. Harold would call  
11 in Boyce Grier and Stello or whoever the senior was, and we'd  
12 just go over what the questions were and what the developments  
13 had been.

14 He'd just make a few notes and off he'd go.

15 Q. You indicated that the PNs were distributed to  
16 Mr. Bernaro and Mr. Elsassner, with copies of these also given  
17 to members of the press that asked for them?

18 A. Sure. The reason for bringing them out was so they  
19 could read it. And then if they had any questions on it --  
20 because these were the boys that were going to have to answer  
21 the questions in the press center until we got down there.  
22 Do you have any questions? Do you understand this? You know.  
23 And that's why they would meet each morning with Stello or  
24 sometimes Denton.

25 Q. At what point did you start relying on the PNs

1 rather than writing a separate public announcement?

2 A. Oh, very early in the game. We didn't issue very  
3 many separate public announcements after we got to TMI.

4 Q. That was after you arrived at the site?

5 A. Sure. You didn't have time to construct press  
6 releases and word engineer.

7 Q. Were you involved in preparing the PNs or were they  
8 all prepared by technical people?

9 A. I was involved in critiquing a couple of them,  
10 because unfortunately our approach on PNs did not change. It  
11 was still too much technical jargon. But let's face it, it's  
12 all we had.

13 So we used what we had, but we made sure not only our  
14 people in the press center, but also the technical people  
15 we had there understood. So that if a fellow comes up with  
16 a PN and says, hey, Karl, what's this phrase mean, why, you  
17 can help him with it.

18 Q. But you were not involved in the writing process?

19 A. No. I blew my stack on a couple of them, however.

20 MR. FOSTER: Off the record.

21 (Discussion off the record.)

22 MR. PAGE: Back on the record.

23 BY MR. FOSTER:

24 Q. Let's go back on the record.

25 Were transcripts of press conferences held jointly with

1 Mr. Denton and Governor Thornberg provided to the press?

2 A That was a function of the Governor's press secretary.  
3 But I believe the answer is yes.

4 Q Was the preparation of the transcript then handled  
5 entirely by the State of Pennsylvania?

6 A With respect to the joint news conferences held in  
7 Harrisburg, the answer is yes. That's routine for any  
8 Governor's office.

9 Q Did you have any discussions with Mr. Critchlow at  
10 any time on how these transcripts should be disseminated?

11 A Absolutely not. That is his business, and it looked  
12 to me like he was doing a good job.

13 BY MR. PAGE:

14 Q With respect to the press conferences held by NRC  
15 in Middletown, were transcripts of those press conferences  
16 distributed to the press?

17 A Yes.

18 Q What kind of turnaround time did you have on getting  
19 those back?

20 A We finally got around to two hours turnaround time.  
21 We had a little difficulty to begin with because we couldn't  
22 find a printer in Middletown. The first day or so, we had  
23 hoped to have them. We didn't make two hours. Let me put it  
24 that way. I don't remember what it was, but it was embarrass-  
25 ingly long. I think this was just part of a logistical

1 situation which we encountered in a community where very little  
2 business was going on.

3 After the President left on Sunday, the White House took  
4 its PA system and its television mult system back with it, so  
5 that Karl Abrahams, simply between that afternoon and the  
6 following afternoon, could not find a PA system. So our  
7 Monday news conference was very unsatisfactory. And if you  
8 will check the transcripts, I think you will find me lecturing  
9 my news media college very hard.

10 But these are just some of the things that were encountered.  
11 We had the Commission's reporting service come up, Ace  
12 Reporting. But it was difficult to find a printer. They  
13 weren't used to that sort of speed turnaround.

14 So ultimately, we brought up our own fast Xeroxing and did  
15 our own work. I think it's fair to say that this may be the  
16 only accident in the history of mankind where news conference  
17 transcripts were available on the scene two hours after they  
18 were held.

19 Q Turning to a different line of questioning, were  
20 you involved in conversations with representatives of other  
21 federal agencies, such as DOE, EPA, other Defense Civil  
22 Preparedness Agencies, concerning the assistance that they  
23 were providing to NRC at the site?

24 A Yes. As I told you, I believe we used some DOE  
25 public affairs people.

1 Q Did you have any involvement in addition to that?

2 A In addition, the nightly meeting in the Governor's  
3 office was attended by a representative of the Federal Defense  
4 Preparedness Agency --and I'm trying to think of Bob's last  
5 name -- as well as, I believe, Mr. Adamcik, who was the  
6 regional representative.

7 It is my understanding that that organization had the lead  
8 in coordinating the non-NRC activities at TMI. In addition,  
9 I had any number of discussions with the radiological people  
10 who were located out at one of the airports. The HEW people  
11 came through.

12 But these were, you know, just casual discussions.

13 Q Were you calling these people for information that  
14 they might have available?

15 A No. I relied upon the program people to get that  
16 kind of information.

17 Q Were they calling you for information?

18 A Occasionally they would.

19 Q We would like to turn now to what contacts you had  
20 with the White House following the accident. Could you tell  
21 us with whom at the White House you spoke following the  
22 incident which was first reported on Wednesday morning, and  
23 give us some indication of about when the conversations took  
24 place and the subject of these?

25 A Oh, that's a tall order. On Wednesday, when I was

1 in the incident response center, I told Mr. Ingram to call  
2 Walt Wurfel, who was at that time the deputy press secretary,  
3 to let him know what we had going. I don't remember any  
4 conversations personally with anyone from the White House on  
5 Wednesday or Thursday. I'm sure the situation room was being  
6 kept apprised, and I know that the National Security Council  
7 people were being kept advised. And I'm sure that if they  
8 were kept advised, the White House press office was also  
9 advised, I mean, by internal White House people.

10 The first contact I had with Jody Powell, I guess, was  
11 Friday, right before I was going to TMI. And I think the  
12 tapes -- somebody told me that's in the tapes. We were talking  
13 about the central location for a press center. And I told  
14 Jody that things were moving pretty fast and I'd have to take  
15 a look at it later, that I was going to TMI with Denton, and  
16 I would call him from there.

17 And he said, is there anything we can do for you. And I  
18 said, it seems to me you're already doing it. You're getting  
19 us hard communications, which we desperately need. And you  
20 are getting us to Three Mile Island.

21 Subsequently, when we reached Three Mile Island, we were  
22 in the lady's house, and I believe I talked to Powell about  
23 the meltdown story, which I had not seen.

24 BY MR. FOSTER:

25 Q This would have been Friday evening?

1       A.       Friday afternoon, early. Well, transcripts reflect  
2 it. My wife said I shouldn't say things like that, because I  
3 said "God damn it."

4       I didn't know about the story. Then Denton and I subse-  
5 quently talked to Powell, and I believe the transcripts also  
6 reflect that Hendrie and Powell were talking back and forth  
7 here in Washington. I think there was some plan that Hendrie  
8 might go over to the White House and use Jody's facilities for  
9 a briefing.

10       Powell was concerned, and very rightfully so, as every good  
11 newsman is, that we not get a situation started where -- if we  
12 could avoid it, where a statement was made in Washington  
13 which might be contradictory of something which was said in  
14 Harrisburg. Good goal. Hard to achieve.

15       But we certainly agreed on the principle. I did not want  
16 Denton to go out until he at least had a feel for the situation.  
17 That's in terms of -- the green house by that time was sur-  
18 rounded by reporters. I did not want him to go out until he  
19 at least had a feel for the situation out there and until he  
20 had talked with the Governor. Because I believed that it was  
21 important that when we said we had been in contact with the  
22 Governor from the site, that people knew that we were talking  
23 to one another.

24       We subsequently talked to Powell after this. Then there  
25 was the news conference that night. And I don't know. Denton

1 was talking to the President almost daily after that, and I  
2 guess I probably talked to Jody every day at least once. I'm  
3 just telling you what we were doing. There was no interference,  
4 if anybody suggested that.

5 Q In your early conversations with Mr. Powell or with  
6 any other contacts, did the NRC request the White House to  
7 provide the communications system that it had available to it,  
8 or was this an offer made by the White House?

9 A I can't answer your question. I don't know how the  
10 hard line -- I think it really came to the fore on Friday, when  
11 you just could not get a 717 number. That's why I told  
12 Abraham and told the people in the EMT, the person that cuts  
13 off that line is in deep trouble, because that's all we had to  
14 Harrisburg.

15 But I don't know the sequence of the hard line. I seem to  
16 remember Gossick being involved. But I'm guessing now. I  
17 don't know.

18 Q Okay. We discussed somewhat earlier the question of  
19 White House involvement in the decision that NRC should be  
20 the sole spokesman at the site. Could you tell us a little  
21 bit more of what you know of this?

22 A I don't remember any personal conversations with  
23 the White House on the matter. I do remember talking with  
24 Mr. Crietz on Saturday morning. And I believe Mr. Denton was  
25 present. But it's possible that he wasn't, because we were



1 all on the same site there and we would meet, sloshing through  
2 the mud from one place to another.

3 But they said they were going to hold their last news  
4 conference that day, and that I believe Mr. Crietz told me  
5 that he had been called from the White House. But that's right  
6 now hearsay. I mean, I did not discuss it with him. I  
7 certainly had made up my mind by that time that we had to have  
8 a single spokesman and that it had to be us.

9 BY MR. FOSTER:

10 Q Were you aware of any prior conversations, or is  
11 there a possibility that prior conversations would have been  
12 held with other NRC personnel with respect to coming to this  
13 conclusion? Or was this the first time NRC heard about this?

14 A The first time I had heard about it, I believe.  
15 You're asking for specific recollection six months back, at a  
16 time which was pretty chaotic.

17 Let me say that, however it came about, it was the right  
18 move.

19 BY MR. PAGE:

20 Q Did Mr. Crietz indicate to you any concern with  
21 NRC being the sole spokesman?

22 A No. I think at that point Mr. Crietz was probably  
23 relieved.

24 BY MR. FOSTER:

25 Q Do you remember who would have been with Mr. Crietz

1 during this conversation?

2 A I do not, no. I don't even remember. I just remember  
3 it was held on the site. I don't remember whether it was held,  
4 you know, out in the parking lot or where it was. I do remember  
5 we discussed it, because I often second-guessed myself in  
6 saying maybe I should have told him not to hold the last news  
7 conference because it added to the confusion.

8 Q Did you tell him to go ahead and hold the press  
9 conference?

10 A I said -- in his view, as I recall, this would be  
11 their last one. I had then and still have some difficulties  
12 in the concept that a federal agency can interfere with the  
13 public information activities of a private corporation.

14 Q Federal agencies, including the White House?

15 A I stand on what I said.

16 But at the same time, there was a real need -- and I think  
17 this particular area should be clarified, and I would hope  
18 that maybe your organization might have some wisdom. It's not  
19 an easy thing, believe me.

20 Q Mr. Fouchard, you mentioned that you believe  
21 Walter Crietz had said he had a call from the White House,  
22 although you can't be certain?

23 A Ask Walter. He would remember. What does he say?

24 Q At this point in time, speaking of today, are you  
25 absolutely certain, though, that the White House provided

1 the impetus for Met Edison to hold a press conference?

2 A. No, sir. I did not suggest that. That was not  
3 the meaning of that at all. I don't know who was the father  
4 of this particular idea. All I can say is it wasn't a bad  
5 idea. But I do have some basic problems with how hard a  
6 federal agency could come down on a private company.

7 Q. Saturday evening, this would have been Mr. Denton  
8 and Mr. Stello's trailer, do you remember Bill Murray,  
9 Herman DeCamp, Blaine Fabian? This would have been some time  
10 Saturday night and would have been in conjunction with dis-  
11 cussing the President's visit the following day.

12 A. That would have to have been awfully late, because  
13 I think -- I can't remember when we first got word of the  
14 President's visit. I don't remember whether it was in the  
15 Governor's office or what. But I think the Governor by that  
16 time -- we're talking fairly late.

17 See, we held that news conference in Harrisburg some time  
18 between 11:30 and midnight.

19 Q. Do you remember what time you left for the site to  
20 go to the Governor's office?

21 A. Do not.

22 Q. Was it --

23 A. The meeting in the Governor's office was an extended  
24 one that night.

25 Q. Would it have been prior to the AP bulletin of

1 Saturday evening?

2 A Yes, indeed.

3 Q It was before that? That was about 8:00 o'clock?

4 A No. Excuse me. It might have been afterwards. I  
5 knew we were late getting to Harrisburg that night, and I'm  
6 sorry, I can't reconstruct the times. I can reconstruct the  
7 events but not the times.

8 Q You don't remember any Met Ed-GP people coming over  
9 to discuss it?

10 A No. I'm sure they did, because the White House was  
11 going to begin advising us at 7:00 o'clock in the morning.  
12 We didn't go to the motel. We went back -- as I say, I don't  
13 think I got any sleep that night. We went back to the trailer  
14 after the press conference. So I can't believe that, you  
15 know, some discussions didn't take place. I just don't  
16 recall them specifically.

17 Q I see. Did you ever recollect having a discussion  
18 with Vic Stello, either at the time of the event or now, with  
19 respect to a call you were to receive from Jack Watson?

20 A I would have received --

21 Q Mr. Stello would have received.

22 A Mr. Stello told me -- and this is very recently --  
23 that while Harold and I were on the way to the capitol that  
24 night, that he had a call from the White House. This must  
25 have been on the bubble thing, because he was then very

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1 afraid that we were going to get sandbagged when we arrived  
2 at Harrisburg. See, Vic was on the night shift at that time  
3 and he probably didn't know that we were already alert that  
4 there was a problem through Dick Lyons' earlier call. He didn't  
5 say he had a call from the White House. He did not say who  
6 it was from.

7 Q And it was to discuss the impact of the bubble story  
8 or seek a confirmation on the accuracy of the information?

9 A I don't know.

10 Q Did you have any conversations with any Met Edison-GP  
11 official outside of the one, the possible mention with  
12 Mr. Crietz, either at the time of the event or subsequently,  
13 with respect to the White House involvement?

14 A Not that I can recall.

15 BY MR. PAGE:

16 Q In listening to the NRC tapes on Saturday evening  
17 following the confusion of or the possible explosion of the  
18 bubble, the conversations seemed to say that they have  
19 received instructions not to take any more calls from the  
20 press, based upon a hold on information, and that all subse-  
21 quent reports should come from the site, NRC people at the  
22 site.

23 Are you aware of how this policy was brought about? Was  
24 this prompted by a call from the White House?

25 A What I tell you now is not of my own direct knowledge.

1 It is what I subsequently learned. Apparently, there was a  
2 call to Mr. Case, who was the senior person in the operations  
3 center that Saturday night, from someone in the White House  
4 complaining about the stories that were moving on the bubble  
5 out of Washington. Apparently Mister -- the White House  
6 didn't know whether it was a suggestion or what it was, that  
7 we refrain from answering any more calls.

8 I learned of this in Harrisburg and it was very late. I  
9 can't tell you when.

10 By that time, we already had a press center set up in  
11 Middletown. I only had three people there at the time, two,  
12 three, something like that. By that time, I had already pretty  
13 well made up my own mind that we had to take the con in  
14 Middletown, anyway.

15 I told Ingram to move the field people first thing in the  
16 morning to Middletown, that I wanted him there by the time the  
17 President arrived, and indeed, they were there.

18 What I've told you about the call from the White House is  
19 what people have told me. I do remember a conversation with  
20 Mr. Ingram on Saturday night, and this was a very hectic day  
21 for all of us. And I told him to -- that I had -- that I  
22 thought we had taken care of the story with the press confer-  
23 ence in Harrisburg. We'd done all we could for that night,  
24 and to have the other people move up and begin on Sunday  
25 morning, telling the media that the information on the

1 activities at Three Mile Island would be issued by the NRC for  
2 Middletown. So in other words, come to Middletown.

3 Q Was the news center in the Bethesda East-West Towers  
4 Building, was it closed at that time?

5 A Was closed, yes.

6 BY MR. FOSTER:

7 Q Do you remember who told you, gave you this informa-  
8 tion?

9 A Initially it was Mr. Ingram, I believe. But it could  
10 have been Mr. Case. I didn't pay much attention to it on  
11 Saturday night, to be very honest with you, because I'd already  
12 made a decision that we were going to have to move everything  
13 to Middletown, anyway, just based on the fact the President  
14 was coming the next day. The action had already shifted to  
15 Middletown, and whatever the Commission was going to do here  
16 in Washington would be with respect to getting information  
17 from us at the site or taking care of some of the -- you know,  
18 what generic issues on other B&W plants were.

19 So I didn't have any problem with what was suggested, but  
20 I had already made up my mind that when you have got as few  
21 troops as I have, you try to use them as best you can. And  
22 on Friday, they needed them at Middletown. We kept a 24-hour  
23 news center in Middletown and I think we made arrangements  
24 with Middletown police not to arrest reporters that were on  
25 the street after curfew.

1 BY MR. PAGE:

2 Q Do you recall arrangements that were made with people  
3 in Bethesda as to which phone calls they should refer to  
4 Middletown and which ones they could answer themselves?

5 A It was easy. If they were any activities on the  
6 plant, they came to Middletown.

7 Q Was this from any member of the public or only from  
8 news people?

9 A We had public lines going from Middletown -- we had  
10 a public tape, public lines, and we changed the tape periodically  
11 during the day, so people could call in and get the status of  
12 the report. I think we were still servicing the public out  
13 of Bethesda, but again, I wasn't here. I don't -- certainly  
14 any media activity would have had to be centralized at  
15 Middletown.

16 And we also--if you will talk to my good people, will find  
17 out they handled hundreds and hundreds of calls from the  
18 public all night long. You haven't lived until you've had a  
19 call about 4:00 a.m. in the morning from a hippie radio  
20 station in California.

21 Q Mr. Fouchard, were you involved in any way in the  
22 NRC coordination activities with Congressional offices follow-  
23 ing the accident?

24 A No, sir, except -- well, let me amend that.

25 Congressman Udall and Congressman Walker were on the site



1 frequently at TMI when I was there. I had several conversations  
2 with them. I wouldn't -- you know, Denton would brief them on  
3 what was going on, if we had any, you know -- I would let them  
4 know when we were going to brief that day, if I knew, and what  
5 the highlights were. But that's the extent of it.

6 Q How good do you believe NRC's emergency planning was  
7 prior to the TMI accident, to assure that the news media would  
8 be kept promptly and effectively informed following a nuclear  
9 accident of this type?

10 A Inadequate.

11 Q What do you believe was the main reason for this?

12 A I don't think the NRC, nuclear industry, and probably  
13 some of the states ever believed something like this was going  
14 to happen.

15 Q What things have been done since the accident to  
16 assure a better response by NRC for an accident?

17 A Well, as the record -- I believe you have a copy of  
18 a memorandum which I sent to the Commission in May on lessons  
19 learned. I think we need some more staffing. I think we  
20 need some more planning. I think Karl Abraham is doing some  
21 planning and trying to use Region I as a model, so we can try  
22 to adapt it to other regions.

23 We are trying to identify off-site centers. We have pretty  
24 well concluded that we will move into the site more quickly.  
25 And I think in the events that have transpired since that

1 time, we have. At Oyster Creek, we've had the Erwin, Tennessee,  
2 matter, both of which we sent public affairs people to. I  
3 think the real question is what is the role of the NRC. And  
4 I will repeat what I said to the Commission in my memorandum,  
5 and that is: At what point do we take charge? In any situation,  
6 somebody has to be boss.

7 Clearly, the Oyster Creek situation wasn't one of those.  
8 I think the recent situation in North Anna is not one of those.  
9 But what's the dividing line?

10 Obviously, it's a matter of judgment. When you send NRC  
11 people to the site, what is their role?

12 Now, up to the point of Three Mile Island, the NRC role  
13 had been primarily an inspection and investigative one. I  
14 think that situation changed at Three Mile Island. Where do  
15 you draw the line and when do you draw it? Those are basic  
16 policy questions, which I think the -- or excuse me -- the  
17 agency has to face up to, and in my view has not done so.

18 So if you ask me, are we better prepared today than we were  
19 on March the 22nd or 27th, rather, I would say somewhat, but  
20 only because of lessons we learned.

21 Q You mentioned the project that Mr. Abraham has under  
22 way. This was a question I wanted to get into, whether or  
23 not that was being done country-wide or just in Region I?

24 A We were trying to tailor one and then -- well, there's  
25 a good deal of work being done nationwide. But Karl's project

1 is just adapt it to Region I, see how it works out, and then we  
2 could adapt it for the others.

3 Q Could you indicate what he's doing?

4 A He's looking at everything. He's looking at where  
5 press centers might be located at the various sites. He's  
6 looking at the logistical situation: How do you get typewriters,  
7 how do you get telephones, how do you get Xerox machines, and  
8 who does this?

9 Let's face it, at one point I had signed for a trailer, a  
10 Xerox machine, a White House mult, and I told somebody, I'll  
11 either wind up in the graveyard or Leavenworth after this  
12 is all over, because we had no requisition authority.

13 Do you get somebody from the agency to go out with pad and  
14 pencil? Just simple logistic matters that have to be handled  
15 and have to be handled rapidly.

16 In addition to -- but Karl's activities are primarily more  
17 detailed activities than they are policy activities. As I say,  
18 I think the agency has to determine what its role is and when  
19 that role changes.

20 Q Is he examining that at all as part of his project?

21 A I don't think so, no. I think he figures that's  
22 probably got to be done from here, and he's right. And soon,  
23 I hope.

24 Q He indicated to us that he expected to complete  
25 his project some time, I believe, in December or so. Do you

1 expect that the other regional offices would be asked to do  
2 something similar to this in the foreseeable future?

3 A. When you have one public affairs office in each  
4 region, particularly regions which are as busy as Region I is,  
5 and now II and III and the others, also, when you hold a meeting  
6 here in Washington or someplace else, you uncover yourself all  
7 the way around the country. So we really don't hold enough  
8 meetings.

9 What I want to do is bring the staff together as soon as I  
10 can. And I don't think it has to await Abraham's project, just  
11 to talk about this in a little more detail.

12 Actually, I was hoping that the reports of some of these  
13 organizations, like the President's Commission and like this  
14 one would be out by the time we held that meeting, because I  
15 am hopeful that there will be some constructive criticisms.  
16 If there are not constructive criticisms, then I think both  
17 organizations would have wasted their time.

18 BY MR. FOSTER:

19 Q. Going back to that early morning call you got from  
20 Karl Abraham, I wanted to clear up something. Did he mention  
21 that he had a site or a general emergency?

22 A. My recollection was he said site emergency.

23 Q. Okay. During this call or any of the early calls  
24 in the morning of the discussions you had with Mr. Abraham,  
25 what instructions did you have for him with respect to what

1 his duties would be?

2 A. I told him, I think, to stay there for the time being,  
3 because by that time the calls were already flooding into both  
4 Washington and into the region. And it was not until later  
5 that day that I decided to send him to Harrisburg and to bring  
6 Jan Strasma in from Chicago, Region III, to fill in for  
7 Abraham at King of Prussia.

8 I thought it was important to have people answering phones  
9 both in Washington and in King of Prussia.

10 In retrospect, obviously, we should have moved more people  
11 into -- there wasn't much going on at the site. I mean, in  
12 terms of the communications, they were horrible and, you know,  
13 even NRR sent people to the site and then never seemed to hear  
14 from them again.

15 What you really had to do -- the best place for Karl to be  
16 was where the press action was, and the press action at that  
17 point was in the Governor's press office, which is where I  
18 sent him on Wednesday night.

19 I don't have to tell Karl Abraham what to do, by the way.  
20 He's a thoroughly competent public affairs man.

21 Q Did you have any specific instructions for him when  
22 you sent him to the site?

23 A. No.

24 Q How about, example: Don't get involved with any  
25 joint press conferences with the utility?

1           A.       No, I can't remember ever discussing that. But I  
2 can't think -- you'd have to ask Karl that.

3           Q        Did you ever receive a call back from him saying,  
4 look, I've had a request. What's our position on the matter?

5           A.       Not that I can recall. I think Karl and I are in  
6 no disagreement on that matter. So he wouldn't really have  
7 to seek much guidance from me; confirmation from me, but not  
8 guidance.

9           Q        How about any instructions or any dialogue you may  
10 have had on his interfacing with the media upon arriving at  
11 the site?

12          A.       He went to the Governor's press office and he was  
13 interfacing with the media regularly. I understand he was  
14 greeted with open arms by the Governor's press secretary. At  
15 last, some help.

16          Q        This would probably have been Thursday. Do you  
17 remember personally receiving a call or conversations with  
18 Mr. Ingram, who may have received this call, a request by  
19 CBS to make Mr. Abraham available and your office declined the  
20 request?

21          A.       I don't remember such a request. But that doesn't  
22 mean it didn't occur.

23          Q        If such a request would have been made, would you  
24 have declined?

25          A.       I guess I can't answer that. It would depend on the

1 circumstances. And I don't know of any reason why we would  
2 have. But at the same time, our people at the site were being  
3 interviewed, Galina and -- well, Galina -- the name, yes. My  
4 guess is what I would probably have said is that the people at  
5 the site are probably better people to be interviewed, since  
6 they have got more current information. But --

7 Q You don't remember?

8 A No, I don't. But then, turning television stations  
9 down on interviews is something I've done with a good deal of  
10 regularity, but not for any particular purpose. It's just,  
11 do you have the time and can you be -- can you help them in  
12 any way.

13 Q You mentioned earlier, I believe, if I understood  
14 you correctly, that Mr. Abraham was principally functioning as  
15 liaison with the Governor's office?

16 A On Friday, he certainly was. But on Thursday, he  
17 was acting as a public affairs spokesman out in Harrisburg.

18 Q Did you instruct Mr. Ingram to keep Mr. Abraham  
19 constantly informed about the decisions that were being made  
20 out of Bethesda?

21 A I don't know that it would be necessary to give  
22 such an instruction. We do that routinely.

23 Q Did you notify him of the decision to have a pre-  
24 cautionary evacuation at Mr. Collins' recommendation?

25 A My recollection is that the last conversation I

1 had with Karl -- and the tapes may show something different,  
2 I don't know -- was just to say that the Chairman was about  
3 to call the Governor. And Karl subsequently told me that he  
4 had a runner, which went between his office and the Governor's  
5 office, and the runner took the message up that the Chairman  
6 will be calling momentarily.

7 And what took place in that conversation, I do not know.  
8 But Karl reports to me that a short while later, the Governor's  
9 advisory came out over the loudspeaker systems there in the  
10 press room. So it looks to me that, given the number of people  
11 we had, that the right place was for Karl Abraham to be that  
12 day was Harrisburg.

13 MR. FOSTER: Off the record.

14 (Discussion off the record.)

15 BY MR. FOSTER:

16 Q You mentioned I believe, earlier, also, that when  
17 you arrived Mr. Denton went in and had a discussion with  
18 Mr. Herbein. Were you a party to that discussion?

19 A I wasn't paying much attention to it, frankly,  
20 because I had some media people out front and I was in a very  
21 small office. The red phone had just been, I think, connected  
22 in there. And it's a direct line which the White House put in.  
23 And you know, I thought it was -- let the technical people get  
24 together and worry about the technical things, and I'll start  
25 thinking a little bit about logistics. So you know, I was



1 not -- I was present, but recalling anything, the answer is no.

2 Q Other than what we've discussed, did you have any  
3 other dialogue with any Met Edison-GP officials in the first  
4 three days up there?

5 A Oh, sure.

6 Q Anything of significance you'd like to relate now  
7 for the record?

8 A We talked all the time about lots of things. There  
9 were certain areas, for example, that I thought Met Edison  
10 was -- should talk about. They backed off almost completely.  
11 For example, I encouraged them to talk to reporters about the  
12 enormous job which I thought the industry was applying, bring-  
13 ing all of these top people in over there in the armory. I  
14 thought that was a story that American industry ought to be  
15 proud to tell, and I didn't think it was getting out. It  
16 really wasn't our job to tell it.

17 They finally issued a press release, but it was pretty  
18 sterile. Any number of discussions. I talked, when stuff  
19 would be attributed to Met Edison people who were, you know,  
20 let's face it -- they have offices all over the place, and  
21 while they might not have been saying it on the site, they  
22 may have been saying something out of one of their other  
23 offices.

24 I would talk to them about it

25 Q Who principally were you interfacing with?

1 A I was interfacing with Crietz, DeCamp, Bill Murray,  
2 Fabian to some extent.

3 Q Did you have any recommendations for any of these  
4 gentlemen with respect to what they should include, what they  
5 should not include in their public statements?

6 A No, no.

7 Q Did you have any advice for them on how they should  
8 hold their press conferences, logistics, whatever?

9 A They didn't hold any press conferences af ter  
10 Saturday. They asked -- I believe they asked if they could  
11 hold their press conference the same place we did on Saturday  
12 and I said, no. I didn't think that was a very good idea.

13 Q I want to move to something else that we had touched  
14 upon a little bit earlier, and I have some different informa-  
15 tion. Let me tell you what I have. This is again on the  
16 bubble is gone story.

17 The way I got that was, this was Monday morning and a  
18 statement was put out over AP that Mr. George Troffer of  
19 Met Edison has said that the bubble is gone, danger is over.

20 A That's what he said.

21 Q You hear about this. You go over to a trailer.  
22 Mr. Fabian is present. Mr. DeCamp is there. And you said,  
23 hey, did anybody from your company make a statement that the  
24 bubble's gone? And then at that point Met Edison checks into  
25 it.

1           A.       I believe I did have a conversation on the bubble  
2 Monday morning, because the bubble story kept me awak all  
3 Sunday night. And I'm sure by the time I arrived at the site  
4 Monday morning, I was in a foul temper. But there was a story  
5 reported, and I cannot -- my recollection is it was Met Edison,  
6 maybe not. Troffer was involved, saying that the bubble was  
7 gone, and that's why I told the reporters that there's some  
8 encouraging signs, but we don't want to create false optimism  
9 and we're recalculating it overnight and we'll have better  
10 information for you in the morning.

11           And then I'm sure I had a conversation with Met Edison on  
12 Monday morning, and I'm sure I was on the bitter end.

13           Q.       Do you remember what you might have told these  
14 people?

15           A.       No, no.

16           Q.       Under any circumstances, would you have instructed  
17 them to retract that story?

18           A.       No. I don't think I have the authority to tell them  
19 to do anything.

20           Q.       Okay. Did you have any discussions with any of  
21 the state officials with respect to the credibility problem  
22 that had developed with Met Edison?

23           A.       I don't know that I had any discussions with them.  
24 I think there was general agreement that there was a credibility  
25 problem. I don't remember any specific discussions. But I do

1 know that the Governor was terribly displeased with some of  
2 the information he got. I can't cite chapter and verse. It's  
3 just my impression.

4 As a result, the Governor's press secretary and others were  
5 not very happy.

6 Q Were you given any instructions with respect to  
7 dissemination of information before you went up to the site?

8 A No, sir.

9 Q Did you have -- did you give any instructions with  
10 respect to dissemination of information?

11 A To who? No, no.

12 Q Any of your people.

13 A No. Our policy is to answer people as quickly and  
14 as honestly as we can.

15 BY MR. PAGE:

16 Q I have asked all of the specific questions that I  
17 have, Mr. Fouchard. And I believe Mr. Foster has, too.

18 Before closing the record, though, there are a couple of  
19 general questions I wanted to ask.

20 Do you have any additional information that may be pertinent  
21 to the inquiry of the Special Investigation Group that you  
22 did not give in response to one of our earlier questions?

23 A That sounds like an entrapment question, Mr. Page.

24 To the best of my knowledge, no. But that doesn't mean  
25 that I won't recall something this afternoon that I didn't

1 remember this morning.

2 Q Is there anything else that you would like to say  
3 for the record?

4 A No, sir.

5 Q In conclusion, let me indicate that this is an  
6 ongoing investigation and, although we have completed the  
7 questions that we have for you today, we may need to bring  
8 you back for further depositions. We will, however, make  
9 every effort to avoid having to do so.

10 I will now recess this deposition rather than terminate it.

11 I wish to thank you for your time in being with us here  
12 today.

13 (Whereupon, at 12:00 p.m., the taking of the  
14 instant deposition was recessed.)

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