

Transcript of Proceedings

UNITED STATES OF AMERICA

PRESIDENT'S COMMISSION ON THE ACCIDENT AT
THREE MILE ISLAND

DEPOSITION OF: THOMAS R. GIBBON

Washington, D.C.

August 20, 1979

Acme Reporting Company

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2 PRESIDENT'S COMMISSION ON THE ACCIDENT AT
3 THREE MILE ISLAND

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8 DEPOSITION OF: THOMAS R. GIBBON

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13 Eleventh Floor
14 1717 H Street, NW
Washington, D.C.

15 August 20, 1979
16 9:07 o'clock, a.m.

17
18 APPEARANCES:

19 On Behalf of the Commission:

20 Eric Fearson, Esquire
21 President's Commission

22 On Behalf of the Deposed:

23 Mark Chopko , Esquire
24 Office of the General Counsel

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E X H I B I T _ S

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|-----------------------|-------------------|
| Deposition Exhibit #1 | <u>IDENTIFIED</u> |
| | 3 |

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P R O C E E D I N G S

1
2 Whereupon,

3 THOMAS R. GIBBON

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

EXAMINATION

BY ERIC PEARSON:

6
7
8 Q State your name for the record please.

9 A Thomas R. Gibbon.

10 Q What is your current position?

11 A Legal Assistant to Commissioner Bradford.

12 Q I have a document here entitled "resume" with
13 the name Thomas R. Gibbon on the top. Would you tell me
14 what this document is, please?

15 A It is a brief summary of my professional and
16 educational experience.

17 Q Is this document accurate to your present know-
18 ledge to the present time?

19 A It is.

20 Q Let's make this Deposition Exhibit Number 1.

21 (The document referred to was marked
22 for identification as Deposition
23 Exhibit #1).

24 What are your responsibilities as a legal assistant
25 to Commissioner Bradford?

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1 A I advise him on issues which come before him.
2 To a large extent they are legal issues, but there are many
3 nonlegal issues, also. The way the office works is the
4 paper comes, gets funneled up to the Commissioner offices
5 and then one of the Assistants--there is also a Technical
6 Assistant and Special Assistant--and one of the Assistants
7 usually looks at the memo or the paper prior to or coincident
8 with the Commissioner.

9 Then they discuss it and the Commissioner makes
10 a decision.

11 Q Are you saying that the advice you render to the
12 Commissioner goes beyond simple legal advise, but also to
13 policy matters and matters of judgement?

14 A Certainly.

15 Q Do you, in the course of your employment, often
16 have special assignments, areas in which you are asked to
17 investigate to some greater depth?

18 A Yes.

19 Q What kinds of areas have you investigated at
20 greater depth in this position?

21 A For instance, Union of Concerned Scientists
22 Petition. They filed a position to shut down plants based
23 on fire protection and the qualification or the non-qualif-
24 ication of electrical equipment.

25 In order to get into that, there is a stack of

1 documents a foot high you had to read. Then after we
2 did that, we went down and talked to the staff people and
3 we also talked to the intervenors. That case is still under
4 adjudication, in fact.

5 Q Have you done any research, for example, in areas
6 of nuclear waste disposal? It seems to be a prime interest.

7 A To the extent necessary to advise the Commissioner,
8 for instance. There's all kinds of instances where the issue
9 of waste disposal will crop up and you have to go back into
10 the documents and find out how other people handled it,
11 other agencies have handled it.

12 There was a D.C. Circuit Court opinion just a
13 couple of months ago on wastes. The question is how is the
14 Commission going to respond to that.

15 Q Does your background include any nuclear engineering
16 or related education?

17 A No. Definitely not.

18 Q How long have you been an assistant to Commissioner
19 Bradford?

20 A Since January of 1978.

21 Q Were you functioning in that capacity at the
22 time of the Three Mile Island accident?

23 A I was.

24 Q Just by way of introduction, can you characterize
25 for me what your general function was during the time of the

1 accident, say the first five or six days of the accident.
2 What role did you play?

3 A Mostly that of an observer and also I talked
4 to Commissioner Bradford on and off throughout the four or
5 five days on what should be done, what shouldn't be done.

6 Q Did Commissioner Bradford seek your advice on
7 any particular matter?

8 A I wouldn't say particular matters. This situation
9 was moving so fast. If he wanted my advice he would come
10 and ask for it or we would just talk about it, to look at
11 various options.

12 There was also a Technical Assistant who was there
13 the whole time he could rely on for technical ^{advice} advise.

14 Q You were there "the whole time"?

15 A I was there--well, on Wednesday, when we first
16 heard about it, Commissioner Bradford decided to go out to
17 the Incident Response Center.

18 Q When did you first hear of it Wednesday?

19 A I think it was around 9:15.

20 Q Do you remember the means by which you first
21 heard it?

22 A Sure. Somebody called the Technical Assistant,
23 which is the way that the system operates, usually.
24 Inspection and Enforcement, one of the staff offices for
25 hot issues will call the Technical Assistant and then the

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1 Technical Assistant relays it to the Commissioner and to the
2 other people on the staff.

3 Q Why did the Commissioner go to the Incident Response
4 Center that morning?

5 A My memory is he said he wanted to see it in action.
6 At the time, it was hard to tell how serious the accident
7 was. I think in everybody's minds it was under control;
8 everybody thought it was under control. Or at least they
9 didn't think it was going to be as serious as it was Wednesday
10 morning.

11 So, he wanted to see how the Response Center
12 worked. Also, if it turned out to be more serious, he
13 wanted to be on top of it.

14 Q Did you have discussions with people with respect
15 to Three Mile Island that day?

16 A Sure. I might say, it is a good thing he did
17 go out to the Incident Response Center because the communication
18 were so bad between both the Response Center and H Street,
19 and H Street and the site.

20 Q Why was that?

21 A Well, I don't know. They just were. Preparation,
22 numerous reasons. After he went to the site I stayed
23 behind and we were getting phone calls in from various
24 staff people on Wednesday. The Chairman was not in the
25 office that day and Gilinsky was acting Chairman.

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He was set up in the Chairman's office and we were receiving calls on the speaker phone on the status of the plant.

Q Were there any meetings among the Commissioners that day?

A Well, first of all it depends on how you define a meeting. Under the law, a meeting is a quorum--three or more Commissioners. I am not certain that there were or there were not three or more Commissioners together that day. *

Certainly there were two Commissioners together-- Commissioner Ahearne and Commissioner ^{Bradford} ~~Bartford~~ were at the Incident Response Center together. I don't know whether Commissioner Gilinsky ever joined them.

Q Was it the perception on Wednesday that the accident was serious enough that it would require some attention of the Commissioners?

A Oh yes.

Q Why was that perception in existence?

A Well, since I have been here, the plant had never declared a general emergency, for one thing. The releases I guess, even as of Wednesday, were cause for concern. It didn't happen. It had not happened before.

Q What kind of involvement did the Commissioners foresee they would have in this?

* I have since learned that there was a meeting that morning. *MG 9/19* Acme Reporting Company

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1 A I think it was their assumption that they would
2 be overseeing the actions of the Agency.

3 Q Did they take any particular actions to assume
4 that function or begin playing that role?

5 A To the extent, yes, but as I say, Gilinsky was set
6 up in the Chairman's office and asked to receive reports
7 and in fact did receive reports. I don't know to what
8 extent Gilinsky was in contact with Congress and Pennsylvania
9 officials, but I assume that there was extensive contact
10 there.

11 Q Did Chairman ^{Hendrie} ~~Hendry~~ immediately return back to
12 these offices upon hearing of the problem?

13 A On Wednesday, no.

14 Q Do you know why he chose apparently not to do
15 that?

16 A I understand from his testimony before to the
17 Presidential Commission that he was with his daughter. I
18 think she was having her wisdom teeth out.

19 Q What particular actions did you take that day
20 with respect to Three Mile Island?

21 A Mostly just try to find out what was going on.
22 I was down in the Chairman's office when the phone call
23 would come in, trying to take down as much information as
24 I could so that when Commissioner Bradford got back--he was
25 not down there--then I could brief him on what we had found

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1 out and try and put things together.

2 Q Do you know if on Wednesday there were any
3 telephone conversations among the COMmissioners and Secretary
4 of Energy at that time, Schlesinger?

5 A There was---on Wednesday, I have no memory. BUT
6 that doesn't mean that it didn't happen; I just don't know
7 of any. On Thursday I do know that there was a phone call.

8 Q Do you know anything about that phone call, other
9 than the fact that it occurred?

10 A Just hearsay that there was a phone call from
11 Schlesinger to the Chairman and I think the CHairman said
12 Schlesinger had also better talk to Gilinsky, since he
13 had been around ^{then} ~~him~~ and was on top of it.

14 Q That is the extent of your knowledge concerning
15 that phone call?

16 A Right.

17 Q Do you know of any phone calls later on between
18 those two or between Mr. Schlesinger and any of the other
19 Commissioners?

20 A No.

21 Q Do you know of any telephone conversations on
22 Wednesday or Thursday involving Jody POWell and any of the
23 Commissioners?

24 A Wednesday, Thursday. I would have to check my
25 notes. I know that there are several places in my notes where

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1 I recorded phone calls from Jody Powell but I can't remember
2 when it was.

3 Q Would it be possible to make your notes available
4 for the President's Commission, either in original or photo-
5 copy form?

6 A Surely. The notes have been released under the
7 Freedom of Information Act and they should be down in the
8 Document Room.

9 Q By the Document Room, you mean your own Three
10 Mile Island Document Room in this building?

11 A Wherever the responses to the Freedom of Information
12 Act requests ^{are} it.

13 Q Do you know of any conversations either Wednesday
14 or Thursday involving President Carter and any of the
15 Commissioners?

16 A I do not know of any. Again, there were definitely
17 some on Friday.

18 Q How about Jack Watson?

19 A Watson, again, Friday, but I don't know about
20 Wednesday or Thursday.

21 Q Would the same be true with Mr. Califano and
22 Mr. Costle?

23 A Yes.

24 Q And would the same be true of Congressional
25 representatives?

1 A Califano I don't know---No, the same would be
2 true of Califano and Costle.

3 Q And?

4 A And what were the other ones?

5 Q The others were any representatives or Senators
6 from Congress.

7 A I don't have any independent memory. I just
8 assume that there was a flood of telephone calls back and
9 forth for various Commissioners.

10 Q If you knew of telephone calls from any of these
11 persons, would it be a reasonable expectation that it would
12 be shown in your notes?

13 A That's right. Whatever I know now or whatever
14 I knew then would be in my notes.

15 Q Let's focus on Friday, March 30. What was your
16 first involvement with the whole TMI accident that morning?

17 A I walked into the office and almost immediately
18 all hell broke loose.

19 Q What time was that?

20 A Can I refer to my notes?

21 Q Certainly.

22 A 9:30 on Friday, after I had had breakfast
with Commissioner Stafford and a mutual friend who
we met at the office at 8:30

23 Q And what was causing the "all hell" to break
24 loose?

25 A Well, Thursday everybody--Thursday evening--my

1 perception was that everybody had thought that the accident
2 was fairly under control. The last flap Thursday afternoon
3 was we had heard that they were dumping radioactive waste
4 water into the SUSquehanna.

5 That caused some consternation here and in fact
6 that was ordered stopped by the COMmissioners.

7 Q Let me focus on that for one second. Where
8 did you first hear that there was a dumping of radioactive
9 waste water on Thursday? How did that information arrive?

10 A We had a technical intern--Myu Campbell--and she
11 had received a call from somebody, but I don't know who.
12 I presume it was staff. She relayed it to me and I immediately
13 went and got Commissioner Bradford out of the COMmission
14 meeting that was going on.

15 We came in here and we made some calls and got
16 some briefings. Then Commissioner Ahearne came in. I think
17 it was largely COMmissioner Ahearne who decided-- at any
18 rate, he took the active role and decided that ^{it} should be
19 stopped and I think he talked to the Chairman, along with
20 Bradford, I think, and the Chairman made a phone call and
21 told them to stop it.

22 Q Were you present for that phone call?

23 A I was not, no.

24 Q Do you know if there was any attempt made to
25 confirm the information that had come into the intern whom

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1 you mentioned, Ms. Campbell?

2 A Yes, we did attempt to confirm it in that we
3 made several phone calls right off and tried to get a feel
4 for the situation. As I understand later, it was not as
5 serious as we had thought that afternoon.

6 Q To whom were phone calls placed to confirm or
7 to find out information?

8 A I really don't remember. I think people on
9 the staff, whoever we thought was handling it at the time.
10 If you wait one second I can check my notes and see if I
11 have that recorded.

12 No, I do not.

13 Q Do you know if the Commission meeting on Thursday
14 was transcribed--if there is a tape and transcription of
15 that?

16 A There was a Commission meeting in the morning
17 and that definitely was transcribed. It was a public
18 meeting and a fair size crowd here.

19 Q Okay. Is that the meeting to which you refer,
20 the morning of Thursday?

21 A The morning of Thursday the Commissioners met,
22 that is right.

23 Q Okay. Were there any other meetings of the
24 Commissioners on Thursday?

25 A Yes, there were , unrelated to Three Mile Island

1 is my memory, in the afternoon. There were some--I can't
2 remember what it was. It would be in the Secretariat's
3 records. I can remember there were some pressing issues
4 that there was a lot of pressure to get action on them.

5 Q On Friday morning you indicated all hell was
6 breaking loose. Why don't you continue with that.

7 A As I say, the TEchnical Assistant got a phone
8 call about a 1200 millirem release.

9 Q The Technical Assistant was whom?

10 A Hugh Thompson. We immediately came in here and
11 kind of out of the blue, I don't know quite how it happened,
12 but Commissioner Ahearne came in.

13 Q Do you know who called Thompson?

14 A No, I don't. We got somebody on the speaker
15 phone right away, somebody from the staff. I forget who
16 it was, whether it was Case or Gossick or who it was.

17 I think it was Gossick. Then after that, after
18 Ahearne came in, Gilinsky showed up and then Hendrie showed
19 up.

20 Q This was all about 9:30 or so.

21 A It was all 9:30. Then the fifth one showed up,
22 whichever one I left out of there. Kennedy.

23 Q Was it your impression that the information that came
24 into Thompson that morning had arrived an hour or half and
25 hour or immediately prior to the arrival of the Commissioner?

1 A It came in immediately. As soon as he got the
2 information we came into here and it seemed like it
3 happened almost instantaneously; we got somebody on the phone
4 and Ahearne came in immediately. My notes show that all
5 five Commissioners were in this conference room within
6 seven minutes.

7 I frankly don't know how that happened. I don't
8 know who called them and what.

9 Q Do you remember how Thompson characterized the
10 information he had?

11 A No, just that there was a large release.

12 Q A large release. Did he characterize it as
13 being an off-site release or an on-site ground level
14 release, or, did he characterize where the measurement
15 was taken?

16 A No. He may have. I just don't remember. I think
17 it was a stack measurement. That is what my notes show,
18 and that it was based on extrapolation.

19 Q Okay. Then the Commissioners met. What happened
20 next?

21 A Again, my notes are the best source for this.
22 We are on the speaker phone with Gossick. That is what
23 my notes show. Gossick gave us some information; what he
24 had. He wanted to know what we should tell the Governor.

25 Gossick said he did not know how accurate the

1 information was. Then there was some discussion again.
2 The transcripts show this. What happened was when the five
3 Commissioners came in here, Bill Dorie, who was the Chairman's
4 Assistant, came in with a portable tape recorder and was
5 taping.

6 I don't know how much he got. I don't know how
7 much he got on tape. I do know that the transcription from
8 the tapes is very poor and there are large chunks left out.
9 I also know that the Commissioners constantly were moving
10 in and out of this room to receive phone calls and to make
11 phone calls and he obviously did not follow them in and out.

12 So, the transcripts are useful, but as I say, there
13 are large portions that are left out. There are lots of
14 places where ^{the transcript} ~~it~~ says inaudible. In fact, I have listened
15 to the tapes and if you go back and replay it three or four
16 times you can make out some of the stuff which is transcribed
17 as "inaudible".

18 So, we are on the phone with staff and lot of
19 discussion about the measurement--whether the measurement
20 was accurate. We were told that the Governor wanted a
21 recommendation.

22 Q Were there questions during that conversation
23 with respect to actions that the NRC staff had already taken
24 on the basis of this information?

25 A I don't think there were questions. I believe that

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1 the staff brought that up; that they had in fact recommended
2 evacuation.

3 Q What was the reaction to that piece of informa-
4 tion?

5 A ^{There was not} ~~It was~~ any greater or any less reaction than
6 to the other pieces of information. It was all coming in
7 so quickly. It was all so important. It wasn't like a spike
8 when they said that.

9 I think everybody around the table was trying to
10 figure out what the COMmissioner's themselves should
11 recommend. I guess the perception was that that was the
12 important recommendation.

13 Q Was the entire complement of Commissioners here
14 at the time, Commissioners Gossick and Case and whoever
15 it was called.

16 A As I say, they were all here at one time, but
17 people were moving in and out frequently to make phone
18 calls and to receive phone calls. I just don't have them
19 coming in and going out.

20 My notes do reflect when some Commissioners leave
21 and when they came back, but that was not a comprehensive
22 log.

23 Q Did the COMmissioners reach any conclusions on
24 what to do after that telephone call?

25 A LEt me tell you what happened. The Staff repeated

1 frequently that the Governor wanted the Commissioners'
2 recommendation.

3 Q You are saying there was a sense of urgency
4 created for the Commissioners or one of them to contact the
5 Governor in the very near future.

6 A Absolutely. Absolutely. And we got the Governor's
7 phone number and somebody placed a call to him.

8 Q From these offices?

9 A Yes, from this office. While that was happening
10 and after the Staff had gotten off the phone, then there
11 was some discussion of what should we recommend. There
12 were discussions like, first of all, there was some question
13 about how great the release was.

14 There was a question of where the plume was at
15 the time: whether it was moving; had it already passed
16 people by so that if you ordered an evacuation you would be
17 evacuating people into the plume. These were all things
18 that people didn't know.

19 As I say, there was discussion about that.
20 Commissioner Bradford said that the conservative thing to
21 do was to confirm the order for evacuation of the northeast
22 quadrant; that is, confirm the Staff's order.

23 Q The staff had indicated that they had ordered
24 an evacuation of the entire northeast quadrant, you said?

25 A A simple order is the wrong term. That is what

1 I had in my notes, but I think it is quite clear from
2 everything that I have heard since that they did not order
3 it but they recommended it to the State.

4 Bradford may well have said to confirm order,
5 but what he had in mind was to confirm the recommendation
6 that the Staff had made.

7 Q Do you have an impression--this is a judgemental
8 question, but do you have an impression that the Commissioners
9 felt that any recommendation for evacuation they would offer
10 would be followed by the State?

11 A That certainly is what I thought. I just don't
12 know what the ~~other~~ Commissioners were thinking.

13 Q The perception was that whatever the Commission
14 recommended was a very important recommendation? Commissioner
15 Bradford, you indicated, thought staff recommendation should
16 be confirmed. How about Commissioner Gilinsky?

17 A My impression was that Gilinsky did not say
18 anything that definitive. He was concerned as everybody
19 was, but I think he wanted more data. I think everybody
20 wanted more data. The evacuation was not something you
21 wanted to undertake lightly.

22 I guess everybody felt the need for more data.
23 There is no question that I am sure Bradford felt the need
24 for more data.

25 Q But Mr. Gilinsky did not offer a particular

1 view as to what the recommendation should be?

2 A If he did, I just don't remember it. He may well
3 have. I don't have it in my notes and I don't have an
4 independent recollection.

5 Q What about the other three Commissioners?

6 A Again, I don't have an independent recollection.
7 Had they specifically said that what we ought to do is
8 evacuate, I think I would have written it down. As I
9 say, there was just kind of a continuous discussion about
10 what we should be doing and where the plume was, stuff like
11 that.

12 Q Did you say before that the notes at this
13 particular meeting were also transcribed in some form, or
14 that a tape of that meeting was transcribed?

15 A A tape of the meeting--there was a tape of the
16 meeting--^{has}~~they have~~ been transcribed. Again, I think they
17 are down in the document room. Again, I emphasize that the
18 quality of the transcription is very poor.

19 Q Alright.

20 A For instance, Bradford's remark, which I have
21 written down in my notes: "that the conservative thing to
22 do would be to confirm the order for evacuation of the
23 northeast ~~quadrant~~" doesn't show up in the transcription
24 of the tape.

25 Whether it is on the tape or not I don't know. It

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1 was just one of these hand held tape recorders.

2 Q Did anyone at this meeting or this quick
3 discussion criticize the staff recommendation?

4 A No, not that I recall. Everybody realized that
5 the Staff had reached a judgement based on the data that
6 they had; ^{there was} not really ~~is it~~ a question of criticism. It is
7 a question of with what we know now, that is, with what
8 the Commissioners would know now, would they make a
9 different recommendation?

10 Q You are saying then no one offered a view that the
11 Staff had acted too hastily or that the Staff had reached
12 an incorrect decision based on the facts?

13 A I don't recall anything like that. I do have
14 in my notes that Denton told the Commissioner, this was
15 about 9:45, that maybe they had overreacted, so even Denton,
16 who was involved in that decision, was having second thoughts.

17 Q When you say "they", then you mean the Staff?

18 A The Staff. Again, when I say Denton was involved
19 in the decision, I don't know that, come to think of it.
20 He may not have been involved in that decision.

21 Q How long did this discussion go on prior to the
22 telephone call to the GOVERNOR?

23 A My notes show that the whole thing started at
24 9:30. The telephone call--my notes show that the telephone
25 call to the GOVERNOR was at 10:14.

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1 Q Okay.

2 A So, in essence, that means that we had 45-minutes
3 to receive the information from the Staff and discuss it
4 before we made a phone call to the Governor.

5 Q There is an intentional decision to discuss these
6 things amongst the Commissioners prior to the placement of
7 that call to the Governor?

8 A No, I wouldn't say that. I would just say that
9 that is the way it happened. That is, there was a time delay
10 between the end of the Staff conversation and getting the
11 Governor on the line.

12 Q Is it fair to say that that time delay occurred
13 just because the Commissioners started talking about this
14 and offering their thoughts?

15 A No, I would say a time delay occurred because
16 they were having trouble getting the Governor on the line.

17 Q To your knowledge, how did the Chairman decide
18 what he would tell the Governor when he talked to him?
19 How did he reach that decision?

20 A I would say totally on his own. I mean he listened
21 to what people said, but I do not recall that there was
22 a decision made by the Commission as a whole which said this
23 is what we ought to do as a Commission.

24 Q There was no vote take?

25 A There was absolutely no vote take. I think people

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1 were beginning to defer to the Chairman because they
2 realized there could only be one person speaking to the
3 Governor. You can't have five voices.

4 So, I think there was the beginning of a deference
5 to the Chairman, or at least a realization that you needed
6 one person in charge and that became--that deference, if you
7 want to call it--that became more prevalent, much more
8 substantial as the day wore on.

9 Q Did it become a concensus as the conversation
10 continued that the early Staff recommendation might have
11 been an overreaction?

12 A I don't think so. Frankly, I think the only
13 concensus was that nobody knew what the hell was going on.
14 You couldn't get any good information from the site. Denton
15 said in a conversation that it took an hour, an hour and a
16 half to take measurements and relay them back to the
17 Bethesda office and then back to here.

18 This was moving so quickly that everybody just
19 realized there was not enough information on which to make
20 a really good judgement call.

21 Q What did Mr. Hendrie finally recommend to the
22 Governor on that telephone call?

23 A He recommended that we wait to take action until
24 we got more information. I think he also recommended that
25 it would be a good idea to have people stay indoors.

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1 Q Did he apologize for the earlier recommendation
2 that had gone out of Staff?

3 A It wasn't an apology. The Governor wanted to
4 know what was going on; who had made the recommendation;
5 on whose authority the recommendation had been made. We
6 didn't know. The Governor wanted to know did we know a
7 guy by the name of --let's see.

8 *My notes say* The Governor said "Should Collins have recommended
9 the evacuation? We need to know the basis of that recommend-
10 ation." Then my memory is that the Governor also wanted
11 to know, or somebody on the staff wanted to know, whether
12 we knew a guy by the name of Galena and what authority he
13 had.

14 The Governor was very upset over the evacuation
15 recommendation, I don't think because it recommended evacuation,
16 but he was upset over the lines of authority. He, like us,
17 didn't know what was going on either, really. He didn't
18 have any really good information.

19 Q How many people were physically in the room during
20 this telephone conversation?

21 A There was quite a crowd. Most of the Commissioners
22 if not all of them; many assistants; Hugh Thompson, Commissioner
23 Bradford's Technical Assistant; Myu Campbell, Technical
24 Assistant. I think Bill Dorie was here, the Chairman's
25 Assistant.

1 All the people from Kennedy's office, I think;
2 CLaudia Stettler; Don Hassle^{ell} who is CHairman's Legal
3 Assis^{ant} was here for at least part of the meeting. I
4 don't know whether he was here for that call; John AUstin,
5 I think he was the Chairman's Temporary TEchnical Assistant,
6 I think, was in the room as well.

7 He is now working for Senator Hart.

8 Q Any others that you can think of?

9 A There might have been. I don't remember anybody
10 from General Counsel's Office. There might have been somebody
11 from Office of Policy Evaluation, although I don't believe
12 so.

13 Q Was that conversation on squawk box?

14 A Yes, it was on the squawk box so everybody could
15 hear both sides of the conversation.

16 Q How long did that conversation last?

17 A It got interrupted. We were talking and then we
18 got another call in on another line saying that there was
19 some more information from the site, so we put the GOVERNOR
20 on hold and got the information from the site and then went
21 back and talked to the Governor.

22 Actually, when I said that the conversation began
23 at 10:14, I missed a couple of entries and it actually began
24 at 10:07. I have an entry for 10:14 with conversation still
25 going on. An entry at 10:17 with conversation still going

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1 on.

2 Then we got interrupted by the Staff and then
3 we went back to the Governor and I don't have any entries
4 after that.

5 Q Do you have any recollection after that?

6 A It probably went on for ten minutes, say , after
7 we got interrupted by the Staff, so it was a total of maybe
8 20 minutes altogether, ten before and ten after.

9 Q What was the reaction, if you can recall, of the
10 Commissioners when the Chairman made the recommendation to
11 the Governor to keep people indoors and not to anything
12 beyond that? Do you remember if there was any consternation
13 or adverse or approving reaction among the body assembled
14 in the room, ?

15 A There was no public expression by any of the
16 Commissioners; no statements, no facial expressions, nothing
17 of that sort. Again I think everybody realized that a
18 decision had to be made and he made it. As I say, Commissioner
19 Bradford said the conservative thing to have done would be
20 to confirm the evacuation order.

21 I had private conversations with him, talking about
22 what should be done and what shouldn't be done and how things
23 were going. But there was no public disapproval of what
24 the Chairman had done.

25 Q When these discussions, with respect to advising

1 the Governor were on-going, were there any factors that
2 people were considering other than safety of the public.
3 as a basis for an advisory to the Governor?

4 A Nothing publicly, no. I mean who knows how
5 individuals--nothing stated. I would emphasize that my
6 perception was that everybody had the safety of the public
7 in mind, period, end. Nothing else. As I say, the main
8 question was how much of a release had actually occurred;
9 whether it was going to happen again; which way the release
10 was going, whether it had already passed people by.

11 Those were ~~my~~^{of} memory ~~of~~ the three things that
12 people were most concerned about and they were trying to
13 base their decisions, as far as I could tell, solely on
14 that.

15 Q Was the discussion primarily among the Commissioners
16 or were the other persons in the room freely entering into
17 these discussions?

18 A No. It was kind of like the practice of Commission
19 meetings got transferred over to this meeting; formal
20 Commission meetings got transferred over to this meeting.
21 The practice there is the Commissioners speak and other
22 people don't, except if questions are asked and they are
23 asked for a briefing.

24 So, it was primarily a Commissioner discussion.
25 There were conversations going on in corners of the room

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1 where Assistants were together or were talking to Commissioners
2 and having private conversations all the while. As far as
3 a discussion about the evacuation, it was just among
4 Commissioners.

5 Q What happened after the telephone call to the
6 Governor was completed?

7 A One of the things in the telephone call I should
8 point out, another thing the Governor wanted to know was
9 did we have assurances that we would not have more releases.
10 The Chairman said no, that he couldn't give those assurances.
11 So there was that uncertainty as well.

12 We talked to the staff again, and I cannot remember
13 whether we did that in here or whether we finally shifted
14 over to the Chairman's room.

15 Q Let me just interrupt for a second--you mean at
16 one point everybody up and moved over to the Chairman's
17 offices?

18 A That is right. But bear in mind, too, there were
19 people going in and out of this room all of the time, including
20 Commissioners receiving phone calls from all kinds of people.
21 I do remember a conversation where somebody decided that,
22 well, we all decided, the Commissioners all decided, that
23 we needed somebody on the site, a senior person onsite that
24 we could trust.

25 I remember the Chairman talking to Denton saying

1 Harold, you decide whether that should be you or somebody
2 else.

3 Then I remember the Chairman left and I think he
4 was talking to somebody at the White House and he came
5 back and told Denton that he had better get going.

6 Q Do you know who he talked to at the White House?

7 A No, I don't. It could have been the President,
8 I just don't know. I think it was the President. Then
9 there were conversations about how we were going to get
10 the people down at the site just as quickly as we could and
11 people were scurrying in and out trying to arrange that;
12 trying to get a helicopter over.

13 Q What time did these conversations occur, to the
14 best of your--

15 A Sometime between 10:20 and 11:00.

16 Q What other phone calls were handled at that time
17 in addition to the telephone call to the Staff after the
18 Thornburgh conversation and the call with the President.

19 A As I say, individual Commissioners were making
20 and receiving telephone calls during this period and I just
21 don't know who they were talking to. I assume Congressmen
22 and Senators.

23 Q Do you have any specific recollections for specific
24 calls at that time?

25 A No. I remember Gilinsky going out and making or

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1 receiving a phone call; I can't remember what. I think it
2 was from Udall, but I am not certain of that.

3 Q What kind of conversations were going on among
4 the Commissioners?

5 A And I remember Bradford went into an adjoining
6 office to get a phone call, but I don't know who it was
7 from. I think his logs were part of the documents we
8 released as well.

9 Q What kinds of conversations were going on among
10 the Commissioners during this time?

11 A Just kind of rehashing what they knew and what
12 they should do, on trying decide what to do. I mean the
13 question of evacuation was still so very heavily pending.
14 My notes reflect the fact that Bradford had summed up the
15 feelings of everybody.

16 By the way, the conversation with the President
17 was between 10:47 and 11:03; I can pinpoint it down that
18 closely. At 11:10 when we were definitely in the Chairman's
19 office, my notes reflect the fact that Bradford said, well,
20 everybody has agreed to an evacuation. What should we do?

21 Q Do you remember the conversation leading up to
22 that summation?

23 A No, I don't. It was kind of a distillation, I
24 think it was his perception of what everybody in the room
25 was thinking or had expressed. *

* I have since learned it was his perception of what
the staff had expressed. 206 9/17

1 Q Was it your perception that Commissioner Bradford
2 was most convinced that evacuation was the proper route?

3 A I would say that is correct, yes.

4 Q Do you have an impression as to which other
5 Commissioners were also very, very much convinced that evacuation
6 would be proper?

7 A No, I really don't. I really don't.

8 Q Was there anyone in your mind who seemed the
9 least sure of that route?

10 A Well, I think the Chairman was the most reluctant
11 and of course, that is kind of understandable, because he
12 is the one who really had to take the heat on it, although
13 it would be the Commission's recommendation.

14 He is the one who talked to the Governor. I
15 think he was very reluctant to do anything based on the
16 information that he had, which was very sketchy.

17 Q When you say the consensus was evacuation, what
18 do you mean by evacuation?

19 A I am not sure that it had been honed more finely
20 than that. Just a general thought that people should be
21 moving away from the site. We didn't get down to how many
22 miles or which people.

23 Q Did different Commissioners make different
24 recommendations as to how an evacuation recommendation might
25 be phrased? Were there alternate suggestions on the floor,

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1 things of that sort?

2 A One of the problems was that evacuation kind of
3 hung in the background. Instead of officials sitting around
4 and saying well, within the next 15 minutes we are going
5 to make a decision on evacuation, it just kind of kept
6 popping up in the conversation and would recede as other
7 things came to the foreground.

8 As a result of that, you didn't get it detailed
9 as you otherwise would have.

10 Q What other things were coming to the foreground?

11 A The status of the plant.

12 Q Was new information coming in?

13 A All the time. We kept getting reports from the
14 Staff.

15 Q Did you receive new information concerning the
16 1200 millirem release during that period?

17 A Not new information on whether it was larger or
18 smaller. We were getting information on why it might have
19 occurred.

20 Q Did you have information with respect to whether
21 that release was a continuing one as compared to a sporadic
22 one-time puff?

23 A Yes. Again, my notes would be the best reflection
24 of this. But my memory is that various people said various
25 things, but I believe that most of the people said they

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1 couldn't tell when the next release would be, and that in
2 fact they would expect another burp in a matter of hours.
3 Q So, if I can characterize what you are saying,
4 it was the general belief that although this was a one-time
5 release of 1200 millirems, it might be characteristic of
6 others that could be expected throughout the morning, is
7 that fair?

8 A Except for the last part. I don't know whether
9 everybody agreed that it would happen during the morning.
10 But I think there was general concensus that it would not
11 be unexpected for another release to occur later on in the
12 day.

13 That is really the best I can do. The technical
14 people who gave the information would be better in saying
15 exactly what they were thinking. In fact , I got here at
16 10:47 I got an entry which says Ed Case from the staff said
17 "will burp every several hours".

18 Q During this period, was there a recognized sense
19 of that Chairman Hendry^{it} should again establish contact with
20 Governor THornburgh on the evacuation question?

21 A Yes, and I think that was part of the earlier
22 phone call that they would be in close contact and I guess
23 everybody realized that they were going to have to talk to
24 the Governor again and they were going to have to make a
25 recommendation one way or the other.

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1 Q So it was considered a priority among the
2 Commissioners to come up with some sort of a recommendation
3 for the Governor?

4 A I guess what I would say is that it was in the
5 back of everybody's mind that they knew that this had to
6 be done sometime. I don't think their conversations reflected
7 that priority, if they all felt it.

8 But again, the ^{are} things that go into evacuation
9 like the ~~staff~~ ^{status} of the plant and what not, so they spent a
10 fair amount of time discussing that.

11 Q The transcripts indicate that the next call between
12 the Governor and Mr. Hendrie was about 11:35. Where was
13 that call placed? From what offices? Was it from the
14 Chairman's offices or was it from these?

15 A It was, by that time, everybody had moved down
16 to the Chairman's office. In fact, I have an entry which
17 says that at 11:03 Henry ^{Dorie} Kennedy and Bradford met in the
18 Chairman's office; so by 11:03, anyway, everybody was in
19 the Chairman's office.

20 I don't remember whether the call was placed by
21 the NRC or whether it was an incoming call from the Governor's
22 office, physically the actual telephone conversation took
23 place in Bill Dorie's office. My memory of the people who
24 were there was Bill Dorie, Commissioner Bradford, myself,
25 I think Claudia Stettler, maybe Joan ^{hn} Austin.

1 I don't remember any other Commissioner's being
2 there, but they may well have been. Kennedy may have been
3 in there.

4 Q You were there.

5 A I was there.

6 Q But you don't recall who placed the call?

7 A No, I just remember that in the Chairman's office
8 that somebody said the Governor was on the line, and what
9 can't remember is whether we had tried to place the
10 call or whether the Governor had placed the call.

11 Q Do you recall any conversation prior to that
12 telephone call to the Governor or from the Governor which
13 dealt with the possibility of evacuating pregnant women
14 and pre-school children?

15 A Any conversations with the Governor?

16 Q Among the Commissioners prior to that call?

17 A If you are asking did the Commission make a
18 decision before that call that pre-school children and
19 pregnant women should be evacuated, the answer is no.

20 Q Okay. Was that option discussed in any formal
21 or informal way among the Commissioners, even if no decision
22 was reached?

23 A That particular option I do not recall if they
24 were specifically discussed. I don't remember any evacuation
25 conversations getting into that kind of detail.

1 Q Was there any feeling or discussion or worry
2 among the Commissioners prior to that second conversation
3 with the Governor to the effect that the Commission might
4 not look good if it totally reversed an earlier evacuation
5 recommendation that had been made?

6 A No, I don't recall any concern along those lines.
7 To give the Commission credit, concerns like that I just
8 don't think played any part in their decisions or nondecisions.
9 I really don't think, at least from their public utterances,
10 that public perceptions were an important factor in their
11 decisions.

12 Now, it is true that later on in the day there
13 was certainly concern about how various announcements from
14 the NRC would affect the local populace. That is, causing
15 panic and what not. So, yes, then certain Commissioners,
16 some more than others, were very concerned.

17 But again, that was mostly concern on whether
18 or not it would cause panic. It really didn't have an ^{effect} affect,
19 I don't think, on whether they ordered evacuation or not.
20 Again, ^{each} the Commissioner went through his own thought process.

21 Q Do you recall that conversation from memory, the
22 one with the Governor at 11:35, 11:40?

23 A Do you mean without reference to my notes?

24 Q Yes.

25 A I must say, about this time I was growing

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1 increasingly frustrated with the way the Commission was
2 working because they were not deciding what to do. That is,
3 they were not making a decision on evacuation or non-evacua-
4 tion. They were just kind of letting things slide, in the
5 sense that they were waiting for more information.

6 That is one way of deciding , to wait for more
7 information. That was the way the Chairman decided to go,
8 was to wait for more information. He could have taken another
9 stand and said yes, my information is sketchy, but based
10 on this, I am going to do x, y or z.

11 But that is not what happened. What happened
12 was the decision to wait for more information. I think
13 there was the hope, well, we knew we were sending Denton
14 and there was the hope that when Denton got down on the site
15 he could give us a better picture.

16 My own personal concern was that that was
17 several hours away. So, as I say, prior to telephone
18 conversation, there was no Commission concensus ; that is,
19 they had not said, let's evacuate pregnant women and children.
20 As I said before, Bradford had said he thought there was
21 concensus that there should be evacuation.

22 So, the Chairman got on the line with the
23 GOVERNOR, ^{and} was talking.

24 Q Was that on a squwak box?

25 A That is a good question. I am not sure. It

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1 could have been a one-way conversation that I heard.
2 I kind of think it was. I don't think it was a squwak
3 box. In fact, I would be fairly certain it was not a
4 squwak box.

5 They were talking and then Bill Dorie came and
6 slipped in a note or something saying that Denton had
7 just recommended evacuation.

8 Q Bill Dorie slipped him a note to this effect?

9 A Yes, or else pulled him aside or somehow got
10 that information to him.

11 Q Is there any documentation that you know of that
12 is still in existence--

13 A You mean like the note?

14 Q The note itself or any other recount of that
15 piece of information?

16 A No, Dorie would be the best person to ask.
17 As I say, I am not entirely positive it was Dorie.

18 Q Once again, what information did that note have
19 to your knowledge?

20 A My notes would be the best source for that.

21 Q Please feel free to reference them.

22 nd of
23 Tape 2.

23

24

25

1 A. My notes indicate that at 11:40, Hendrie was talking
2 to the Government. Hendrie said he knew of no plan or unplanned
3 releases. I remember commenting to somebody that I was trying
4 to figure out how he would know about an unplanned release.

5 And then Hendrie said that the readings of a few
6 millirems per hour were consistent with a leak of -- and then
7 I've got a blank -- of something.

8 And then, at 11:44, the information came in that
9 Denton had just recommended an evacuation and that they were
10 getting 80-90 millirems 600 feet from the plant.

11 Q. Do you know how that information arrived?

12 A. Again, I think that -- oh, you mean from Denton to
13 H Street?

14 Q. Correct.

15 A. I presumed just a telephone call, because, as I say,
16 we were in Dorie's office at the time; so, I assume the
17 telephone call came through the squawk box in the Chairman's
18 office. I think that we were trying to hold the line open or
19 something, so we were ⁱⁿ fairly continuous ~~in~~ communication.

20 Q. So, to the best of your knowledge, then, there was
21 a call from Denton or one of his staff to H Street, which
22 then got to Dorie, somehow, and then Dorie passed the note to
23 Hendrie.

24 A. That's right.

25 Q. When that note passed to Hendrie was it common

1 knowledge within the room what that note contained or the
2 information in it?

3 A. Well, as I say, I can't remember whether -- it must
4 have been, I mean I wrote it down, so I must have found out
5 about it someway. Either he told Hendrie or else I asked him
6 what was going on. I just don't remember. But, if I knew it,
7 certainly other people in the room knew it.

8 Q. Do you remember this -- do you remember any
9 particulars of this Denton recommendation for evacuation?

10 A. No. No, I don't have any recollection on that.

11 Q. How did persons in the room react to that?

12 A. Well, you know, the other thing that I've got says
13 that there was another burp at 11:09; and I presume that that
14 ties in with the 80-90 millirems, although I'm not certain.

15 Q. There wasn't much of a reaction there --

16 A. We were all -- I mean there was telephone conversa-
17 tion going on with the Governor. This came in. There really
18 wasn't any time to react.

19 And at that point is when the Chairman recommended
20 to the Governor to get the pregnant women and the young
21 children out of the area.

22 Q. Okay. When this information came in about 80-90
23 millirems, 600 feet from the plant, was it your understanding
24 at that time that this was a ground level reading? Or, was
25 this an above stack reading? Do you have any information on

1 that?

2 A. No.

3 Q. Do you have a sense as to how the room interpreted
4 this piece of information?

5 A. No, I don't.

6 Q. Okay. And how much time elapsed between the receipt
7 of this new information and the Hendrie recommendation concern-
8 .ng pregnant women and young children?

9 A. Well, my memory is it's almost instantaneous.

10 Q. So, is it your thought that this new information is
11 what prompted the Hendry^{is} recommendation?

12 A. That would be my judgement, yes.

13 Q. Is it also your thought that the first person to
14 mention an option to evacuate pregnant women and children was
15 Mr. Hendry^{is}?

16 A. There had been talk earlier in the morning about
17 dangers to pregnant women. I remember Commissioner Bradford
18 and I had talked about the dangers to pregnant women on
19 Thursday, and that he handed a note to Gilinsky on Thursday
20 about pregnant women, ^{and} had Myron^{is} Campbell, the technical intern,
21 do some calculations on what these doses meant for a pregnant
22 woman.

23 Then I remember Friday morning, so that the pregnant
24 women was kind of in my mind, at any rate -- my wife was
25 pregnant at the time, which made it a little more foremost in

1 my mind -- and then Friday, as we were hearing about the
2 1200 millirems, I remember asking Commissioner Bradford, "Hey,
3 how about pregnant women?"

4 And then Commissioner Ahearne overheard that and
5 brought up the subject of pregnant women, and I think there
6 was some discussion about that.

7 Q. Do you have any recollection as to what prompted the
8 initial discussion concerning pregnant women on Thursday?

9 A. On Thursday. Commissioner Bradford brought it up
10 to me. We were in his office and he brought it up. I don't
11 know what prompted it.

12 Q. Did he indicate that somebody might have brought it
13 up with him? Or was it an original idea from his point of
14 view? To the best of your knowledge.

15 A. I just don't know. Certainly, people were thinking
16 -- it's not something which should have been too difficult to
17 think of.

18 Q. There's no mention at this time with respect to
19 school children. Is that accurate?

20 A. I don't remember any conversations dealing with
21 school children.

22 Q. When did you mention to Commissioner Bradford on
23 Friday morning that there might be some cause for concern for
24 pregnant women?

25 A. It was while we were in this office, that is

1 Commissioner Bradford's office, and let me see if it's in my
2 notes.

3 (Pause.)

4 I don't see it in my notes. It is sometime between
5 9:30 and, say, probably 10:00 -- maybe between 9:30 and 10:30.
6 ~~I believe that the conversation about pregnant women, Hearn~~
7 ~~picked up on.~~ When Ahearne mentioned pregnant women, I think
8 that got picked up on the tape recorder, and I think that's in
9 the transcripts.

10 Q. What did Commissioner Ahearne say on this point?

11 A. I just remember him saying something, "Hey, how
12 about pregnant women?" And then there was some discussion.
13 I don't remember that it was very extensive.

14 Q. Do you remember who responded?

15 A. No.

16 Q. Do you remember whether the responses were sympathetic
17 to that concern --

18 A. Oh, well certainly sympathetic --

19 Q. -- or unsympathetic?

20 A. -- but there was no resolution.

21 Q. Do you happen to know, by the way, if Commissioner
22 Bradford has ever had any contact with Anthony Robbins who is
23 the Director of NIOSH?

24 A. I have no personal knowledge of that.

25 Q. Okay.

1 A. I've never heard the name, as a matter of fact.

2 Q. Were there any discussions with respect to the
3 pregnant women, school children evaluation option other than
4 that that you've indicated prior to the second Thornberg-Hendrie
5 conservation?

6 A. I have no memory of it. Bear in mind, again, that
7 the people were moving in and out all the time. And it was
8 -- and it could be very possible that the two Commissioners
9 were over in a corner talking, but none that I heard.

10 Q. So this information came in from Mr. Dorie and then
11 you said, almost instantaneously Chairman Hendrie recommended
12 this particular option. And it's your view -- if I can
13 summarize what you said -- that Mr. Hendrie was the first to
14 bring that up.

15 A. The first to bring it up --

16 Q. The first to bring it up to the Governor, rather.
17 The Governor had not offered that option on his own initiative,
18 rather the Chairman offered it.

19 A. Oh that's -- yeah, but again I do believe I was
20 hearing a one-way conversation, so I couldn't say that for
21 certain, but that was certainly my impression.

22 And then I remember that -- let's see, I was
23 talking to Commissioner Bradford, we talked about this earlier,
24 about pregnant women, whether that was really the right
25 phrase or whether the phrase really should be "women who might

1 be pregnant and not know it." And Bradford put a note in
2 front of Hendrie while he was talking to the Governor, saying
3 -- suggesting that the recommendation might be phrased
4 instead of "pregnant women", "women who might be pregnant".
5 And Hendry^{ie} went on. He acknowledged the note. The conversa-
6 tion went on and then Hendrie apparently just forgot to put
7 that in. And afterwards he was unhappy that he had -- he
8 expressed unhappiness that he had not mentioned that and
9 rephrased.

10 Q. The Chairman expressed unhappiness to that effect?

11 A. Yes. In fact, I've got in my notes, I said, "Hendrie
12 says, 'Damn it, I did not get that phrase in.'"

13 Q. The evacuation recommendation, as I understand it,
14 went out to five miles. Is it your recollection --

15 A. That's correct.

16 Q. -- that Mr. Hendrie indicated that the evacuation
17 should be in extent for five miles?

18 A. He said that radius at least to five miles.

19 Q. Do you know how he reached that particular decision?

20 A. No, I don't.

21 Q. Was there any conversation with respect to the extent
22 of an evacuation prior to this conversation with the Governor?

23 A. I really don't recall. I think there were -- there
24 might have been general conversations saying if there is an
25 evacuation should it be up to 5 or 10 or 20. There was

1 certainly no decision on that by anybody. And it was a very
2 general discussion, if there were one.

3 Q. I notice on the top of page 14 of your notes you have
4 the phrase "JH-other people especially sensitive."

5 To what portion of the conversation does that refer?

6 A. Well, it could be -- and this I'm not certain of --
7 it could be that the original conversation with the Governor
8 went something like, pregnant women and other especially
9 sensitive -- we think, something along the lines, the
10 Commission thinks that -- or he might have said, "I think --"
11 I don't know which -- "It would be a good idea to get
12 pregnant women and other especially sensitive people out of
13 there."

14 And the Governor may have said, "Who do you mean?"

15 And the Chairman said something like, "Well,
16 children, as well, people like children."

17 I think the Governor asked him to be a little bit
18 more specific and then that's when we got to the pre-school
19 aged children. I think it went something like that, but I
20 really -- that's pretty hazy.

21 Q. Do you remember how the conversation went from
22 children to pre-school children? How that -- the discussion
23 that involved that determination?

24 A. It was pretty free-wheeling. I mean it was the
25 Chairman who made that decision.

1 Q. Did the Chairman originally think of children as in
2 a younger range than would be the pre-school group?

3 A. Oh, I don't think it was that finely honed. I think,
4 as I say, "Hey, I think it would be a good idea if we did
5 this." And, as they were talking they refined their ideas.

6 Q. Is there any other parts of that conversation with
7 the Governor that you recall that are not reflected in your
8 notes or that you haven't mentioned thus far?

9 A. No.

10 Q. Okay. After the completion of that conversation,
11 what happened?

12 A. My memory is then that the Chairman had to make
13 another call, or he got another call. I don't know which.
14 And he got tied up for a long time in the telephone conversa-
15 tion.

16 Q. Do you recall to whom that call was --

17 A. Well, actually, I've got -- I've got, "Call to
18 Gossick" at about 12:04 or 12:05 between Hendrie and Gossick.
19 And Hendrie told Gossick what he had told the Governor. And
20 I've got Hendry asking, "Did you and Harold -- that would be
21 Denton -- recommend evacuation?" And Gossick saying, "Yes,
22 because of the continuing releases."

23 And then at 12:20, I've got Hendrie talking to a
24 Congressman. And then -- let's see. We were waiting around.
25 We'd heard, I guess, that there was going to be an announcement

1 by the Governor. And at 12:35, there was an announcement
2 by the Governor that we saw on television. And Hendrie was
3 still talking to a Congressman -- I don't know which one. And
4 I remember that there was some impatience by people outside
5 that, you know, that they wanted the Commissioners to get going
6 to meet, ^{and} ~~I think this, you know,~~ talk about things. And there
7 was frustration expressed that Hendrie was still on the telephone.
8 And a note got passed into him telling him that the Commissioners
9 wanted to meet.

10 Q. Who passed that note?

11 A. I just don't remember.

12 Q. Did the Commission meet later that afternoon?

13 A. Yeah. There was -- I've got at "12:37, the Chairman
14 got off the phone and at 12:40 we got a phone call from Mattson."

15 Now, when I say the Commission meets, you've got to
16 understand, again, that what I mean is that people are in the
17 conference room. And there may be one or two or even three
18 Commissioners out of the room at the time.

19 At 12:40 is, we got a phone call from Roger Mattson.
20 And that was kind of the climax of the day, in fact, ^{the} ~~the~~ cause
21 Mattson, for the first time really started -- at least, for
22 the first time to me -- he may have talked to other
23 Commissioners individually -- started giving some details of
24 what was wrong at the plant. The core had been uncovered
25 and that there had been a hydrogen explosion. And he was in

1 a state of agitation.

2 After he described all these things, he said, "Joe,
3 I have to tell you this. We should be moving people. Why
4 are we waiting? There's nothing to protect anymore. I don't
5 know why we aren't moving people."

6 And I remember Hendrie's response to that was, "Well,
7 I don't know, Roger."

8 Q. Did Hendrie seem particularly alarmed at this
9 recommendation?

10 A. Well, I guess -- no, I wouldn't say alarmed. He
11 was just taking it all in.

12 Bradford was out of the room at the time this
13 telephone conversation came in. It was a very vivid conversa-
14 tion with Mattson. At least it was to me. My own thought was
15 "Well, Christ, he had Denton recommending at noon; he had
16 Mattson coming back in an hour later saying 'Why the hell
17 aren't we moving people?'"

18 And by that time you got two very senior staff
19 people who are not prone to panic telling you that you ought
20 to be moving people. And the Commission did not -- the
21 Commission had not reached a decision to do that.

22 Q. By the way, was Denton's earlier recommendation to
23 evacuate made solely to the Commissioners? Do you know? Or,
24 did it actually make that publicly?

25 A. Oh, I presume -- I don't know. I presume it was

1 solely to the Commissioners.

2 Q. Fine.

3 A. So, at that time, I went to get Commissioner Bradford.
4 Briefed him on what Mattson said and we came back into the
5 room and talked about it for a while. The Commissioners talked
6 about what Mattson had said. I remember long technical
7 discussions of what was going on in the core and stuff.

8 And I remember I was frustrated at the time, as I
9 think other people were, that we were focusing more on what
10 was going on in the core as opposed to deciding what to do
11 about people. You know, we were kind of speculating -- I wasn't
12 speculating. I wouldn't know enough to speculate. But those
13 that did know spent a lot of time speculating about what was
14 happening, the various possibilities and without really coming
15 down and saying, "Hey, we've got to make a decision on
16 evacuation. Let's discuss it for 20 minutes and decide at
17 the end of 20 minutes."

18 Instead of doing that, it was kind of a free
19 wheeling discussion.

20 Q. Did the Commissioners have some sense of what amount
21 of lead time they would have if the situation would deteriorate?

22 A. There was certainly a lot of conversations about
23 that. Conversations with staff. Conversations among them-
24 selves about how much lead time there was.

25 Q. Do you remember if there was a common belief or

1 feeling among the group?

2 A. As of Friday, as of Friday, I don't remember one,
3 but there could have been. I remember -- and my notes show --
4 that Commissioner Bradford was asking how far should we move
5 people out. There was some discussion about that.

6 I do have, at 1:09, this would have been after the
7 Mattson telephone conversation, that Hendrie said that he didn't
8 think that we should move people today or that we should think
9 a lot about it.

10 And I have notes that Ahearne was asking what's
11 the worse kind -- what's the worse case situation. And there
12 was discussion about that.

13 Q. Did the Mattson conversation heighten the feeling of
14 imminent peril or whatever?

15 A. I would say so. For instance, at 1:15, the question
16 was -- Ahearne asked, "~~Should we inform the Governor of what~~
Immediate question - shall we inform the
Governor?" ~~we've just found out?~~ That is, Mattson's telephone call was
17 kind of the watershed.

18 ~~That things --~~ *As* a result of Mattson's telephone
19 conversation, there was the real sense that things had gotten
20 out of control, that the Utility wasn't quite sure what was
21 going on. I guess this was struck particularly by the
22 knowledge that there had been a hydrogen explosion the day
23 before, or two days before and that it had not been -- nobody
24 had known that.
25

1 Q. Did Mattson reveal that fact?

2 A. He did, yes.

3 Q. During the conversation?

4 A. Yes.

5 Q. What other pieces of information did he reveal that
6 was previously unknown to the Commissioners with respect to
7 this situation?

8 A. Well, it's hard to tell. He had a lot of details
9 that I'd never heard before. I guess the fact that they knew
10 then that the core had been uncovered for a long time and that
11 the core damage was much more extensive than anybody had
12 thought before. That combined with a hydrogen explosion,
13 combined with the burps, people didn't quite know really how
14 they were -- that is, what was the cause of the burps. I
15 think it led people to believe -- it led me to believe anyway
16 that things were not really under control.

17 Q. You've indicated that Chairman Hendrie after the
18 Mattson conversation indicated that he didn't think it was
19 time yet to move people, maybe wait until tomorrow.

20 How much time lapsed between the Mattson conversation
21 and Hendrie's comment in that regard?

22 A. Well, I've got Hendrie's comment at 1:09, and
23 Mattson's conversation was ~~saying~~ about 12:55.

24 Q. Were there conversations among the Commissioners
25 between the Mattson telephone call and the Hendrie comment?

1 A. Yeah. Very definitely. Talking about the core and
2 how far should we move people out.

3 Q. Can you remember any particulars from that conversa-
4 tion?

5 A. Well, my notes reflect -- and I believe I was out
6 of the room for three or four minutes, ^{be} cause Bradford wanted
7 to get rebriefed again exactly what Mattson had said.

8 (Pause.)

9 I just have fragments of conversations. Basically,
10 I think, talking about the core.

11 Q. Do you remember if there was any discussion as to
12 whether the Chairman or another Commissioner should contact
13 Governor Thornburgh with the new information about the 3,000
14 or the pressure spike, whatever it was?

15 A. Yeah, as I say, at 1:15 I've got a note to the
16 effect that Ahearne asked -- said that the immediate question
17 was should we inform the ^{Governor} ~~Commission~~. And that was followed
18 by a note that Bradford said, "We have to understand whether
19 or not to evacuate." I guess that was in connection with
20 when we called the Governor, we have to understand whether --

21 Q. So, the idea was, "Let's not call the Governor until
22 we know what we recommend?"

23 A. Well, I think a better way to put it was, "Look, we've
24 got to call the Governor with this information. And at the
25 time we do that we've got to decide whether or not to

1 evacuate and let's decide it.

2 And then the complicating factor is that at 1:25
3 Hendrie left to see the President. ~~*~~ So that you had all this
4 going on and there was kind of, you know, a decision had to
5 be made. And at this point the Chairman went to see the
6 President.

7 And, as I say, people had been deferring to the
8 Chairman; and, so, when he left, it virtually made a decision
9 by the Commission impossible. Not only virtually, it did make
10 a decision by the Commission impossible.

11 Q. Were the Commissioners simply unwilling to proceed
12 without the Chairman's concurrence? Was that the sense?

13 A. Well, I don't know whether concurrence, but they
14 were unwilling to proceed without the Chairman being in on the
15 conversation.

16 Q. How long was the Chairman gone seeing the President?

17 A. I really don't know. My ^{memory} ~~member~~ is an hour, maybe
18 more.

19 Q. What did the Commissioners do during that time?
20 Did they remain in session or in meeting, even if it were an
21 informal one, or did they break up and go into their own
22 offices?

23 A. Some went into their own offices. For instance,
24 at 2:00, I've got a meeting in the Chairman's office with
25 Gilinsky, Bradford, Kennedy, and Ahearne. And there was, you

** I have since learned that the Chairman saw Dr.
Rezzinski on 6/19/79*

1 know, there was talk about evacuation.

2 Q. Any specifics that you recall --

3 A. Yeah. Ahearne asked if we decided evacuation what
4 are the plans, what are the plans, had we contacted the State
5 Civil Defense people.

6 And then I remember a conversation between Gilinsky
7 and Kennedy. Gilinsky -- and I think this was reflected
8 fairly clearly in the transcripts -- Gilinsky wanted to find
9 out what steps had been taken to start preparing for evacuation.
10 Kennedy disagreed. He wanted to wait for the Chairman before
11 they did that, before they even initiated that contact and
12 so that the press would ^{not} pick it up, and that the headlines
13 would be perhaps we considered evacuation, something like that.

14 And I remember that there the conversation got a
15 little heated between Kennedy and Gilinsky, but Gilinsky went
16 ahead anyway and had somebody contact the State Civil Defense.

17 Q. What was it getting heated?

18 A. Well, I guess Kennedy thought it was a bad idea and
19 Gilinsky thought it was a good idea. But Gilinsky told the
20 staff to go ahead and do it.

21 Q. Was Hendrie-- were the Commissioners able to reach
22 Hendry^{is} at anytime while he was with the President?

23 A. I don't know whether they could have or not. I
24 don't think anybody tried.

25 Q. By this time, I assume, Harold Denton had already

1 arrived at the site?

2 A. No. I believe Denton was on his way to the site.

3 Q. He was on his way.

4 A. The first -- well, we got ^{a call} back from the State Civil
5 Defense -- ~~State Civil Defense so that they could~~ -- they
6 were confident that they could evacuate the three counties.
7 But I must say -- I just remembered that talking to our own
8 State people and hearing what the Pennsylvania people told our
9 State people left me, at any rate, with a sense of unease. It
10 really didn't -- you know, they were looking at maps. They
11 didn't know what towns were in what county and what not. It
12 seemed like people were not really on top of the situation.

13 Q. To contact Civil Defense, the Commission -- the
14 Commissioners then went through their own State programs people
15 or some other staff?

16 A. That's correct. That's correct.

17 Q. Mr. Collins was involved with that?

18 A. Collins did that. He was called by the Commissioners.
19 And he returned the Commissioners' call.

20 Q. Was there any speculation as to how long it would
21 take to evacuate?

22 A. Yes, there was; but I just don't have the specifics
23 on it. My notes reflect that there were estimates of about
24 one or two hours for a 10-mile evacuation.

25 Q. Was that considered credible by the Commissioners?

1 Or was there doubts as to the --

2 A. I think you could say the Commissioners were fairly
3 skeptical about that. Maybe I'm just reading my own skepticism
4 into that.

5 Q. You were fairly skeptical about that?

6 A. Certainly I was very skeptical. And I didn't have a
7 basis for it other than I just would be very surprised that you
8 could move people in one or two hours when people didn't even
9 know what cities were in what counties.

10 Q. Were you aware that the 10-mile radius would include
11 at least a portion of Harrisburg?

12 A. I don't recall whether I was or not. I don't know
13 whether that's the case in fact. There were -- I do remember
14 conversations about how far away is Harrisburg from the site,
15 and if we went 10 miles would that be -- or 15 miles. I
16 forget what the mileage was. Whatever mileage you did, would
17 that include Harrisburg.

18 I've got Denton arriving at the site -- or at any
19 rate, I've got Denton calling in from the site at 2:55.

20 Q. Was Hendrie returned by that time?

21 A. Yes. Yeah, I've got notes from conversations from
22 Hendry at about 3:00.

23 Q. What was the substance of that telephone call?

24 A. Oh, I know what happened. At 2:55 -- I was reading
25 my notes wrong. At 2:55, apparently Hendrie came in and told

1 us that Denton had arrived and was in contact with Brzezinski.
2 And that Denton would be the On-site Chief and that Denton will
3 be in contact with the White House, and he had apparently --
4 that had been the substance of the discussions at the White
5 House.

6 And Hendrie also said that the judgement on evacuation
7 would be made by Denton.

8 Q. Did he indicate why that would be the case?

9 A. I don't recall. I don't have any notes to that
10 effect.

11 And then Ahearne brought up the ^{fact that} ~~case that~~ Mattson
12 had already recommended evacuation.

13 And I think Hendrie's ^u ~~repl~~ was something, "Well,
14 let's give Denton a chance."

15 Q. Do you know if the White House had any participation
16 in the decision to leave the evacuation decision making to
17 Denton?

18 A. I just don't know. I just know that that's what
19 Hendrie said after he came back from the White House.

20 And then my notes reflect that Ahearne pursued the
21 evacuation a little more, asking whether evacuation would
22 become more difficult as evening was coming on and he was
23 asking what events would trigger evacuation. And here we're
24 beginning to get more detailed than we had previously.

25 Q. Yes.

1 A. And Hendrie gave two examples where he thought
2 evacuation would be in order.

3 Q. What were those two examples?

4 A. Either the situation degraded in the core indicated
5 by rising temperatures in the thermal couples or a controlled
6 hydrogen -- I think it says evacuation.

7 Q. But these conversations were in the hypothetical,
8 I assume, because as you've indicated, it was the notion that
9 Denton would be making any decisions with respect to NRC
10 evacuation recommendations.

11 A. I think that's correct, yeah, that's right. And I've
12 got a note at 3:09 Hendrie saying, "Let's hold on evacuation
13 for a moment."

14 And then I've got Bradford saying right after that,
15 "The Governor and the people must be told so that the people
16 can make their own decision."

17 And then I've got another note that apparently
18 Bradford repeated that same feelings, that the Governor and the
19 people must be told.

20 And I've got Hendrie saying, "The probability of
21 evacuation is about 2 percent."

22 And then Denton called at 3:16.

23 Q. Okay, when you say "The Governor must be told." Do
24 you mean that he must be told that the decision making is now
25 Denton's?

1 A. No. I think, I think the problem was that here we
2 had Denton recommending evacuation, like I say, in the middle
3 of that telephone conversation. ^{with the Governor.} And then we had Mattson's
4 phone call. And after Mattson's phone call, I think I indicated
5 previously that people wanted to tell the Governor about the
6 phone call and about the seriousness of the situation there.

7 So that I think -- well, Bradford would obviously be
8 the best judge of this, what he had in mind was, "Let's be
9 frank with the Governor and tell him what Mattson had told us."
10 And my recollection is that there had been no contact with the
11 Governor from the time that the Chairman had recommended that
12 pregnant women and pre-school children go and up until this
13 time, so that nobody had told the Governor of -- nobody had
14 told the Governor that the NRC thought that the situation was
15 much more serious than they had first believed.

16 And it was -- Mattson's conversation was at
17 approximately 1:00. So, two hours had gone by and the Governor
18 hadn't been called.

19 Q. Okay.

20 A. That is at least the Governor had not been told, as
21 far as I know, from anybody from the Commissioners' offices.
22 I don't know whether there had been any contact between the
23 staff and the Governor's office. I don't think so. I think
24 everything had been funneled up through the Commissioners.

25 Q. Did Commissioner Bradford's remark generate

1 decision to call the Governor or to get back in touch with
2 him or something of that sort?

3 A. No. It kind of went the way a lot of things did
4 during this two or three days. Somebody would bring something
5 up and it would get lost. People would jump to other subjects
6 or something.

7 Q. Okay, this was about 3:00 in the afternoon or
8 something?

9 A. Yeah, I've got 3:09 in my notes.

10 Q. What happened after that?

11 A. Well, then, Denton called. And I suspect one of
12 the reasons that people didn't pick right up on what Bradford
13 had said was that they expected Denton to call. Bear in mind
14 that Bradford also said that, or somebody said that, Bradford
15 or Ahearne that said that they ought to tell the Governor
16 right after Mattson's phone call.

17 So, Denton called at 3:16 and gave us a status
18 report. And basically the substance of that was that the
19 situation was stable and he said that he'd talked to the
20 President and the President was well informed.

21 Hendry^u then said, told Denton, he said, "Look, the
22 central question is the need for -- whether there is a need
23 for precautionary evacuation."

24 And Denton said that as far as the releases are
25 concerned, they don't warrant forced evacuation, although it

1 was vital that we get procedures down.

2 And then Hendrie pressed him a little bit and said,
3 "Well, what about precautionary evacuation in case things
4 go wrong?"

5 And Denton said well, he'd like to defer that until
6 he met with people a little bit more. Apparently what happened
7 to Denton, as soon as he got down there, he got beseiged by
8 telephone calls. In fact, I think at one point he said he
9 hadn't been able to get off the phone, so he wanted to get
10 briefed a little bit more before making a decision about
11 precautionary evacuation.

12 Q. Uh-huh.

13 A. But generally the impression that I had from that
14 telephone call was that things were better than people had
15 feared a couple of hours before.

16 Q. Was it Denton's view that the Utility personnel were
17 better in charge -- in control of the situation than was
18 previously thought?

19 A. Well, let's see. I've got a note which says,
20 "Denton said that the previous recommendation to evacuate
21 was partly based on the fact that the staff felt the licensee
22 did not know what was going on."

23 And apparently they got down there and they found
24 that, yeah, the licensee did know a little bit better what
25 was going on. Or the staff did, I don't know.

1 Q. After that conversation with Denton, did the
2 Commissioners again discuss precautionary evacuation?

3 A. Well, I don't remember. I kind of think what
4 happened -- no, I don't believe they did. I've got "The
5 telephone conversation with Denton went on and then at 3:40
6 apparently somebody placed a phone call to the Governor and
7 then there was another telephone conversation with the Governor."

8 Q. That was a call placed from NRC to the Governor's
9 office?

10 A. I suspect so. I'm not certain of that. It could
11 have been -- I just kind of suspect the way things went, since
12 we're talking about having to contact -- since we were talking
13 about having to contact the Governor that somebody had started
14 the process of getting the Governor on the line.

15 And in that conversation, my notes reflect that
16 he told the Governor that ^{our} "people had ^{vt} concluded that there is
17 more seriously damaged core, fission products released to
18 primary system and the containment -- to the primary system
19 and the containment, fairly extensively, thermocouple showing
20 high temperatures. We were seeing yesterday that the upper
21 one-half was steaming, rather than being water flooded. They
22 ~~are now reading below saturation - means covered.~~
~~core is now covered.~~ but one thermocouple is above saturation
23 and then thus steaming. There's a hydrogen bubble, ~~although~~
24 ~~if~~ things stable, ^{and} things could stay this way for days. ["] He told
25 them the system pressure, told them what the ^{let-} look downstream

1 was, said there were small but steady xenon releases to the
2 atmosphere, although at levels that we'd seen previously, that
3 we can maintain circulation and will let the experts work over
4 night. The feeling is now not for any immediate protective
5 measures. That was at 3:49.

6 Q. Did the Governor understand the significance of this
7 technological information?

8 A. I have no idea. Frankly, I did not. Whether the
9 Governor did or not, I don't know.

10 Q. Was there any information given to the Governor
11 with respect to the lead time that would be available if the
12 situation would get worse.

13 A. Well, let's see. The conversation goes on.

14 Apparently, the Governor asked what were the chances
15 of an explosion rupturing the vessel. Hendrie said there was
16 a zero chance since there had been no oxygen in the core. The
17 Governor asked, "Can you project the worse possible cases and
18 contingencies?"

19 And Hendrie replied, "It's prudent to have the
20 evacuation planning people on an alert status."

21 The Governor asked, "How large an area?"

22 Hendry said, "We should be talking about going 20
23 miles."

24 The Governor asked, "Is there anybody in the country
25 who has had experience with such a release?" I think he

1 was talking about the level of release and what effect it
2 would have.

3 And Hendrie responded, "Only when soldiers got the ^{burn}
4 dosage back in the Smokies' test."

5 The Governor asked, "Well, what about continuous
6 low level emission?"

7 I got the feeling through all this the Governor had
8 been well primed before this call, and his concerns had been
9 heightened by somebody.

10 Hendrie, Hendrie responded, "If you go on for a couple
11 of weeks, then, yeah, then we ought to move people out of the
12 area."

13 The Governor asked, "What are the chances of a
14 melt-down?"

15 Hendrie said, "Pretty small."

16 The Governor asked, "What are the chances of signifi-
17 cant releases?"

18 Hendrie said, "Not a sure thing." He said if the
19 melt-down is a one percent chance then a significant release
20 is five percent.

21 The Governor asked, "Did the Company inform you in
22 advance of the release this morning?"

23 And Hendrie said, "Not here, but the guys on the
24 site knew."

25 Then at 4:00 there was a telephone call to Jody

1 Powell.

2 Q. Okay, let me stay on the Governor's call for a
3 second.

4 A. Yes.

5 Q. When Mr. Hendrie suggested that it would be prudent
6 to be prepared up to 20 miles, was that the first time you had
7 heard the distance of 20 miles mentioned as an option?

8 A. I couldn't say for sure. That number might have
9 been batted around before and it probably was. There had been
10 no consensus that, "Yes, we should go to 20 miles."

11 Q. Was this telephone call also on a squawk box?

12 A. I believe -- yeah, this one must have been on a
13 squawk box.

14 Q. Who was in the room for this conversation?

15 A. I don't have it recorded. I would presume most of
16 the Commissioners and several of their assistants, maybe by
17 this time there would have been a person or two from the
18 Office of Policy Evaluation. I don't remember whether the
19 General Counsel had been involved yet or not.

20 Q. I assume by this time there was no discussion to
21 -- concerning lifting any evacuation advisors that may have
22 gone out, or changing any recommendations previously made. Is
23 that a correct assumption?

24 A. I think that's correct, yes.

25 Q. Were there any conversations after the termination

1 of the discussion with the Governor and before the telephone
2 call with Jody Powell among the Commissioners?

3 A. No, because my notes -- I don't know, but my notes
4 show that the conversation with the Governor was still going
5 on at 3:56 and the phone call to Powell was at 4:00.

6 Q. Okay, what happened during the phone call with
7 Powell?

8 A. My notes just reflect -- it says, "Powell says to
9 go low-key" up here. Now, the telephone call to Powell may
10 have just been one way. In fact, I'm sure it was because I
11 don't remember hearing Powell's voice. And I don't know
12 whether Hendrie was summarizing this or not. My notes say
13 ~~that "Says"~~ and I assume that's Hendrie, and it says that Powell
14 says to go low key up here."

15 Q. Says to "go low key"?

16 A. Yeah.

17 Q. What do you interpret that to mean?

18 A. Well, I presume -- I don't know. There's --
19 obviously, the Chairman and Powell would better know. My
20 interpretation was that they were trying to decide who was
21 going to handle the putting out of information. And I presume
22 what he meant by that was in Washington, let's, let's leave
23 the information -- putting out the information to the people
24 on the site who knew what was going on and the people in
25 Washington not to give out so much information, simply --

1 I presume that's simply because the people on the site had
2 a better feel for what was going on than we did in Washington.

3 And apparently Powell said that a press conference
4 was going on at the site.

5 Q. Any other recollections or notes from that
6 conversation?

7 A. No. No, neither.

8 Q. Any conversations held after that on the evacuation
9 question?

10 A. No, I -- I don't know. I don't have any notes to
11 that effect and by that time, too, I guess people had thought,
12 well, Denton was going to be the one who was going to make the
13 decision. Denton had seemed to feel much more comfortable
14 once he got there. And so that I guess by about -- well, after
15 Denton's conversation, the concern was diminished somewhat.
16 People were beginning to feel better and things were under
17 control, and that any rate Denton was the one who was going
18 to make the recommendation if he thought it was necessary.

19 Q. Okay. Did the focus of conversation shift away
20 from evacuation to some other subject matters?

21 A. Well, I don't know. I've got a phone call -- a
22 4:00 phone call from Powell, or to Powell; and then the next
23 note I have is a 5:00 conversation with Denton and Fouchard.
24 And I just don't know what happened between 4 and 5.

25 Q. What happened in the conversation with Fouchard?

1 A. Well, apparently, a newspaper picked up -- I forget
2 which wire service it was -- picked up the fact that there
3 was going to be a melt-down or something. I forget the exact
4 words. At any rate, the word "melt-down" was in there and
5 the words "probability" or "possibility". And there was general
6 concern at this time that that was going to cause alarm.

7 I can't remember who was in that room at the time.
8 My memory is, I think Gilinisky and Bradford went off to meet
9 with somebody -- it could have been Califano. It could have
10 been somebody else. They would probably have a record of
11 that, but I think they were gone at the time. I am not certain
12 of that. That's just kind of a hazy recollection.

13 The only thing that I've got recorded is that
14 Fourchard said, "We need to get on top of the melt-down story."

15 Denton said, well, he'd talk to us in detail tonight
16 after talking to the Governor at 7:00. Denton said, "There
17 was no imminent hazard and the concern was to cool down the
18 plant ^{with} ~~and get rid of~~ the low releases."

19 Denton said that he'd just gotten off the phone from
20 Jody Powell and Denton said that he was convinced that the
21 safety systems would work even with the bubble.

22 And then about this time, I guess we found out there
23 had been a press briefing at Bethesda where Dudley Thompson
24 had said, he had mentioned the word "melt-down", and I've
25 got a note here which says that "UPI says melt-down expected

1 in a couple of days." And I guess that's what was concerning
2 people.

3 And then I've got a note that says that "Ahearne
4 says that Thompson is accurate, but he'd just been misinter-
5 preted."

6 That doesn't mean that Thompson said that he expected
7 a melt-down in a couple of days.

8 And then my memory, and I think the transcripts
9 reflect this fairly well, but I was out for a while. Sometime,
10 I don't know whether it was between 4 and 5 or after 5, they
11 were working on a press release. And I remember --

12 Q. Who is "they"?

13 A. I believe it was Ahearne and Kennedy. I don't know
14 who else was involved. I remember those two specifically, and
15 Kennedy wanting to shade it one way and Ahearne wanting to shade
16 it the other way. I remember discussions along those lines.

17 I guess Hendrie was involved in that as well.

18 Q. What time was this?

19 A. I don't -- it was sometime between 4 and 7. I
20 suspect it was around 5, but I don't know. It must have been
21 after 5, in fact, after we'd heard about the UPI story, so
22 sometime after 5. And I was out of the room while they did
23 most of that, and then the reading of the transcripts. I just
24 came in at the end while they were putting the finishing
25 touches on it.

1 Q. Anything else occur around that time? Any other
2 conversations on --

3 A. No, as I say, things had calmed down a little bit
4 and I think that Bradford -- I've got -- I know Bradford had
5 gone to a meeting somewhere cause I've got 7:13, I've got a
6 note saying that Bradford had come back from a meeting.

7 Q. Any other contacts with the Governor on that day?
8 Friday?

9 A. Not that I'm aware of, and by this time since Denton
10 had established contact with the Governor, the contacts
11 probably would have gone through Denton to the Governor.

12 Q. During Friday -- just to make sure I have this
13 straight for my own mind -- we had -- were there any conversa-
14 tions involving Schlesinger on Friday, that you recall?

15 A. I don't recall any.

16 Q. Okay.

17 A. As I say, I do remember, as I told you before, there
18 was this one conversation with Schlesinger, but that was
19 heresay and I don't know when it was. I think it was
20 Thursday, but I'm not sure.

21 Q. Would there be any Friday conversations with
22 Powell, other than the one that you've just mentioned or --

23 A. There could well have been, but I just don't know.

24 Q. Do you have any knowledge of conversations with
25 Carter, Watson, Califano, Costle, any of those on Friday?

1 A. As I said, I don't have a record of them. They all
2 could have occurred.

3 Q. Okay. When did your involvement with the whole
4 Three Mile Island Affair end on Friday?

5 A. Well, let's see. We got a report from Denton --
6 another report from Denton at 7:13. I listened to that.
7 Denton said he was reasonably satisfied with condition of
8 bubble, although there was -- also continuing to release
9 ~~normal~~ ^{noble} gases.

10 And then we went down -- oh, he said, "Releases do
11 not warrant evacuation, and he'll tell the Governor that."
12 He said, "The Utility was a little thin on talent. Its
13 cooperation was good." He said, "It was a small outfit and
14 these people were being swamped with demands."

15 Frank Ingram called at 7:32. He was with the Press
16 Office. He said the press people say that what we put out,
17 the press release we put out did not change a thing from what
18 was said in the afternoon.

19 And then I've got there was a discussion of oxygen-
20 hydrogen and that Hendrie said, "We just can't leave it to cool
21 because of the formation of oxygen."

22 And that kind of begins, you know, like I say, things
23 kind of climaxed with Mattson. It stayed at a peak for a couple
24 of hours. Then concern declined when Denton got on site. And
25 things started to increase in intensity, again, when somebody

1 started thinking about the hydrogen and the oxygen, although
2 I was not aware of it Friday night; I really did not understand
3 the significance of the hydrogen-oxygen problem.

4 We watched the McNeil-Lehrer show down in the General
5 Counsel's office and I went home, maybe 9:30 or so. I under-
6 stand, although I have no first-hand knowledge of it, that
7 there was a meeting Friday night, at least with Bradford and
8 Hendrie and I don't know who else was there, around midnight.

9 Q. Any notes of that meeting that are available and
10 records?

11 A. I think there even may be a transcript, but I'm not
12 certain. I don't have any, anyway.

13 Q. What was the subject matter of that meeting?

14 A. I think it was about the hydrogen-oxygen problem.

15 Q. To your knowledge, did they discuss evacuation
16 options or that subject generally, to any extent?

17 A. No, I don't know.

18 Q. Were you involved at all with the Three Mile Island
19 accident on Saturday?

20 A. Yeah. I came in in the morning and the
21 Commission meeting started at 10:34 with Hendrie, Bradford,
22 Ahearne and Kennedy present. And Gilinsky came in later.

23 And it was kind of light conversation that was
24 going on. Then it got a little heavier and people were
25 wondering how long did we have -- if things went wrong, how

1 long would we have. Then there was the number of 200 minutes
2 batted around. There was also some conversations about the
3 status of various Congressional hearings that had been planned.

4 Then I've got a note that at 10:55, Ahearne said,
5 "Should the NRC caution other B&W operators?" And Hendrie,
6 agreed that we should. And Hendrie, at 11:00, told Ed Case to
7 tell the other B&W reactors -- the operators of other B&W
8 reactors to use caution, particularly Davis-Besse. Somebody
9 should -- I&E should keep an eye on.

10 Q. Why Davis-Besse?

11 A. Well, let's see. By that time, I guess it was -- I
12 don't know whether people realized -- well, they must have in
13 order to have made the comment, that there was a pre-cursor event
14 at Davis-Besse. Also, we had an open-door complaint; that is our
15 office, Commissioner Bradford's office; and Commissioner
16 Ahearne had a joint open-door complaint from one of the
17 inspectors who did Davis-Besse. This was before the accident
18 even began.

19 And, so, our two offices' concern were very
20 heightened about Davis-Besse.

21 Q. What's an open-door complaint?

22 A. That's where an individual has gone through manage-
23 ment and he doesn't feel that his safety concerns are being
24 treated correctly, so he has the option to come directly to
25 the Commissioner, any Commissioner, and discuss his safety

1 concerns with the Commissioner. And he can receive -- and his
2 name would be held in confidence if that's what he would like.
3 It's a policy that's set forth in a document.

4 Q. What other matters did the Commissioners discuss on
5 Saturday?

6 A. Counsel notes that an open-door complaint need not
7 only be safety.

8 Saturday, they were talking about oxygen formation.
9 They had to close the vote to close the meeting. They were
10 talking about a Brookhaven calculation, about how many minutes
11 you had. A lot of technical discussions about that.

12 Victor came in; that is, Gilinsky came in.
13 Commissioner Gilinsky came in and I remember his asking me,
14 "What are we talking about?" And I told him we were talking
15 about some more technical things and said, "You know, really
16 we ought to be looking at the consequences and the probabilities
17 and deciding about evacuation." I think that was in his mind.
18 I don't think I had to put that in his mind.

19 He started -- he really started a serious discussion
20 about evacuation. His recommendation, his recommendation was
21 that we ought to start telling people to move out of there as
22 kind of an advisory.

23 Q. So, Gilinsky, at that time, wanted people to move?
24 He wanted to change --

25 A. At 11:05 -- I don't know whether he had changed or

1 not. I mean, he may have felt that way all the way along.

2 Q. But he wanted to change the existing evacuation
3 advisor?

4 A. That's correct. That's correct. He said, "Shouldn't
5 we urge people close in to move away if they don't have any-
6 thing else to do?"

7 He wanted not to make it an order, but a suggestion.
8 "Look, this is precautionary and you could go visit your
9 relatives for the next two or three days. That might be a
10 good idea."

11 And Kennedy said, "Well, you know, how does this
12 differ from yesterday?"

13 And Gilinsky said, "Well, the situation looks better
14 today in that there's more talent." He said, "But on the
15 minus side," he said, "there's no way of dealing with the
16 hydrogen bubble. There's still a possibility of the system
17 degrading and the time scale seems shorter than they were
18 talking about yesterday."

19 And he said, ^{Is it worth} "we're buying a certain amount of cost
20 for limited protection."

21 And then Gilinsky says, "Let's say within the first
22 five miles."

23 They talked about it some more.

24 I've got Ahearne saying he'd like to hear the new
25 number. I don't know what number that refers to. It may mean

1 the number of minutes. I'm just not sure.

2 Gilinsky said, "One problem with his recommendation
3 is we don't know how long this would be for."

4 And then Kennedy said, "Well, look, if we're going
5 to do this, don't we really have to be more direct than just
6 kind of say off the hand, "Why don't you people move out?"

7 I've got a note saying Hendrie said, "I don't know
8 how well you can do this sort of immediate stage." I think
9 I meant to ^{write} ~~say~~ "intermediate stage." And it's either -- I
10 guess the feeling was he should either evacuate or not evacuate,
11 not go half way.

12 Gilinsky did say that he raised this with the people
13 in Bethesda and that the people in Bethesda views had turned
14 around. I guess that means that their concerns had diminished
15 somewhat.

16 And he said that we ought to check what sort of
17 things were involved in various contingencies. And then they
18 talked about how much time they've got.

19 I've got Hendrie saying, "The vessel has a lot of
20 water. And any melt would have to go through the water,
21 although you cannot absolutely rule out a steam explosion, but
22 it would ^{probably} have to work its way through water."

23 I guess this is his worse case scenario. Then
24 you'd have the pressure getting high from CO₂, ^{then} when you'd
25 have choice of whether to vent or take chances of blowing

1 something out. //

2 And Gilinsky was saying, "While you're going through
3 this, you'd probably lose time at the front end." And Gilinsky
4 says, "Does Harold have a set of events which would cause
5 evacuation?"

6 Q. That would cause evacuation?

7 A. Yeah. I think --

8 Q. Would generate a recommendation?

9 A. Yeah, that's right. And then his concern was, "Well,
10 then, you're talking -- even if you have those sorts of things
11 and you weigh it, what you're talking about is an emergency
12 evacuation and with all the things that could go wrong as
13 opposed to a precautionary evacuation."

14 Kennedy says that, "The active^A suggesting ~~that~~
15 people go away will be taken as a emergency."

16 Ahearne said that there were 29,000 people within
17 a 5-mile zone. He asked how similar to WASH-1400 is the
18 current situation.

19 Bradford asked, "Can you say with confidence that
20 you don't have an explosive mixture?"

21 Ahearne says, "We don't . hands around that --
22 we don't have our hands around that information."

23 Hendry says, "A hydrogen explosion can't be ruled out."

24 Bradford asked, "What would ignite an explosion?"

25 And Hendrie said, "People are working on this."

1 And then Bradford says, "We^{are} in a place where we have
2 time between 6 and 12 hours."

3 Well, it's hard -- I'm not sure. Well, my notes
4 says, "We're in place where we have much time, 6-12 hours." I
5 don't know if I left out a word there or not. I don't quite
6 understand that.

7 And then he says, "We should tell the Governor that
8 in much clearer terms than we have." I guess that's tell the
9 Governor what kind of lead times he has in much clearer terms
10 than we have in the past.

11 About this time, I was getting increasingly
12 frustrated with the fact that it did not seem to me that the
13 Commission, as a whole, was coming to grips with the evacuation
14 problem and with the situation that they had in front of them.

15 That is, everytime somebody would bring up
16 evacuation, it would kind of -- people would drift off into
17 other subjects, it seemed. The Chairman was much more comfort-
18 able talking about technical matters.

19 And, so, at that time I had a conference with
20 Bradford and said, "I just know what's going to happen. What's
21 going to happen is we aren't going to resolve anything and
22 the Chairman's going to go off the Bethesda, which had been
23 planned ahead of time, and nothing is going to get resolved.
24 And with him gone, then the whole process is going to fall
25 apart."

1 And about this time, Bradford was also very
2 frustrated. And I guess at this time, or shortly thereafter
3 said that he'd given up on the Commission; that is, he did not
4 think that he could get the Commission, itself, to really take
5 action. So --

6 Q. With respect to evacuation?

7 A. With respect to evacuation and the hydrogen problem
8 and dealing with it in a real concrete manner. And, so, at
9 that time, he decided he would work through other channels than
10 the Commission.

11 Q. Which other channels would that be?

12 A. Well, I don't know. You'll have to ask him. I do
13 know that he was -- my notes say that he was going to talk
14 to Costle and ^{try to} have Costle push the Chairman very hard about
15 the hydrogen explosion possibility.

16 Q. Did these conversations with respect to listing
17 accident scenarios and appropriate emergency response to those
18 scenarios result in any orders being issued by the Commission
19 to any persons to do that or somehow think about it?

20 A. You know, I really don't know. I think Gilinsky is
21 really the one to ask about that, ^{because} cause I think he was the
22 most concerned about that, and I think he's the one who
23 followed up on it.

24 I know that on the next day, Sunday, that by Sunday
25 they had -- I was not at the meetings on Sunday, I had heard

1 this second hand -- by the meetings on Sunday, they had drawn
2 up kind of a cross-hatch of various scenarios and for each
3 scenario how far would you evacuate, what would you evacuate,
4 when would you do it, stuff like that.

5 So, I presume that people had been working on that
6 Saturday night and perhaps Saturday afternoon, as well.

7 Q. And it was completed, you're saying, sometime
8 Sunday?

9 A. Well, certainly there was a draft kicking around
10 Sunday.

11 Q. To whom was that draft sent? What was the --

12 A. I don't know. As I say, I wasn't there Sunday. I
13 think that Presidential Commission has a request of that, in
14 fact, in a special letter. I'm not certain of that.

15 Q. Were you personally involved in the whole TMI thing
16 in anyway on Sunday?

17 A. No. Sunday, since I spent most of Saturday ~~in~~ doing
18 nothing but taking notes and there just didn't seem to be any
19 legal questions coming up, and Commissioner Bradford had a
20 technical assistant with him, Hugh Thompson. He told me not
21 to bother to go out to Bethesda ~~on~~ Sunday, which I didn't.
22 I talked to him several times on Sunday, but that was the
23 extent of it.

24 Q. You talked to him from your home?

25 A. Yeah.

1 Q. Were there any contacts that you know of on Sunday
2 among the Commissioners with any of the parties that I mentioned
3 earlier, such as Jody Powell?

4 A. No, I just -- I would not know.

5 Q. Okay. Can you characterize for me the discussions
6 during the following week that occurred with respect to the
7 question of lifting the evacuation advisory? I don't want to
8 go through day by day during the week, because that might be
9 a bit tedious; but if you could give me a complete answer --

10 A. Well, I do remember that we talked about it. And it
11 kept coming up and it kept coming up. And one of the concerns
12 was, well, if you lift the recommendation, you're going to
13 give -- you're going to send out a signal that the situation is
14 completely stable. And the people did not want to do that.
15 So, it was a while before the recommendation was lifted. But
16 I do remember there were a lot of conversations about that.

17 Q. Was it still the Commission's posture that they
18 would leave the decision to Denton with respect to lifting the
19 evacuation advisory that was in place?

20 A. Well, see, that delegation was never all that firm,
21 because I do know that on Sunday when the hydrogen-oxygen
22 problem culminated, that at least three and perhaps four
23 Commissioners had agreed to recommend evacuation, on Sunday,
24 unless -- and the Chairman was at the site on Sunday -- unless
25 the Chairman had information at the site which would mitigate

1 their concerns.

2 What had happened, apparently, was that the
3 Commissioners had met and they talked a lot and they came to
4 the conclusion that the situation was serious enough that an
5 evacuation was the prudent thing to recommend.

6 But, apparently, coincident with that, something
7 happened to diminish everybody's concerns.

8 Q. When you say that they were agreed to recommend
9 evacuation, do you mean of all persons?

10 A. I don't know. I think the recommendation was going
11 to be fairly specific; but I don't know what it was.

12 Q. Do you have any recollection what the distance would
13 be?

14 A. No.

15 Q. Okay, what came up to diminish those concerns?

16 A. I don't know for certain. As I say, this was all
17 second hand; but I think somebody had done some more calcula-
18 tions and found out that there was either no oxygen evolving
19 or it had not evolved as quickly as they had thought, or that it
20 couldn't evolve with the pressure that they were talking about.

21 Q. Is it your sense that the earlier consensus to
22 recommend evacuation on Sunday was due to their perception of
23 the bubble and that problem?

24 A. Was due to the possibility of an explosion or even
25 less than an explosion. I understand that originally there

1 was concern about the detonation, the detonation of hydrogen.
2 And then somebody came in and said, "Hey, you know you not
3 only have to -- and that would be one concentration of oxygen --
4 somebody came in and said, "Hey, you not only have to worry
5 about detonation, but you've got to worry about flammability
6 because if that stuff burns, we aren't quite sure what effect
7 that's going to have." So, that reduced the concentration
8 you needed to have which heightened everybody's concerns. But,
9 as I say, that's all second hand, and I wasn't present.

10 Q. Hendrie wasn't present for that either, to the best
11 of your knowledge?

12 A. I don't know whether he was there in the morning
13 or not.

14 Q. Okay. Is there any other events that come to your
15 mind with respect to Commissioner decision making on evacuation,
16 say from Monday forward? Any other events or contacts that they
17 made with respect to this whole area?

18 A. Say that question again.

19 Q. Any other events or contacts which the Commissioners
20 made with respect to evacuation, making recommendations in that
21 regard.

22 A. No, I just -- I do remember that the General Counsel
23 on Saturday was also expressing frustration that the
24 Commission was not coming to grips with the evacuation
25 question in an organized fashion.

1 And he expressed that to me, personally.

2 I do know that Saturday -- Friday evening, he also
3 expressed the view that the Governor should be given some
4 more detailed and accurate information.

5 Q. Was that followed up?

6 A. Well, my notes say that he told -- let me get my
7 notes.

8 (Pause.)

9 My notes say that ^{Bickwit} "~~Victor~~ talked to Bradford and
10 Ahearne ^{and} said the probability ^{is} should be disclosed." And Ahearne's
11 reply to that was, "We're relying very heavily on the Chairman's
12 technical judgement."

13 Q. Okay. Do you remember if at any time during this --
14 during these events, the Commission was made aware of a possible
15 sabotage threat at Three Mile Island?

16 A. I never heard a word about it.

17 Q. Do you know if the Commissioners were at any time
18 involved with the decision making with respect to supplying
19 potassium iodide to the site?

20 A. I think my notes, somewhere, deal with that subject
21 in just about a line. I don't remember any extended conversa-
22 tions. I do remember -- it was either on Monday or Tuesday,
23 during one of the Commission meetings that that question came
24 up and they discussed it at length.

25 Q. Okay, you have no recollection as to the substance

1 of that meeting? Is that --

2 A. No, there would be a -- there should be a transcript
3 on it.

4 Q. Do you know if the Commissioners were involved in
5 anyway in briefing the Governor for any of his press conferences
6 during this time?

7 A. Briefing the Governor?

8 Q. Supplying him information?

9 A. You mean for -- just because the Governor was about
10 to have a press conference?

11 Q. Right.

12 A. No.

13 Q. Okay. Is there any, any impressions or thoughts or
14 comments that you'd like to offer for the record that we
15 haven't covered? This is your chance to give your thinking
16 to this whole trend of events.

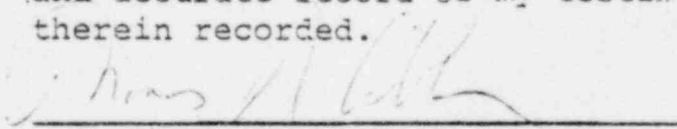
17 A. No, I really don't have anything.

18 Q. Okay, then we will conclude the deposition.

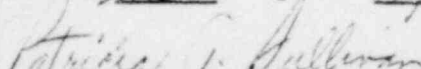
19 I have no questions.

20 (Whereupon, at 11:20 a.m., the
21 deposition was adjourned.)

22 I have read the foregoing pages,
23 1 through 87, and they are a true
24 and accurate record of my testimony
25 therein recorded.


THOMAS R. GIBBON

25 Subscribed and sworn to before me
this 21st day of September, 1979.

 **Acme Reporting Company**

Notary Public

My Commission expires:

October 14, 1983

REPORTER'S CERTIFICATE

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DOCKET NUMBER:

CASE TITLE: DEPOSITION OF THOMAS R. GIBBON

HEARING DATE: August 20, 1979

LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence herein are contained fully and accurately in the notes taken by me at the hearing in the above case before the PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND and that this is a true and correct transcript of the same.

Date: August 21, 1979

Wonna L. Cook

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