

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
HOUSE SELECT COMMITTEE - THREE MILE ISLAND

In re: Organization Meeting of Committee

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Verbatim record of meeting held
in the Majority Caucus Room,
Main Capitol Building, Harrisburg,
Pennsylvania, on Thursday,

May 3, 1979

10:00 A. M.

HON. JAMES L. WRIGHT, JR., Chairman
Hon. Bernard F. O'Brien, Vice Chairman
Hon. Nicholas B. Mochlmann, Vice Chairman
Hon. Eugene Geesey, Secretary

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MEMBERS HOUSE SELECT COMMITTEE - THREE MILE ISLAND

Hon. James D. Barber	Hon. Stephen I. Lehr
Hon. Reid L. Bennett	Hon. Joseph C. Manmiller
Hon. Kenneth E. Brandt	Hon. Marvin E. Miller
Hon. Kenneth J. Cole	Hon. Harold F. Mowery, Jr.
Hon. Ronald Cowell	Hon. Martin P. Mullen
Hon. Mark Cohen	Hon. Jeffrey E. Piccola
Hon. William DeWeese	Hon. Samuel Rappaport
Hon. Rudolph Dininni	Hon. Stephen R. Reed
Hon. Donald W. Dorr	Hon. John E. Scheaffer
Hon. A. Carville Foster, Jr.	Hon. C. L. Schmitt
Hon. Stephen F. Freind	Hon. Ted Stuban
Hon. Ivan Itkin	Hon. Noah W. Wenger
Hon. William K. Klingaman	Hon. Paul J. Yahner

ALSO PRESENT:

Fred Taylor, Counsel
Marshall Rock, Asst. Director of Research
Joe Miller, Staff Assistant
Reg Poran, Administrative Assistant

Dorothy M. Malone
Registered Professional Reporter
135 S. Landis Street
Hummelstown, Pennsylvania 17036

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CHAIRMAN WRIGHT: Good morning. This is our first meeting of the Select Committee regarding the incident at Three Mile Island. As you know, the House passed a Resolution constituting this Committee and this morning is our first meeting.

As I understand the Resolution, this Committee has been charged with the duty to conduct a comprehensive inquiry into the nuclear accident at Three Mile Island and into other related matters in order to review the need for additional safety and regulatory procedures to study the effectiveness of existing civil defense, emergency preparedness and evacuation procedures. To determine methods for improving coordination between federal, state and local units of government in the event of future nuclear accidents. To review the potential for health and safety hazards, to examine the role of nuclear power in meeting the energy needs of the Commonwealth.

As an addendum to that some conversations have been started with the Lieutenant Governor and the Governor's Energy Council to develop for the State of Pennsylvania an energy policy.

As you know, the subject of Three Mile Island is being studied by several committees. There are two Senate committees in Washington and two House committees in Washington which are addressing themselves to the subject, along with the

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President's Citizens' Committee. You probably read about that in the newspaper. Incidentally, I understand they will be in town this next week or the week after conducting some hearings in the Middletown area.

I would point out even though the federal committees are studying the Three Mile Island incident, none of them are really directed to address themselves to the problems of Pennsylvania, the site of the nuclear accident. Under the mandate given this Committee by Resolution 48, I feel that it is the responsibility of the Committee to concentrate its efforts to look into the state's responsibility as regards the safety of the public and the public's property in case of future accidents such as Three Mile Island. Of course, basic to that is to look into the responsibility of the state regarding its powers to regulate the production of nuclear energy in the Commonwealth of Pennsylvania.

At the outset, I do not believe that the purpose of this Committee is to establish blame or fault. That is being studied in Washington and as many of you know there are some legal precedents, both at the federal legislative level and in the courts, which defines who has what responsibilities. But I would point out that if we do uncover anything, or if there is any suggestion as blame should be placed in certain areas,

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I think it is the responsibility, moral responsibility, of this Committee to pass that on to the proper authorities. I feel that this Committee should concentrate its efforts towards studying the problems of evacuation, people and animal safety. The needs of business and commerce should evacuation have been necessary, the insurance responsibility of the utilities and the responsibilities and capabilities for protecting the health of the citizens in the area of potential danger from nuclear accident.

I would like to urge the Committee to take a positive attitude toward this job. Better to find out from this most recent experience what Pennsylvania can do in cooperation with the Federal Government to more fully insure the safety of its citizens.

I believe it might be proper now to take an attendance record and to make some introductions. For the help of staff and for the public stenographer, as your name is called, would you raise your hand or stand, as we make future comments, at least for the first week or two, so that we will all know each other, we identify ourselves before we make statements or raise questions.

We have passed out to each member a folder. I suggest you keep this folder, carry it back and forth to the meet-

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ings with you and you will be receiving in the mail and/or by messenger and at these meetings additional material that you may want to keep in the folder.

Gene Geesey, who is Secretary of the Committee, are you prepared to call the roll?

(Roll call by Representative Geesey.)

(The following members were present: James L. Wright, Jr., Nicholas E. Moehlmann, Bernard F. O'Brien, Gene Geesey, James Barber, Reid L. Bennett, Kenneth E. Brandt, Mark B. Cohen, Kenneth J. Cole, Ronald R. Cowell, William H. DeWeese, Rudolph Dininni, Donald W. Dorr, A. Carville Foster, Jr., Ivan Itkin, Stephen I. Lehr, Joseph C. Manniller, Martin P. Mullen (excused), Samuel Rappaport (excused), John E. Scheaffer, Ted Stuban, Noah W. Wenger, Paul J. Yahner.)

CHAIRMAN WRIGHT: We have a pretty good attendance. Marvin Miller is at Health and Welfare and he will be here.

REPRESENTATIVE BARBER: Mr. Chairman, Representative Schmitt will be down in a minute and Representative Reed is at Health and Welfare. I would like to be excused if it is all right, at the moment.

CHAIRMAN WRIGHT: Do you have everybody, Gene?

REPRESENTATIVE GEESEY: Yes, I do.

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CHAIRMAN WRIGHT: Representative Cohen is here.

Staff wise, I am sure there is a lot of staff in the room. I will probably slight some, but I will just pick out those who have worked with us to date.

Sitting on my right is Fred Taylor, Legal Counsel, Peg Foran, Administrative Assistant to the Mines and Energy Committee and will be helping us, Joe Miller and George Ellis, Staff of Mines and Energy, and the other one I would want to point out and use them -- Joe Miller and George Ellis stand up. George Ellis can be found in Bernie O'Brien's office and Joe Miller through my office.

We also have with us the Assistant Director of Research, who is not here at the moment, Marshall Rock. He is the major-dono who will be heading up much of our efforts.

As you probably know, the officers of the Committee, myself as Chairman, Nick Moehlmann sitting to my left Vice Chairman, Bernie O'Brien to my right, Vice Chairman, and Gene Geesey, Secretary.

I have taken the liberty of tentatively scheduling ourselves for the next two weeks and we have some problems and problems mostly generated by the hearings that are going on in Washington, D.C. We had originally planned to have Harold Denton here next Thursday and Friday. He cannot make it, pri-

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marily due to the conflict with Congressional hearings. I suspect Metropolitan Edison has the same constraints on their time as those of Mr. Denton.

As I said, I have tentatively scheduled, with your blessing, I will continue in this direction. At 2:30 this afternoon Dr. Warren Witzig, a Professor and Head of the Department of Nuclear Engineering from Penn State University will be with us and his function this afternoon is primarily to give us an education in regard to nuclear power. I have not scheduled him to pass judgment on what happened, nor have I scheduled him to issue an opinion. I would hope you would bear this in mind during this presentation. If you have any questions to ask him afterwards, of course, that is a Committee Member's own particular choice.

But I suspect at the outset that many of us are no more informed on this technical matter than the average citizen on the street. I suspect most of us, and I didn't know myself until a week or so ago what the difference is between a boiling water reactor and a pressurized system. He will be on board this afternoon. There will be a slide presentation and he will attempt to, I guess, educate us within an hour, hour and a half, two hours, what it took him to learn in the last six, seven or eight years.

Incidentally, our screen will be set up at that end of the room. There is a slide projector and a table down here to help in his presentation.

Tomorrow morning at 10:00 o'clock sharp we will be getting on a bus in the back of the Capitol to go down to Three Mile Island to get about an hour's tour of the establishment. We will not be going into any contaminated areas. You will not be required to suit up when you get there. We took the liberty of getting all your social security numbers, your names and addresses, your date of birth and other pertinent matters and we passed that on to the Metropolitan Edison yesterday afternoon so that the proper passes and applications and other bureaucratic paperwork can be in place. It is my desire to have you back here at the back of the Capitol by 1:00 o'clock so that you can take off for home. It has been a long week and I think you might as well plan on longer weeks as we progress.

I will try to schedule hearings on Thursdays and Fridays. I will not schedule anything during primary election week.

I suspect the next order of business is to look at a suggested set of rules that I and the legal staff have developed.

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It is not my intention to run this Committee with an iron hand, but I assume that there are days that we may wish to have a set of rules in place. When the debates get long and lengthy or kind of warm, not only to protect ourselves, one from each other, but to keep some orderly conduct within the room.

Any questions so far?

REPRESENTATIVE O'BRIEN: The only area that I think we ought to consider, I think that any Member should have a right to recommend who appears before the Committee, not just the Chairman. I'd rather see that taken out.

CHAIRMAN WRIGHT: What rule are you looking at?

REPRESENTATIVE O'BRIEN: Number one, the Chairman shall have the power to initiate inquiries. I think that should be that all Members should be in a position to recommend and to consider them.

CHAIRMAN WRIGHT: "No hearings or formal investigations shall be conducted without the approval of a majority of the Committee. The Chairman shall have the power to initiate inquiries regarding the appearance of appropriate witnesses before the Committee, to schedule said invited witnesses; and to schedule uninvited witnesses who request to appear as the hearing schedule permits." You mean, no hearings or formal

investigations shall be conducted without the approval of a majority of the Committee?

REPRESENTATIVE O'BRIEN: We don't quarrel on that, but I think that any Member should have the right to recommend to the full Committee who would appear before the Committee, too. You'd have the final say. But it would make it more democratic and more bipartisan. I would like to consider that. And then on number eight --

CHAIRMAN WRIGHT: Let me say, I have no objection. Now what language do you want to add to that?

REPRESENTATIVE O'BRIEN: Just say that all Members shall have a right to initiate inquiries regarding the appearance of appropriate witnesses before the Committee.

REPRESENTATIVE GEESEY: It's referring to somebody has to schedule those witnesses.

REPRESENTATIVE O'BRIEN: That is no problem.

CHAIRMAN WRIGHT: After the word Committee put a period and say, the Chairman shall schedule --

REPRESENTATIVE BENNETT: Right. We are not trying to take any powers away from the Chairman.

REPRESENTATIVE O'BRIEN: We recommend that any Member of the Committee can go to the Chairman and say, I really think that this person should be a witness and I think that --

REPRESENTATIVE GEESEY: May I re-read to you the amended rule? (Reading) No hearings or formal investigations shall be conducted without the approval of the majority of the Committee. All Members shall have the power to initiate inquiries regarding the appearance of appropriate witnesses before the Committee. The Chairman shall schedule said invited witnesses and to schedule uninvited witnesses who request or appear as the hearing schedule permits. (End of reading)

Is that what you had in mind?

REPRESENTATIVE O'BRIEN: No objection to that.

CHAIRMAN WRIGHT: Do we agree on that?

REPRESENTATIVE MILLER: So move.

REPRESENTATIVE O'BRIEN: The only other change at this time, you have what you call majority legal counsel.

CHAIRMAN WRIGHT: Number eight.

REPRESENTATIVE O'BRIEN: I would like to take minority out. I am not considering minority legal counsel because I would like this to be really bipartisan and take the word minority out of there and we will go along with majority counsel.

REPRESENTATIVE GEESEY: Why don't you just say the Chairman of the Committee shall appoint?

REPRESENTATIVE O'BRIEN: Well, you have a legal

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counsel now that we are satisfied that we can work with them at this time anyway.

CHAIRMAN WRIGHT: It was my intention to give you people of the minority a safeguard in case you thought I was misbehaving.

REPRESENTATIVE REED: If you are, we will tell you.

REPRESENTATIVE O'BRIEN: If you are misbehaving, we'll go from there, but we don't want to work that way. We want to make it bipartisan.

CHAIRMAN WRIGHT: Do you want to take it out or do you just want to leave it the way it is?

REPRESENTATIVE O'BRIEN: Take the minority out and we will work with the majority legal counsel.

REPRESENTATIVE GEESEY: Shall we say, the Chairman of the Committee shall appoint --

REPRESENTATIVE O'BRIEN: Why don't you put it that way, a legal counsel --

REPRESENTATIVE GEESEY: And such other staff personnel.

REPRESENTATIVE O'BRIEN: The Committee is almost evenly divided and it is bipartisan and we would like it to remain that way.

CHAIRMAN WRIGHT: I assume most of you fellows know

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me by now. Bernie and I have worked together for a number of years. There will be no partisanship on this Committee and there never has been on any committee that we have worked on. But I thought we would put it in there in case you or any Members -- do you have that?

REPRESENTATIVE GEESEY: Let me read it. The Chairman of the Committee shall appoint a legal counsel and such other staff personnel as necessary to accomplish the work.

REPRESENTATIVE O'BRIEN: All right. Other than that, I agree with all the rest. If any of the other Members have anything, I would make a motion to approve it.

REPRESENTATIVE COHEN: Mr. Chairman?

CHAIRMAN WRIGHT: Representative Cohen.

REPRESENTATIVE COHEN: Last night I looked over these rules and I have come up with some suggestions which I think would help to create the climate of bipartisanship we desire and would clear up ambiguities which probably were unintended. The first amendment to section one I have, I think everybody here has gotten the document. Is there anybody who doesn't have a copy of it?

REPRESENTATIVE REED: You're saying number one?

REPRESENTATIVE COHEN: Yes. I have got two separate amendments for that. There is nothing in this section that

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shall prevent Committee Members from seeking information from informed sources and asking such sources whether they wish to appear as a witness if the invitation were made.

That is just in response to the possible interpretation if no hearings or formal investigations shall be conducted without the approval of the majority of the Committee, I am not sure what formal investigation is and I think it states clear what a formal investigation is not.

CHAIRMAN WRIGHT: Mark, you feel that we did not clear that up? You remember that we already accepted it.

REPRESENTATIVE COHEN: I think it was a different issue, Mr. Chairman.

REPRESENTATIVE BENNETT: Mark, tell us in plain language what you want us to do?

REPRESENTATIVE COHEN: I want to make it clear if I or anyone else on this Committee initiates an inquiry to anybody who might know anything about the scope of this investigation, that I am not violating the rules of the Committee by doing so.

REPRESENTATIVE GEESEY: No, you are not. No hearings or formal investigations shall be conducted.

REPRESENTATIVE COHEN: It does not define what a formal investigation is.

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REPRESENTATIVE GEESEY: It says conducted, Mark.

REPRESENTATIVE COHEN: It does not define what conducted means. I would like to make --

REPRESENTATIVE GEESEY: It is a formal hearing something like this where witnesses were here. You can, as I have, go out and determine any kind of information you wish to determine on your own right. You can initiate that and that is really what you are talking about. But it says conducted, you know what conducted means.

REPRESENTATIVE COHEN: I really don't. Conducted is not a normal word that I use. I think that this language --

CHAIRMAN WRIGHT: I am going to suggest that we are perhaps being a little redundant, but I see nothing wrong with that language.

REPRESENTATIVE COHEN: Thank you, Mr. Chairman.

REPRESENTATIVE MOEHLMANN: The mere fact that one doesn't use a certain word in his vocabulary doesn't indicate that it doesn't have a definite meaning.

CHAIRMAN WRIGHT: I'm going to suggest that we include Mark's suggestion.

REPRESENTATIVE BENNETT: I'll second it.

CHAIRMAN WRIGHT: Anybody object?

REPRESENTATIVE MOEHLMANN: Yes, I do.

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CHAIRMAN WRIGHT: Anybody else object?

UNIDENTIFIED SPEAKER: I do.

CHAIRMAN WRIGHT: Anybody else?

REPRESENTATIVE MOEHLMANN: I don't strongly object, but I think it is completely unnecessary and clutters up what is a simple set of rules.

REPRESENTATIVE O'BRIEN: What do you want to do, eliminate the word -- I really don't know what we are trying to get at.

REPRESENTATIVE COHEN: Okay, I would say alternative approach if you want to shorten the space. Cut out the phrase or formal investigation. If a hearing is the same thing as a formal investigation, like we conduct a public hearing, then I assume a formal investigation is something other than a hearing. But if it is not, if a formal investigation is a hearing, as Mr. Moehlmann indicated, I would suggest we just cross out formal investigation.

REPRESENTATIVE GEESEY: Mark, because an individual Member of this Committee or for that matter any Member of the House can conduct any kind of an informal hearing he wishes in his own right. But as far as the Committee is concerned there has to be some overall formal direction taken by the Members as a whole and that is all that is referring to. It does not pre-

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clude you from taking any individual initiative that you want and bringing those individual initiatives up at a Committee meeting. That is all it is saying. There is absolutely nothing wrong with that. We have taken care of the problem with witnesses at the recommendation of Representative O'Brien. I don't see where we are going with this.

REPRESENTATIVE O'BRIEN: Mark, if I decided as the minority to take four or five Members and go out and conduct our own hearing, it would be wrong because I am part of this hearing.

REPRESENTATIVE COHEN: This does not deal with hearings.

REPRESENTATIVE BRANDT: I think where Mark's suggested amendment is getting is i. the first sentence of section one, if you want to call it section one or number one, "shall be conducted without the approval of a majority of the Committee."

Now I think that is quite important because we've got a deadline on this Committee of 6/1. I think it is very important that anyone of us come up with information such as Mark suggested in his amendment, information or an individual that can give this Committee information that I think, I know I, as one Member, would like to hear from the Chairman, if he

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approves that individual, that information we can decide on that by a vote if we want that information before us.

Maybe as we go down the line there may be information that might be redundant or we heard that story before, so to speak, and this is why I object to that language. I think we, as the Committee, should be able to decide who should come before the Committee.

CHAIRMAN WRIGHT: Representative Cole.

REPRESENTATIVE COLE: I agree with what Representative Brandt has stated, but I think he is misinterpreting Representative Cohen's language. Mark's amendment would not allow any Member, any individual Member, to unilaterally schedule somebody to appear before this hearing. I think what Mark is trying to do is just make it very clear, and perhaps he is being redundant, sometimes that doesn't hurt, trying to make it very clear that none of us is precluded from going out and speaking with a nuclear expert, who lives in our district or an acquaintance, who might work at Three Mile Island, none of us would be precluded from saying, if you get a formal invitation from the majority of the Committee, would you be willing to testify? I see no harm in his amendment. I would hope we would adopt it.

CHAIRMAN WRIGHT: Peck Foster.

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REPRESENTATIVE FOSTER: Peck Foster, York County. as I read this, I just can't understand what we're getting at. Nothing in this section shall prevent Committee Members from seeking information from informed sources. How can anyone prevent us from doing that?

REPRESENTATIVE MOEHLMANN: That's in the United States Constitution.

REPRESENTATIVE FOSTER: And asking such sources whether they would appear as a witness if an invitation were made. Well nobody can prevent us from doing that. But even if we incorporate this into the suggested rules, if a majority of the Committee decided that we are going to limit testimony in some way, we are going to limit testimony in some way. I don't see that it serves a purpose.

REPRESENTATIVE COHEN: If it doesn't serve a purpose, then what is all the objection to it?

CHAIRMAN WRIGHT: I would suggest that, Mark has got an amendment on the floor, let's have a vote on it. Would you call the roll?

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REPRESENTATIVE MILLER: Mr. Chairman, Marv Miller from Lancaster County. Will it be the intent of the Chairman or the Co-Chairman of the Committee to at any point in time recommend to the Committee that we go to the full floor asking

for any sort of formal investigative powers, subpoena power, that sort of thing? If it is, this language could become very significant.

CHAIRMAN WRIGHT: I do not foresee at this point a need for subpoena power. I am not precluding the fact that at some point in the future we may have to. If we have to, then obviously we will introduce a resolution on the floor to provide us with subpoena power.

REPRESENTATIVE MILLER: Having served on committees of this sort in the past, if that option is going to stay open to the Committee, that we do reject this language because that has to be a very coordinated procedure and it is a whole different ball game than someone just informally speaking to an individual about information.

CHAIRMAN WRIGHT: Let's have a brief recess.

(Brief recess.)

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CHAIRMAN WRIGHT: We are back in session.

REPRESENTATIVE COHEN: Mr. Chairman, at the request of Mr. O'Brien I will withdraw the amendment.

CHAIRMAN WRIGHT: The Chair recognizes Representative Cohen.

REPRESENTATIVE COHEN: The second amendment I have

is it shall take a vote of Committee Members with all Committee Members invited and a majority of the Committee Members present to deny the request of a Member for a witness to be heard.

REPRESENTATIVE REED: What rule is that?

REPRESENTATIVE COHEN: This is added to section one. So that while the Chair can schedule witnesses, I think it is a great presumption, unless there is a vote of the Committee, that a witness can be heard.

REPRESENTATIVE BRANDT: Right back to what I said, Mark.

REPRESENTATIVE COHEN: The first sentence does not specifically deal with witnesses.

REPRESENTATIVE MOEHLMANN: Mark, does this mean that a majority of the Committee Members must be present in order to vote on the denial or however many Members are there, a majority of those?

REPRESENTATIVE COHEN: I would like the majority to be present, that a majority of the majority.

REPRESENTATIVE GEESEY: Mark, may I read to you the amended rule?

REPRESENTATIVE COHEN: The amended rule.

REPRESENTATIVE GEESEY: Amended rule one. We carefully amended this rule now. The amended rule one, now listen

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very carefully (reading) All members shall have the power to initiate inquiries regarding the appearance of appropriate witnesses before the Committee. The Chairman shall schedule said invited witnesses; and to schedule uninvited witnesses who request to appear as the hearing schedule permits. (end of reading)

REPRESENTATIVE COHEN: Okay, what happens if a Member requests somebody to come and the Chairman says no? Does the Member have any recourse?

REPRESENTATIVE GEESEY: It doesn't say here that the Chairman can say no.

REPRESENTATIVE COHEN: Mr. Chairman, is that your construction of it, that you cannot say no to a request?

CHAIRMAN WRIGHT: Yes.

REPRESENTATIVE COHEN: Then if that is your instruction on it --

REPRESENTATIVE O'BRIEN: I think that is what my motion was. I want every Member to have that right.

REPRESENTATIVE COHEN: That was not in writing and I did not know your intention.

Section two, is there any objection to this? All Members must be invited to any public or executive session.

CHAIRMAN WRIGHT: Are there any objections to Mr.

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Cohen's section two amendment?

REPRESENTATIVE BENNETT: You are adding the language --

REPRESENTATIVE O'BRIEN: I don't have the amendment.

REPRESENTATIVE BENNETT: You are adding the language all Members shall be invited?

REPRESENTATIVE COHEN: That is correct.

REPRESENTATIVE COWELL: Isn't that already required under the Sunshine Law?

CHAIRMAN WRIGHT: Yes.

REPRESENTATIVE MILLER: Executive Sessions are not covered.

REPRESENTATIVE COHEN: Executive Sessions are not covered Mr. Miller says.

REPRESENTATIVE GEESEY: I don't know what we are allowed Executive Sessions.

CHAIRMAN WRIGHT: That is one of my thoughts, too.

REPRESENTATIVE O'BRIEN: My idea is what I think in the purpose of the three Members that this Committee may be broken up into subcommittees, and I am only talking to Jim, I didn't talk to you on it, whether you are going to do it or not do it. But in case they do it and they say Health and Welfare goes out, there will be a subcommittee chairman and two

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other Members will be legally able to conduct a hearing without every Member being present.

REPRESENTATIVE COHEN: On committees which I served, the subcommittees need all the members who want to come, are invited to those meetings.

REPRESENTATIVE O'BRIEN: Well, I don't see -- you wouldn't object to that if they want to go?

CHAIRMAN WRIGHT: I have no objection to even adding the language, but you have got my personal pledge that even if we do break up into subcommittees, you have my personal pledge that all Members of the Committee will be entitled to attend any and every session, whether it be a subcommittee, in an Executive Session or an open session.

REPRESENTATIVE COHEN: I was a bit concerned, I have been on numerous committees before and I never came to an opening session with the rules presented. You know, I come with rules presented and I assume we are going to operate by the rules and not on personal pledges.

REPRESENTATIVE GESSEY: Do you understand the problem here? The problem is that to make the Members of this Committee available to all of the people we are going to have to go into evening meetings in various areas, we are going to have to go to Saturday morning meetings in various areas, in

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all probability.

CHAIRMAN WRIGHT: Well, I never said that.

REPRESENTATIVE GEESEY: But three of us, who are local, can do that while most other Members can't. And the only idea is to make ourselves available to the guy that has got to go in every day and punch a clock and still wants to testify before the Committee. That is the only purpose of that.

REPRESENTATIVE COHEN: Okay, well then I see no reason why it can't say --

REPRESENTATIVE BENNETT: Mr. Chairman, I move we accept his amendment so we can get going here.

CHAIRMAN WRIGHT: Let's pass this amendment. Any objections?

REPRESENTATIVE O'BRIEN: I second the amendment.

CHAIRMAN WRIGHT: Next, Mark.

REPRESENTATIVE COHEN: This amends, the next one in order, I'll go in the order it is printed on the sheet. It amends section nine, I'm sorry, it amends section ten.

REPRESENTATIVE BENNETT: Ten?

REPRESENTATIVE COHEN: Yes.

CHAIRMAN WRIGHT: What happened to nine?

REPRESENTATIVE COHEN: I'm sorry, nine. Committee

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Members shall be recognized in the order of desire expressed to be recognized with the exception that no two Members of any party shall be recognized consecutively if a Member of the other party, who has not previously been recognized, and what ground of the questioning he desires recognition.

REPRESENTATIVE O'BRIEN: I object to that because you are making it bipartisan and that is the one part I object to. I object to that amendment. I don't want bipartisan. If it seems to be getting that way, then, you know, we can reorganize. But I object to that.

CHAIRMAN WRIGHT: I'm having a little trouble with that too, Mark. I second Bernie's comments.

REPRESENTATIVE BENNETT: Mr. Chairman, if I might, I would just like to remark on that motion and I have chaired many, many meetings, Mark. And for me to delineate from Republican to Democrat, if two Republicans have the same thought and one would follow through on that thought, I'll be darned if I can see stopping one because he is one party or the other.

REPRESENTATIVE COHEN: Okay.

REPRESENTATIVE O'BRIEN: I was told I said bipartisan, I meant partisan and I want not to get politics involved in this thing.

REPRESENTATIVE COHEN: Section ten, the 30 minute

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rule. We have 30 Members on this Committee and they are conscientious Members. Now if 30 Members speak for 30 minutes, that is 900 minutes for one witness. Now 900 minutes is 15 hours. I think that the 30 minute rule is kind of excessive. It was the 30 minute rule, frankly, that made me interested in section nine. Because it is theoretically possible, I am not saying this would happen, but it is theoretically possible to stop Members from speaking by having five or six Members in a row speak for 30 minutes and wear everybody out. Even ten minutes, which is what this suggests. For 30 Members, it is 300 minutes or five hours.

REPRESENTATIVE GEESEY: Mr. Cohen, are you aware of the fact that the House has 203 Members. Are you aware of the fact that on the floor of the House there is not a time limit for speaking on the part of any of the Members and that if any Member so decided, all 203, they could take that floor and speak as long as they want. I don't think we have any right, if that is the rule of the House, in the conduct of this operation to limit any Member to any given time limit. Thirty minutes is fine with me, but I certainly don't think we ought to limit it to ten minutes because I think that is just a little too restrictive for some of the Members of this Committee.

REPRESENTATIVE COHEN: We went for six amendments

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in 25 minutes, that was less than five minutes per amendment.

CHAIRMAN WRIGHT: I don't think I'm going to take part in this conversation at all. I tried to be extremely liberal in allowing the time. If Mark wants to tighten it up --

REPRESENTATIVE COHEN: Well, Mr. Chairman, if we could strike then 30 minutes. I am disturbed about stating in the rules each Member is specifically allowed 30 minutes.

REPRESENTATIVE MOEHLMANN: Mr. Chairman.

CHAIRMAN WRIGHT: Representative Moehlmann.

REPRESENTATIVE MOEHLMANN: I kind of like this amendment. The time limit is followed by the language, the Chairman may extend the time allowed providing no objection is being raised by any Committee Member, etc., which really makes the ten minute limitation very little more than a suggestion. I like the suggestion of ten minutes per person a whole lot better than I like the suggestion of 30 minutes per person.

REPRESENTATIVE BARBER: Mr. Chairman.

CHAIRMAN WRIGHT: Representative Barber.

REPRESENTATIVE BARBER: In my opinion, I think it should be left up to the Chairman period. I have chaired many meetings. If I want to cut anyone off, give them three minutes, I have that privilege. I am not for the ten minutes, I am not for the 30 minutes. If the Chairman says you can speak for an

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hour, I think we should be able to speak for an hour. I think that is up to the Chairman period.

CHAIRMAN WRIGHT: I would prefer the rules to have some directions for me. I, frankly, don't want to be caught in the middle of that kind of a decision I would rather have a rule.

REPRESENTATIVE BARBER: We have a rule, such as the Chairman said, in the late of the evening, you would have the jurisdiction to, it is late, people are leaving, for some reason like that. To me it is very important that a time, that a Member may have to catch a train or something.

If we went over to the Commonwealth, I think it should be left up to you. I can't see anything wrong with that. I don't think the average person would speak 30 minutes.

REPRESENTATIVE COHEN: We specifically have in the rules he is allowed 30 minutes.

CHAIRMAN WRIGHT: Representative Dininni.

REPRESENTATIVE DININNI: I agree with that argument. I chaired a very important committee in the past which ran almost a year. In the middle of our hearings, we had to amend our rules which read a half hour, and I am not saying this is the case that this would happen in this case. Yet, you do have certain members that get carried away with themselves when

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there is a television camera on them, which to me, is not right. I think the ten minute rule should win. I ask for a roll call vote on this particular amendment since we are involved.

CHAIRMAN WRIGHT: Any additional comments?

REPRESENTATIVE MANMILLER: I have a question. Would this allow one Member to yield his time to another Member?

REPRESENTATIVE BENNETT: That is in the rules of the House, of course, you can.

REPRESENTATIVE COHEN: I would assume it would.

CHAIRMAN WRIGHT: I am getting two comments from my solicitors. One says it is in the rules of the House and the other one says that it is the Chairman prerogative.

REPRESENTATIVE MOEHLMANN: We like the one that says it is the Chairman's prerogative.

REPRESENTATIVE BARBER: You are coming back to what I just said.

REPRESENTATIVE BRANDT: The bus leaves at 10:00 o'clock tomorrow morning.

CHAIRMAN WRIGHT: The request was made for roll call. Representative Itkin.

REPRESENTATIVE ITKIN: I am concerned about adopting the Cohen amendment. It seems to me the purpose of this

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Committee is to find the facts and I seriously doubt that on the basis of three questions of a witness dealing with a broad subject matter that any Member is sufficiently knowledgeable in that line of inquiry as to get anything relevant to this Committee. I would prefer to accept the Chairman's recommendation as it presently is constituted in his suggested rules. If this does become a problem, I would then suggest that we then consider at a subsequent time to revise the rules. If we all see that it is becoming an unnecessary burden, then we will recognize it as such and we will deal with it at that time. But I would not want to unduly restrict the opportunity of any Member to propound a series of important questions before a witness in order to extract meaningful testimony.

CHAIRMAN WRIGHT: Any other comments from the Committee?

REPRESENTATIVE BENNETT: Mr. Chairman, I think we are just arguing needlessly and foolishly. The Chairman, under the rules, has the right to run this Committee the way he sees fit. If someone gets up and wants to filibuster, any Member can raise an objection and the Chair has to rule him out of order, if he goes 30 minutes or 40 minutes or whatever. I think it is ridiculous, you got 30 minutes in there, let's just leave it at that. If someone objects to it, then this

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person has to shut up and sit down.

CHAIRMAN WRIGHT: We have a request for a roll call.
Gene.

REPRESENTATIVE GEESEY: Representative Wright.

CHAIRMAN WRIGHT: No.

REPRESENTATIVE GEESEY: Representative Moehlmann.

REPRESENTATIVE MOEHLMANN: Yes.

REPRESENTATIVE GEESEY: O'Brien.

REPRESENTATIVE O'BRIEN: No.

REPRESENTATIVE GEESEY: Geesey, no. Barber.

REPRESENTATIVE BARBER: No.

REPRESENTATIVE GEESEY: Bennett.

REPRESENTATIVE BENNETT: No.

REPRESENTATIVE GEESEY: Brandt.

REPRESENTATIVE BRANDT: No.

REPRESENTATIVE GEESEY: Cohen.

REPRESENTATIVE COHEN: Yes.

REPRESENTATIVE GEESEY: Cole.

REPRESENTATIVE COLE: No.

REPRESENTATIVE GEESEY: Cowell.

REPRESENTATIVE COWELL: No.

REPRESENTATIVE GEESEY: DeWeese.

REPRESENTATIVE DeWEESE: No.

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REPRESENTATIVE GEESEY: Dininni.

REPRESENTATIVE DININNI: Yes.

REPRESENTATIVE GEESEY: Dorr.

REPRESENTATIVE DORR: No.

REPRESENTATIVE GEESEY: Foster.

REPRESENTATIVE FOSTER: No.

REPRESENTATIVE GEESEY: Freind.

(No response.)

REPRESENTATIVE GEESEY: Itkin.

REPRESENTATIVE ITKIN: No.

REPRESENTATIVE GEESEY: Klingaman.

(No response.)

REPRESENTATIVE GEESEY: Do you give up yet, Mark?

REPRESENTATIVE COHEN: No.

REPRESENTATIVE GEESEY: Lehr.

REPRESENTATIVE LEHR: No.

REPRESENTATIVE GEESEY: Manmiller.

REPRESENTATIVE MANMILLER: No.

REPRESENTATIVE GEESEY: Miller.

(No response.)

REPRESENTATIVE GEESEY: Mowery.

(No response.)

REPRESENTATIVE GEESEY: Mullen, Piccola, Rappaport,

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Reed, Scheaffer. (No response.)

REPRESENTATIVE SCHMITT: I vote for (inaudible).

REPRESENTATIVE GEESEY: Stuben.

REPRESENTATIVE STUBAN: No.

REPRESENTATIVE GEESEY: Wenger.

(No response.)

REPRESENTATIVE GEESEY: Yahner.

REPRESENTATIVE YAHNER: No.

REPRESENTATIVE GEESEY: Seventeen noes.

CHAIRMAN WRIGHT: Next item, Mark.

REPRESENTATIVE COHEN: This goes back to section five now. It says all witnesses shall present a written statement prior to the hearing in accordance with the schedule as established by the Chairman.

My change is all witnesses shall be requested by the Chairman to present a written statement prior to the hearing in accordance with the schedule established by the Chairman provided such witnesses are employed by governmental agencies or by concerns which provide free secretarial service to such witnesses for the purpose of testifying. Witnesses without free secretarial service at their disposal shall be informed that written testimony is preferred by Members of this Committee, but they are not required to provide it.

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This is to allow farmers, housewives, other people who may not have secretarial service at their disposal, other people who may not be able to afford to hire a secretary to allow them to testify. A relatively small percentage of people in this society have secretarial service. Of those who do not have secretarial service, a relatively small percentage know how to type themselves. That is what the purpose of this amendment is. I think it is to allow a broader class of people to become witnesses before this Committee.

CHAIRMAN WRIGHT: Any comments?

REPRESENTATIVE O'BRIEN: I make a motion that we accept that. I see no problem with that.

REPRESENTATIVE COWELL: I second that.

REPRESENTATIVE DININNI: I have a question, Mr. Chairman.

CHAIRMAN WRIGHT: Representative Dininni.

REPRESENTATIVE DININNI: In that section why do we even have that they must have a written statement? This is the first time I have ever heard of that at public hearings.

REPRESENTATIVE O'BRIEN: It makes it easier for the court stenographer.

REPRESENTATIVE STUBAN: It might scare a lot of people away that might possibly give you some information.

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Some guy that has some knowledge and he doesn't have a secretary and has to find somebody to type up a statement, he might not come.

REPRESENTATIVE MANMILLER: I think it should read where possible.

REPRESENTATIVE MOEHLMANN: Mr. Chairman.

CHAIRMAN WRIGHT: Representative Moehlmann.

REPRESENTATIVE MOEHLMANN: I move this amendment be accepted.

CHAIRMAN WRIGHT: Representative Foster.

REPRESENTATIVE FOSTER: Couldn't we just accomplish the same thing by saying all witnesses shall be encouraged to present a written statement prior to the hearings.

REPRESENTATIVE O'BRIEN: That might be even better.

REPRESENTATIVE COHEN: Okay.

CHAIRMAN WRIGHT: You are suggesting, Mr. Foster, that the first line of Representative Cohen's amendment shall read, all witnesses shall be encouraged?

REPRESENTATIVE FOSTER: Of the suggested Committee rules, all witnesses shall be encouraged to present a written statement prior to the hearings in accordance with the schedule as established by the Chairman. That would do what Mark is trying to do here to try to see that we get written testimony,

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but it doesn't make it mandatory that they present written testimony.

REPRESENTATIVE COHEN: That is acceptable to me. I admire brevity.

CHAIRMAN WRIGHT: Is that acceptable to everybody?

REPRESENTATIVE O'BRIEN: I second it.

CHAIRMAN WRIGHT: Next.

REPRESENTATIVE COHEN: The last one creates a new section 12. It talks about the responsibility of the Chairman. The purpose of this is to inform Members of the Committee, I assume it will be done anyway, but it has been the decision that we want to specify everything in writing in this beginning. So I think this would be something worthwhile, it should be specified.

It shall be the responsibility of the Chairman to supply each Member with the titles of any books, reports or other documents received, and to supply copies of any such books, reports or other documents of less than 50 pages to any Member who requests such copy. Correspondence of the Chairman relating to his duties as Chairman shall be available to Committee Members during normal working hours at the Chairman's Harrisburg office.

CHAIRMAN WRIGHT: Any comments?

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REPRESENTATIVE O'BRIEN: I move that we accept that. We're going to do it anyway.

REPRESENTATIVE GEESEY: Some of it is no problem. Let's suppose a witness appeared before the Committee, gives the Chairman a copy of a document. How is the Chairman then going to find 29 other copies of that document?

REPRESENTATIVE COHEN: Xerox it.

REPRESENTATIVE GEESEY: Is he supposed to xerox it? Do you know what the cost of xeroxing is? That is one of my pet peeves in this operation. I think it can be made available. I have no problems with that.

REPRESENTATIVE COHEN: Mr. Geesey, I suggest it shall list the titles of. So if there is such a statement, all this requires is, that he list the title of such a statement --

REPRESENTATIVE GEESEY: I don't have any problem with that.

REPRESENTATIVE COHEN: And then it would be up to a Member to request a copy of it.

REPRESENTATIVE GEESEY: Are you saying then to delete and to supply such copies of such books?

REPRESENTATIVE COHEN: To any Member who requests such copy, I think that will drastically limit it, from my

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experience. I would seriously doubt there will be 30 Members that will say I want a copy of it. I seriously doubt there would be five Members who would request a copy of it. You reach a point where you get overwhelmed with paper. Anybody sees my desk sees that I often reach that point. I think other Members who are wiser than me avoid these problems by never requesting such information.

CHAIRMAN WRIGHT: Any other comments from the Committee? Representative Dorr.

REPRESENTATIVE DORR: Jim, I would like to hear your comments on the latter part of that. I could perceive some difficulties on that from the Chairman's point of view. I don't know that there will be any objection on the part of somebody writing to you about other Members seeing it, but I wonder about it. I think that maybe there ought to be some control placed on that on the part of the person writing to you. If it's going to be a part of the public record so to speak. I have no objection if you don't.

CHAIRMAN WRIGHT: I don't have any objection. Any other Members of the Committee have comments?

REPRESENTATIVE DORR: I do think there ought to be some indication given to people who are corresponding with you that it is a part of the public record, maybe a set of rules

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could be given to everybody who testifies or something like that, so that they know that there is such correspondence.

CHAIRMAN WRIGHT: I think there is some indication in the Federal Court that everything in our filing cabinets is public information. President Nixon found that out, didn't he? Do we want to accept this rule?

REPRESENTATIVE O'BRIEN: I make a motion that we accept it.

REPRESENTATIVE BENNETT: I second it.

CHAIRMAN WRIGHT: The rule is accepted.

REPRESENTATIVE COHEN: Thank you, Mr. Chairman.

CHAIRMAN WRIGHT: Any other comments on the rules as amended?

REPRESENTATIVE ITKIN: Mr. Chairman.

CHAIRMAN WRIGHT: Representative Itkin.

REPRESENTATIVE ITKIN: Mr. Chairman, I really don't know whether this is the appropriate time to bring this up. I did not think that this meeting today was going to be of the formal character that has occurred. I don't want to belabor at this particular time the entire membership of this Committee, but what I would like to do is authorize the Chairman and minority Vice Chairman to be empowered to consider the appointment of subcommittees and the rules do not provide for this and

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therefore I am bringing it up at this time. I think that the scope of this Committee, as the Resolution which created us, is extremely broad and requires us to go into substantial areas of inquiry many of which have no relation to each other. I have tried to think about how this Committee could expedite the voluminous amounts of inquiry and testimony in order to arrive at what the facts are.

I am concerned about a 30 member Committee, you know, investigating all facets in the Resolution which goes anywhere from environmental health, emergency preparedness, to reactor safety, to long term economic benefits. I just don't see how in a cohesive manner that a full committee can really accomplish a task in trying to come down to the specific recommendations that I think this Committee has the responsibility to provide.

For example, I would think that an appropriate division might be a subcommittee on environment, health and radiation protection; a subcommittee on emergency preparedness; a subcommittee on economic impact; a subcommittee on reactor safety.

Now these suggestions are not whetted in stone and I don't wish to belabor the full Committee at this time to specifically endorse my recommendations. But I do think that we were appointed from a variety of standing committees because we

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have certain expertise or we will be responsible, if legislation is required, to consider the appropriate standing committees.

I would like at this time if we could adopt a resolution, or maybe I should wait until the rules have been adopted, to authorize Mr. Wright and Mr. O'Brien to consider and report back to the full Committee a suggested plan for the creation of subcommittees.

REPRESENTATIVE O'BRIEN: Well, Ivan, I would like to see -- not adopt a resolution. I've been talking to Jim on this and I think Jim deserves more time to really to go into this. I think in the end he probably has to do exactly what you are saying, but I would like to give the Chairman more time and then when we come back again we can discuss this.

REPRESENTATIVE ITKIN: I'm not suggesting, Mr. O'Brien, that we would do this today. What I am suggesting is to authorize Mr. Wright and Mr. O'Brien to look into this question and then report back to the full Committee at some subsequent date what their feelings are on this particular mechanism.

CHAIRMAN WRIGHT: Representative Geesey.

REPRESENTATIVE GEESEY: I scratched something down here very hurriedly. If you want to refine it, frankly, I think it is a good idea. I don't have any problem with it.

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What I scratched out is, the Chairman shall have the authority to appoint any subcommittee designating a chairman and three members as he shall deem appropriate to expedite the function of the Committee as a whole.

REPRESENTATIVE BENNETT: You say the Chairman shall at any time --

REPRESENTATIVE GEESEY: Shall have the authority to appoint any subcommittee and designate its chairman, composed of three members, he shall deem appropriate to expedite the function of the Committee as a whole.

REPRESENTATIVE BENNETT: I would agree with what you're saying. I just think that those three words, at any time, ought to be inserted in there. My thinking is that he may see the need for a subcommittee now and then two weeks later another subcommittee.

REPRESENTATIVE GEESEY: Well that is why I said as he shall deem appropriate to expedite.

CHAIRMAN WRIGHT: Could I request that we hold this in abeyance until Bernie and I can sit down and talk about it? I'm having a little problem with the logistics. If we break off in subcommittees, then the entire Committee does not have the benefit of what is going on in the subcommittees. I am not saying that the suggestion does not have some merit, but

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I would like to think about it, along with Bernie. I am requesting that we hold this in abeyance for a week or two.

REPRESENTATIVE ITKIN: That is fine with me. Mr. Chairman.

CHAIRMAN WRIGHT: We can always amend the rules.

REPRESENTATIVE DININNI: I move we adopt the rules as amended.

REPRESENTATIVE O'BRIEN: I second it.

CHAIRMAN WRIGHT: Anybody opposing? Okay, the rules have been adopted as amended.

I would suggest that Gene Geesey and Fred Taylor get together as soon as possible and retype the amended rules and make sure each Member of the Committee has a copy.

Again, I repeat, 2:30 this afternoon in this room and 10:00 o'clock sharp tomorrow morning, if you show up at five after ten, you are not going to get a ride. Representative Cowell.

REPRESENTATIVE COWELL: I would just like to note for the record my request for an excused absence at tomorrow's meeting, May 4th, because I have a previously scheduled legislative meeting in my district that I have not been able to postpone or cancel.

CHAIRMAN WRIGHT: Representative DeWeese.

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REPRESENTATIVE DeWEESE: I would like to offer the same comments that Representative Cowell offered.

CHAIRMAN WRIGHT: Anybody else? Representative Schmitt.

REPRESENTATIVE SCHMITT: I came in a little late for which I apologize. Is there anyone here with sufficient expertise that they can advise that this trip tomorrow morning that we are taking on the bus out to Three Mile Island is reasonably safe or is there some degree of hazard commensurate with the benefits of the trip?

REPRESENTATIVE BENNETT: He has already done that, C.L., before you came in.

REPRESENTATIVE SCHMITT: We have that assurance?

REPRESENTATIVE O'BRIEN: You might glow at night. We haven't checked out the bus yet.

REPRESENTATIVE COLE: I also would like to be excused.

CHAIRMAN WRIGHT: Representative Cole wants to be excused.

The meeting is adjourned until 2:30.

(Whereupon the meeting was adjourned at 11:30 a.m.)

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I hereby certify that the proceedings and evidence taken by me in the within matter are fully and accurately indicated in my notes and that this is a true and correct transcript of same.

Dorothy M. Malone

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