

1
2 UNITED STATES OF AMERICA
3 NUCLEAR REGULATORY COMMISSION
4

5 DISCUSSION OF OIA/OGC INQUIRY IN
6 TESTIMONY OF THE EXECUTIVE DIRECTOR
7 FOR OPERATIONS
8 (Closed to Public Attendance)
9

10 Chairman's Conference Room
11 1717 H Street, N.W.
12 Washington, D. C.

13 Tuesday, July 25, 1978

14 The Commission met, pursuant to notice, at 3:00 p.m.,
15 Joseph Hendrie, Chairman of the Commission, presiding.
16

17 PRESENT:

18 Chairman Hendrie
19 Commissioner Gilinsky
20 Commissioner Kennedy
21 Commissioner Gilinsky
22
23
24
25

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P R O C E E D I N G S

CHAIRMAN HENDRIE: All electronic equipment operates on magic.

COMMISSIONER GILINSKY: You are our regulatory disc jockey.

CHAIRMAN HENDRIE: Okay, meeting on Inquiry in the Testimony of the Executive Director. There have been fewer of these meetings than one would think. I say that because I always feel actually weary about the whole thing.

Have you had the latest?

COMMISSIONER BRADFORD: I'm not sure I have.

CHAIRMAN HENDRIE: Now, this is that plus a few edits on the front end and clean-up typos typically, and then carries on. Do you need one? You had one, but you may have ---

COMMISSIONER GILINSKY: Of course, I read my comments on the previous one, but ---

CHAIRMAN HENDRIE: Good, well take this clean one and then you have got two and here is one for Dick when he comes in, and I've got one.

COMMISSIONER GILINSKY: Is this the one? Yes, I have this one.

CHAIRMAN HENDRIE: If you have got one more than needed for working purposes, we might keep it handy in case I need a clean copy to make master comments on. I will mark one

1 up as we go along here and then maybe we will have one for
2 a master.

3 COMMISSIONER GILINSKY: Well, do you want to go over
4 your letter or ---

5 CHAIRMAN HENDRIE: Yes, unless you see ---

6 COMMISSIONER GILINSKY: It seems to me this is
7 best done on paper. I have some little changes on the parts
8 that apply to me and a few little grammatical changes on other
9 parts or style.

10 CHAIRMAN HENDRIE: All right, do you want to give
11 them to me or shall we ---

12 COMMISSIONER GILINSKY: Let's see, I do have one
13 substantive change, I think, which is A-2 -- 3.

14 Say, "Chairman Hendrie and Commissioner Kennedy agree
15 with these general," I think the word ought to be "conclusions."
16 The Finding would be that the Executive Directors of the
17 operational role evolved is the thing, where there was a high
18 degree of secrecy. The conclusion would be that this affected
19 the manner in which he testified.

20 (Commissioner Kennedy arrived at the meeting.)

21 CHAIRMAN HENDRIE: I find the recommendation ---

22 COMMISSIONER GILINSKY: Unacceptable, I hope.

23 CHAIRMAN HENDRIE: -- unacceptable.

24 I have for your edification the latest version of
25 the draft letter.

1 COMMISSIONER KENNEDY: This is the latest version?

2 CHAIRMAN HENDRIE: Yes. And what it does is to
3 do a little editing of the things in the contents and then
4 adds answers to Udall's four questions and in preface to the
5 answering of those four questions. There were several places
6 where you were reserving, Peter, and I ---

7 COMMISSIONER BRADFORD: Yes. I have written out
8 my reservations and I'm ashamed to say that on looking in my
9 briefcase this morning -- I didn't know we were meeting on this
10 today until you mentioned it this morning, and I do not have it
11 with me.

12 CHAIRMAN HENDRIE: Okay. Are they in a form in which
13 we can implant suitably here?

14 COMMISSIONER BRADFORD: They are phrased as "Commissioner
15 Bradford feels that..." I thought that the documents and
16 the letter are so cumbersome that you would rather that I would
17 just set them out accompanying. There are about five or six
18 of them, and I can either just say theft of Apollo, blank and
19 the four of them, just stick them on.

20 CHAIRMAN HENDRIE: What I was trying to do as we
21 have gone along, you know, is to -- as I got them in hand then
22 try to represent ---

23 COMMISSIONER GILINSKY: I have got another one here
24 which I think you would object to, it is at the top of page 3
25 of your old version. It is A-1, second paragraph where it
says, "With regard to the Inquiry Board's finding that..." and

1 then a long quote, and then it says, "... there are slightly
2 differing views."

3 CHAIRMAN HENDRIE: Yes.

4 COMMISSIONER GILINSKY: I would say, "There are
5 differing views on the Commission on the Inquiry Board's
6 finding that..." and then have the whole quote so the long
7 quote doesn't have to represent us.

8 CHAIRMAN HENDRIE: All right. "There are ..." --

9 COMMISSIONER KENNEDY: This is from the old version?

10 CHAIRMAN HENDRIE: Well, I think you can work it on
11 either one, Dick. If you go to the top of page 3, the new one
12 isn't that different from the old one. In fact, right up here,
13 instead of waiting to get all the way to the bottom of that
14 long quote and discover that there are slightly differing
15 views, we could start out and say, "There are differing views
16 with regard to the Inquiry Board's finding."

17 COMMISSIONER GILINSKY: Then C-1, "Commission notes..."
18 so and so, "... testimony of February 27th ..." ---

19 CHAIRMAN HENDRIE: Hang on. Let me get over there.
20 Where are you?

21 COMMISSIONER GILINSKY: C-1. I'm reading off my
22 inserts which I will just sort of have written down and then
23 I'll supply them.

24 CHAIRMAN HENDRIE: Okay. Will you give me a ---

25 COMMISSIONER GILINSKY: I have them right here.

CHAIRMAN HENDRIE: -- a legible copy? Is that the same

1 thing as the copy you have got there?

2 COMMISSIONER GILINSKY: Well, it's all I have, but --

3 CHAIRMAN HENDRIE: All right, shoot.

4 COMMISSIONER GILINSKY: C-1, second paragraph.

5 "The Commission notes..." and so on "... Inquiry Board's
6 exclusive reference to the MUF Report in connection with these
7 two statements was in error, and..." I would put that: "... he
8 believed that Mr. Ward..." rather than "his beliefs." These
9 are pretty minor.

10 CHAIRMAN HENDRIE: What would be the change?

11 COMMISSIONER GILINSKY: I would say, "... and that
12 he believed that Mr. Ward..."

13 COMMISSIONER KENNEDY: Oh.

14 COMMISSIONER GILINSKY: Then a little further down
15 "... it is unique, so far as we can determine to the MUF
16 Report, and it seems fair to assume that Mr. Ward took that
17 phrase," I would say, rather than "... had taken the phrase."

18 Then, "Since the MUF Report was understood to be
19 limited to the post-1968 period..." instead of "and" I would
20 put "any assurance, that could hardly be applied."

21 CHAIRMAN HENDRIE: Say it again?

22 COMMISSIONER GILINSKY: "Since the MUF Report..."
23 et cetera, comma "... any assurance in that report..."

24 CHAIRMAN HENDRIE: Yes, that's what it should be.
25 Okay, "any assurance."

COMMISSIONER GILINSKY: Right.

1 Then four lines down in the next paragraph you
2 said, "... something does not improve the situation..." I
3 think it does not improve Mr. Gossick's case. I'm not sure
4 what situation.

5 COMMISSIONER KENNEDY: I would disagree with that.

6 COMMISSIONER GILINSKY: Well, what do you mean about
7 the situation?

8 COMMISSIONER KENNEDY: The one that we are dealing
9 with, which I don't believe is a case for anybody one way or
10 the other. It is a situation. It is a set of circumstances.

11 COMMISSIONER GILINSKY: Well, you know, it depends
12 what your views are. I mean, I don't know the situation --
13 what does it mean, "it doesn't improve the situation?"

14 I mean, what we are talking about "... accepting..."
15 so and so, I mean, it is clearly what Joe intended, does not
16 improve the arguments set forth, right? You can put it in
17 some different way, but I would use something more specific
18 than "the situation."

19 COMMISSIONER KENNEDY: All right, but not in Mr.
20 Gossick's case. That's not what we are talking about.

21 COMMISSIONER GILINSKY: Well, I think it is, but
22 you can put something else.

23 COMMISSIONER KENNEDY: That means we ought to have
24 his lawyer here.

25 COMMISSIONER GILINSKY: Then, Mr. Gossick's argument?

1 COMMISSIONER KENNEDY: I'm not trying Mr. Gossick.

2 COMMISSIONER GILINSKY: Well, you are presenting
3 your views on his testimony ---

4 COMMISSIONER KENNEDY: I'm presenting my views on
5 the entire situation as described in this report. That is
6 exactly what I'm putting my views out about.

7 CHAIRMAN HENDRIE: I didn't -- Peter, how did it
8 strike you? Didn't it read clearly enough to you?

9 COMMISSIONER BRADFORD: No. The thrust of that
10 sentence, it seems to me, to be clear enough.

11 CHAIRMAN HENDRIE: You know, it is the sort of
12 language that one will often use. You say, now, if he
13 argues this way, why he gets into trouble here. If he
14 argues that way it doesn't improve the situation ---

15 COMMISSIONER BRADFORD: You could substitute the
16 word "things" for the situation, but it doesn't matter.
17 I mean, there are a host of nouns that ---

18 COMMISSIONER KENNEDY: If you want to choose another
19 noun, that's all right with me.

20 CHAIRMAN HENDRIE: Vic, I really think the thrust is
21 clear enough so that it ---

22 COMMISSIONER GILINSKY: All right.

23 CHAIRMAN HENDRIE: -- you can understand these words.

24 COMMISSIONER GILINSKY: A little further down in that
25 paragraph, let's see: "The Commission agrees ..." so and so
"... and Mr. Gossick should have limited his testimony to the

1 period covered by the MUF Report should have used... We
2 note that Mr. Gossick now agrees with this conclusion."

3 I think it should say when he agreed.

4 CHAIRMAN HENDRIE: He agreed when the conclusion
5 was formed by the Inquiry Board in February '78.

6 COMMISSIONER KENNEDY: I thought he did ---

7 CHAIRMAN HENDRIE: To say "now" implies that here
8 in July he has finally come around, and that's not correct.

9 COMMISSIONER KENNEDY: I thought he agreed when the
10 first letter went to Mr. Udall?

11 COMMISSIONER GILINSKY: You are saying that a
12 "conclusion" means subsequent to the report?

13 COMMISSIONER KENNEDY: I thought he did in the
14 report itself. Moreover, it is my recollection and I may
15 be wrong, that he agreed in that perception when the matter
16 was first written to Mr. Udall.

17 COMMISSIONER GILINSKY: Let's see, there is a problem
18 here we never fixed up on this business of adding these
19 adjectives such as "conclusive" and "hard." We haven't
20 focused on this.

21 COMMISSIONER KENNEDY: Right.

22 COMMISSIONER GILINSKY: I guess I don't think that
23 would have fixed up his testimony. I would strike everything
24 after "MUF Report," unless you want to give a rather lengthy
25 response, because you have to deal with him saying the
Commission, you known reviewed the matter and found the

1 following. The Commission never said "conclusive" either.
2 I mean, the Commission didn't say anything about it.

3 There is one sentence that would have been -- one
4 response that would have been fixed up by that, but not the
5 lengthier part of the response. Even limiting -- well.
6 There was no Commission view on the matter at all in post-'68,
7 but it would have been less serious. He should have limited
8 his testimony period covered by the MUF Report and given them,
9 you know, the interpretation that was agreed upon, you know,
10 that report.

11 CHAIRMAN HENDRIE: How do you mean, the interpretation
12 that was agreed upon?

13 COMMISSIONER GILINSKY: Well, that it dealt with
14 post-'68.

15 CHAIRMAN HENDRIE: So that would be, limit his
16 testimony to the period covered by the MUF Report.

17 COMMISSIONER GILINSKY: Yes. There was a matter
18 about him referring to a Commission position, and the Commission -
19 you see, it isn't just saying post-'68, because he said you
20 should know that they said this, after their briefing which
21 dealt with pre-'68. So he would have had to testify rather
22 differently. He couldn't just say somewhere post-'68. He
23 should not have said what he said, all parts of which -- you
24 know -- that one phrase, that one sentence about the Commission
25 position which is wrong in every respect. He just should not
have said any part of that. He should not have made that

1 statement.

2 There were some other responses that would have
3 been fixed up ----

4 CHAIRMAN HENDRIE: Suppose he had said, I know the
5 Commission had a briefing on the subject of Apollo 65 and as
6 far as I know, they have never suggested or never given to
7 the staff, any clear guidance as to what we should say about
8 the item. We have been saying, as a piece of language that
9 we have believed at the staff level, describes the situation,
10 there is no evidence of significant diversion -- there is
11 no diversion of significant quantities of material. Then he
12 says, and I assume they differed with that view, they
13 would have told us, right? That would have been satisfactory.

14 COMMISSIONER GILINSKY: Almost, yes. Because I ---

15 CHAIRMAN HENDRIE: It would have been precise.

16 COMMISSIONER GILINSKY: -- think that he, having
17 available to him what he had shouldn't, he shouldn't have
18 gone around saying that, but I think, as far as the way he
19 deals with the Commission in that statement, I think that is
20 up to him.

21 CHAIRMAN HENDRIE: Now, the things that he has got
22 in his statement covers some of those elements. They don't
23 come out that way. He thinks he knows what the Commission
24 position is because he doesn't understand a different view
25 from the Commission enunciated in any clear way. He knows
you have got some kind of difficulty, but he doesn't fix

1 firmly on that, so it turns out to be the wrong way to make
2 the statement and so on.

3 Well, okay. The statement ought to be corrected.
4 I'll go along with that, but ---

5 COMMISSIONER BRADFORD: Speaking of that phrase,
6 do we know any more than we did about Marc Rowden?

7 CHAIRMAN HENDRIE: I called assorted people on
8 those questions. One of the things you wanted me to look
9 in to was whether we could track down any further information
10 about the transcript statement of Rowden on June 22nd with
11 regard to the transportation EIS that, well, they shouldn't
12 say those things that way, we ought to make a statement on
13 that.

14 I asked Marc on that point and he thinks that
15 he might have told either Thompson or Austin, something about
16 the transportation statement back when it was working through.
17 I talked to Thompson and Austin and they have looked at
18 Sam Chilk's -- asked for any written to search their memories
19 so they were up on the subject or rather they have already
20 been asked about the subject.

21 Thompson does not remember anything, did not have
22 anything in writing and does not remember any Rowden instructions
23 at all on this subject. He thinks probably John Austin would
24 have been the one as the safeguards guy.

25 COMMISSIONER GILINSKY: He's the safeguards guy, yes.

CHAIRMAN HENDRIE: Well, I was thinking perhaps the

1 transportation report would not necessarily have occurred to
2 people to be a safeguards specialty, but the safeguards on
3 the transportation was a significant item of interest. Austin
4 does not remember any instructions from Rowden about fixing
5 the no-evidence statement. He did comment, as the June 22nd
6 transcript statement was getting read to him, why, it sounded
7 vaguely familiar, but it's hard to tell whether that is the
8 result of more recent events or -- he doesn't remember any
9 instruction from Marc and I know he has been able to try and
10 think.

11 On another point that I was to probe into, I
12 rechecked with Chilk again about possible old draft copies
13 of the statement to find Marc's comments. Brian Eagle has
14 been working over it in helping Chilk, but there was no
15 Commission meeting on that statement.

16 With regard to the meetings, I was also to track
17 down Rowden and Mattson on the May 25th meeting with Chairman
18 Udall and the people who were present in the June 24th
19 meeting with Udall and several more.

20 COMMISSIONER GILINSKY: What did you find there?

21 CHAIRMAN HENDRIE: On the latter on, June 24th
22 meeting John Davis was there, Davis' memory is dim. He
23 thinks Jerry Page and Norm Haller -- mostly Jerry Page and
24 maybe Norm Haller did most of the talking to the three or
25 four congressmen. He doesn't remember much discussion about

1 NUMEC 65 or possible diversions. Haller is away on leave
2 for two weeks. Fay was also there and remembers that Page
3 did most of the -- Page, Gossick did most of the talking.
4 The conversation got around to our MUF Report, he thinks he
5 remembers no-evidence, sort of statement in there.

6 COMMISSIONER GILINSKY: Did you talk to Page?

7 CHAIRMAN HENDRIE: And I talked to Page. Fay
8 added that there was mentioned several times the fact that
9 the data that NRC had on these MUFs, because the subject,
10 you remember, was the leak of a safeguards enforcement type
11 action history, that Dave Graham got hold of and they
12 were going down in failure.

13 Of course, it was mentioned several times that the
14 data on MUFs that NRC had was post-'68 data. The pre-'68 data
15 had, by agreement, remained with ERDA and now DOE. Page,
16 who went down with those guys, he thinks it was a fairly long
17 meeting, 45 minutes. They sat in Udall's office, Henry Myers
18 came in, he was not there at the beginning. He came in a little
19 later. Three or four congressmen came in. There was
20 discussion about Apollo. It was the main facility that was
21 discussed at the meeting. They told Mr. Udall about the
22 burn-up in the New York Times article that was probably
23 forthcoming, explained why the situation at NUMEC was being
24 approved and how and cited the chronology of enforcement
25 actions and that they either should not or probably should
not occur again in view of the upgrading of the safeguards.

1 With regard to the Apollo 65 events, they told Udall
2 that the pre-'68 -- all pre-'68 information was put together
3 by the general manager's staff and that we, NRC couldn't
4 cover the matter. He doesn't recall any discussion
5 particularly in the sense that would have the thrust that you
6 ought to go investigate the NUMEC matter or want to get
7 briefed or so on, although Page doesn't remember that he
8 said things of that kind. Gossick thinks that he does recall
9 suggesting that the Executive Branch agencies could brief
10 the committee and provide the sort of information that they
11 could not, the people there at the meeting.

12 Page went on then and noted to Mr. Udall that the
13 '68 -- that when AEC split in 1975 it was by deliberate
14 agreement that the pre-'68 information, the files and
15 everything remained with the ERDA side.

16 With regard to the May 25th ---

17 COMMISSIONER GILINSKY: Well, let's see. Did he tell
18 him no evidence or --- Does he remember?

19 CHAIRMAN HENDRIE: Jerry did not cite a no-evidence
20 statement. Ed Fay thinks he remembers one.

21 COMMISSIONER BRADFORD: I dare say people are going
22 to have a lot of trouble remembering their own on-evidence
23 statement from now on.

24 COMMISSIONER KENNEDY: Not me. I have no trouble
25 remembering mine at all.

1 COMMISSIONER BRADFORD: Did you make some no-evidence
2 statements?

3 COMMISSIONER KENNEDY: Of course, as everyone else
4 in this Commission did. One Commissioner, as a matter of
5 fact, in a Commission meeting said, "There has never been
6 any diversion of material." He didn't say about evidence.
7 He said there never has been any. That's where all this
8 business came from. That's where all this crap started.

9 COMMISSIONER BRADFORD: Is that in here? If it is
10 I missed it.

11 COMMISSIONER KENNEDY: You go and look far enough
12 and you will find ---

13 COMMISSIONER GILINSKY: (inaudible)

14 COMMISSIONER KENNEDY: Oh, he knows.

15 COMMISSIONER GILINSKY: I don't.

16 COMMISSIONER KENNEDY: Oh, come on Victor. Your
17 memory is a very carefully calculated one on this.

18 COMMISSIONER GILINSKY: Well, jog it.

19 COMMISSIONER KENNEDY: Not in this case. I'm sorry
20 about that. I will do that when the time comes.

21 COMMISSIONER GILINSKY: All right.

22 CHAIRMAN HENDRIE: I talked to both Mattson and
23 Rowden ---

24 COMMISSIONER KENNEDY: That was one of the reasons
25 for all of this discussion. That was why no evidence was an
important thing, because it was a much softer statement that

1 people were going around town making it. People were saying
2 there has never been a diversion. You can't say anything
3 like that. That's one of the semantic problems which underlay
4 this whole business.

5 CHAIRMAN HENDRIE: There was a time, apparently,
6 when the no-evidence statement was regarded as the dovish
7 way to put the matter.

8 COMMISSIONER KENNEDY: That's right. That is exactly
9 correct, exactly correct.

10 COMMISSIONER GILINSKY: Times change.

11 CHAIRMAN HENDRIE: The birds have subsequently
12 changed. The doves have become --

13 Okay, on the May 25th meeting, I talked to Mattson
14 and the Conran Task Force Report was the subject and the back-
15 ground was fascinating. The Task Force had turned in its
16 report to the Commission and we sent it off to NSC to see
17 about classification or whether it could be declassified or
18 whatever because it kept wondering around close to classified
19 matters. Apparently there was a call from Mr. Udall as to
20 why he couldn't see it and there was a classification or at
21 least a release by NSC and Rowden and Mattson went to see
22 Udall and Henry Myers who were there for the whole discussion.

23 They explained, says Mattson, about the Task Force,
24 its formation, the Report conclusions and the fact that the
25 Task Force was dealing with the technical safeguards side, in
principle at least, of the Conran matter, his collective

1 allegations, grievances and so on, and that McTiernan was
2 doing the personnel type or side of the Conran matter and
3 suggested a briefing by McTiernan. Mr. Udall and Dr. Myers
4 wanted to know about the personnel aspects of Mr. Conran's
5 situation.

6 There was discussion ---

7 COMMISSIONER KENNEDY: They were at issue on all,
8 were they, as I remember in the Conran Task Force.

9 CHAIRMAN HENDRIE: No, there was the deliberate
10 split that Udall directed be made between the personnel sorts
11 of things and your safeguards -- technical safeguards.

12 COMMISSIONER KENNEDY: And that's what Mattson
13 conveyed?

14 CHAIRMAN HENDRIE: Yes.

15 Mattson goes on to recall discussion by Rowden of
16 NUMEC 65. Rowden told Mr. Udall that the Task Force Report
17 did not cover the matter fully, that the Commission knew more
18 than was revealed in either the Task Force or in the classified
19 reference 102. Rowden said there was indeed more to be learned,
20 that Udall should approach the National Security Council,
21 preferably for a briefing to the same level that the
22 Commission had. If he were interested, Mattson remembers
23 Mr. Udall saying maybe he ought to call Admiral Rickover
24 since they set the Navy contract and for the most part, that
25 the material missing ---

1 COMMISSIONER BRADFORD: Did anybody ever interview
2 the Admiral?

3 CHAIRMAN HENDRIE: Not that I know of.

4 I talked to Rowden and he said, you know, he
5 confirmed these thrusts. He told Mr. Udall that the Commission
6 had had the briefing, that there were the conflicting sorts
7 of view points on what that meant. He felt the agencies
8 whose business is investigation were the proper ones to
9 handle it and recommended they do so.

10 COMMISSIONER KENNEDY: What is the reason for all
11 this reporting?

12 CHAIRMAN HENDRIE: This was a report on things that
13 as of the last meeting I was directed to look into and see if
14 we could track anything else down about that comment by Marc
15 on the 22nd and then what the nature of these other things
16 would be.

17 Back to the letter. We need several things. A, other
18 sorts of things that we ought to discuss jointly by way of
19 clean-up, change, modification or what have you.

20 COMMISSIONER GILINSKY: Well, I do think we need to
21 fix up that part about August 2nd.

22 COMMISSIONER KENNEDY: Problems?

23 COMMISSIONER KENNEDY: The middle of -- well, toward
24 the end of C-1 about the saying that had he said "conclusive"
25 or "hard" it would have been okay, just before you note
Mr. Gossick's agreement with this conclusion. It's probably

1 okay if you say, "... should have limited his testimony
2 period covered by the MUF Reports," or I'm not sure it should
3 be because he said he didn't know anything about the other
4 period. He just said whatever he wanted, but what he said
5 was not right and there is no easy way to fix it up. .

6 COMMISSIONER KENNEDY: I'm missing the point. I don't
7 understand it, Vic.

8 COMMISSIONER GILINSKY: Well, his response to Ward
9 said -- talks about a Commission position, talks about the
10 Commissioners had a briefing in which or subsequent to which
11 they adopted a no-evidence view and that he knew nothing about
12 it, but that's what they did.

13 COMMISSIONER KENNEDY: Did he say that? He said,
14 that following the briefing they adopted a no-evidence view?

15 COMMISSIONER GILINSKY: Well, in the light of the
16 briefing or something like that. I don't know what his
17 exact words are.

18 COMMISSIONER KENNEDY: You have to be very careful
19 about what he said and not put words in his mouth. They
20 are already there.

21 CHAIRMAN HENDRIE: Page 14 of the Summary

22 COMMISSIONER KENNEDY: Page 14. Okay. "... the
23 statement of the Commission that they had no evidence that
24 indicated any diversion had taken place was made in full
25 knowledge of the briefing..." okay.

 Now, so what is it that ---

1 COMMISSIONER GILINSKY: Well, how would you fix
2 that up by putting in the word, "hard", say?

3 COMMISSIONER KENNEDY: I thought that's what you
4 had said that you thought they ought to say.

5 COMMISSIONER GILINSKY: No, I said I didn't think
6 you could fix that statement up at all.

7 COMMISSIONER KENNEDY: No, no. You misunderstand.
8 In August, whenever that discussion was, I thought you had
9 said ---

10 CHAIRMAN HENDRIE: 2nd.

11 COMMISSIONER KENNEDY: --- I thought you had argued
12 that you said to them that they ought not to -- if they
13 are going to use I think we ought to say no hard evidence
14 or no conclusive evidence, I thought you said that.

15 COMMISSIONER GILINSKY: Well, if you are answering
16 the question, "Do you have evidence of diversion?" that's
17 one thing. If you are volunteering the Commission's position
18 which is nonexistent, that's another thing.

19 COMMISSIONER KENNEDY: But you can't have it both
20 ways.

21 CHAIRMAN HENDRIE: What do you do if you make the
22 Commission did have a position?

23 COMMISSIONER GILINSKY: Well, there is something
24 wrong with the guy. You know, the Commission adopted --
25 why don't you read that phrase.

CHAIRMAN HENDRIE: As to the staff? Go through

1 the interviews, Vic. Most of the rest of the cognizant
2 staff would read that the Commission had a position, now ---

3 COMMISSIONER GILINSKY: Well, you can adopt that
4 view, I mean, that's not my view. If that's the view you
5 want to take, that's all well and good, but ---

6 CHAIRMAN HENDRIE: I think it is pretty hard to
7 throw any other view, you have interviewed the senior staff and --

8 COMMISSIONER GILINSKY: Fine.

9 COMMISSIONER KENNEDY: Not to say that there was one,
10 but only that that's what they thought. That's what they
11 say they thought.

12 COMMISSIONER GILINSKY: Look, the man was in a meeting
13 with us several days before that. We discussed the matter,
14 there were strong differences of opinion. Other views were
15 expressed. The notion that there was a Commission position on
16 that subject is just idiotic. And even if there was a view
17 held like that by previous Commissioners, which there was
18 not, he was obligated to inform them that the two sitting
19 Commissioners had the following views if you are asking about
20 the Commission.

21 I mean, there is just no way that you can put
22 that together. I really don't see it.

23 COMMISSIONER KENNEDY: Except you know that, I'm
24 still not clear ---

25 COMMISSIONER GILINSKY: Well, let me respond this way.

1 Earlier Ward asked him something about evidence and he gave
2 a short response of "yes" or something. Now, he could have
3 said, you know, put in some qualifier and given him some
4 reasonable statement of the state of affairs. But it is
5 quite a different matter to deal with his subsequent
6 remarks.

7 CHAIRMAN HENDRIE: I think they are very close to
8 equivalent. Ward says, "Now, the Commission has also given
9 assurance that they believe no significant quantities have
10 ever been diverted or stolen?"

11 "Gossick. That is correct."

12 So you have got the Commission up there too.

13 COMMISSIONER GILINSKY: Well, why don't you read his
14 longer ---

15 CHAIRMAN HENDRIE: Yes.

16 "I can only say, Mr. Ward, that the statement..."

17 Ward asking. "But you, not having access to all
18 of it, cannot personally give that assurance, is that correct?"

19 COMMISSIONER GILINSKY: He could have just given a
20 short answer to that.

21 COMMISSIONER KENNEDY: He should have just said
22 yes.

23 COMMISSIONER GILINSKY: Right.

24 CHAIRMAN HENDRIE: There is no doubt about it. He
25 agrees to that.

God love us all. If we can always, always say at

1 hearings, running pre and pre-discussions words that ---

2 COMMISSIONER GILINSKY: It is not the matter of
3 inaccuracy -- anybody can say anything at a hearing, you can
4 make a mistake, you can make ---

5 COMMISSIONER KENNEDY: No, that's not correct, Vic.

6 COMMISSIONER GILINSKY: -- and people can say all
7 sorts of things and you correct it, Okay. And that's the
8 problem.

9 COMMISSIONER KENNEDY: No, that is not correct, Vic.
10 That's a misstatement, I'm sorry, Vic.

11 You know, I have a personal experience. Having been
12 told by Mr. Udall's staff that I couldn't change one word.

13 COMMISSIONER BRADFORD: You could have written a
14 letter to the chairman.

15 COMMISSIONER KENNEDY: I could have written a letter
16 to the Chairman explaining why I wanted to change it, because
17 I was making a substantive change. And if he changed this, it
18 would have been a substantive change, wouldn't it? So it is
19 not fair to say he just could have corrected it.

20 COMMISSIONER GILINSKY: You know, you have got to
21 decide. If you are not correcting it you are taking on
22 certain responsibilities. If it was a mistake and you realize
23 it, you just correct it. When the thing was brought up, it
24 wasn't acknowledged.

25 COMMISSIONER KENNEDY: That's okay.

COMMISSIONER GILINSKY: This thing has been fought over,

1 and we have been hand-wrestling over this thing for a year.
2 Even a simple matter to resolve.

3 CHAIRMAN HENDRIE: It didn't come up until we had
4 the letter from the committee.

5 COMMISSIONER GILINSKY: Right.

6 COMMISSIONER KENNEDY: Which was when, in October?

7 COMMISSIONER GILINSKY: November.

8 CHAIRMAN HENDRIE: Mid-November, Thanksgiving by
9 the time we got it and proposed ---

10 COMMISSIONER KENNEDY: Nobody saw this or recognized
11 it as a problem. When the testimony was all here, for
12 everybody to look at, and as I recall, the report suggested
13 review.

14 Now, you know, we all made mistakes there. We
15 should have been more careful in reviewing.

16 COMMISSIONER GILINSKY: You are absolutely right.

17 COMMISSIONER KENNEDY: Sure, okay. So why didn't we
18 correct it then?

19 COMMISSIONER GILINSKY: I guess I couldn't imagine
20 anybody making any such statement.

21 COMMISSIONER BRADFORD: But we didn't review his
22 testimony ---

23 COMMISSIONER KENNEDY: Oh, yes.

24 COMMISSIONER BRADFORD: -- before Dingell's.

25 COMMISSIONER KENNEDY: It was passed around in the

1 offices.

2 COMMISSIONER GILINSKY: Well, either before or
3 after, they came around and if you kept track of everything
4 you would do it.

5 COMMISSIONER KENNEDY: The transcripts ---

6 COMMISSIONER BRADFORD: The transcripts were sent
7 around?

8 COMMISSIONER KENNEDY: Yes, yes they were. I think
9 the report makes that clear.

10 COMMISSIONER GILINSKY: Well, they were passed
11 through or were available or whatever.

12 COMMISSIONER KENNEDY: They were passed through and
13 sent to everybody in their normal course.

14 CHAIRMAN HENDRIE: Furthermore, there was a summary
15 note from Kammerer that came round or at least the 29th one --

16 COMMISSIONER GILINSKY: On the 29th one, but he
17 didn't find the other one.

18 CHAIRMAN HENDRIE: -- that said no evidence.

19 COMMISSIONER GILINSKY: Yes, but he never applied
20 the other one.

21 Look, we could have all done a lot of things
22 differently. Had I known, I would have been more emphatic
23 at certain other meetings, but -- and there is plenty of
24 blame to go around here, but the fact is, Lee testified
25 incorrectly, wrongly and then was unwilling to simply -- well,
(a) correct it, and (b) acknowledge it, which I think is just

1 incredible.

2 CHAIRMAN HENDRIE: And thought he was right.

3 COMMISSIONER KENNEDY: And I will add, for support
4 in that connection, you know, the testimony of other high
5 administration officials said the same thing on the same day.

6 COMMISSIONER GILINSKY: Well, we are not in a position
7 to judge them.

8 COMMISSIONER KENNEDY: I know, but you know, from
9 his perspective, you know, where is he? Where does he come
10 out on this? You know, he says, my God, what did I do. I
11 thought I was doing what everybody else was saying.

12 COMMISSIONER GILINSKY: I think that's right. I
13 think he honestly believed he was saying what he was suppose
14 to say, ---

15 COMMISSIONER KENNEDY: Yes.

16 COMMISSIONER GILINSKY: -- by those trusted with the
17 national security matters in this government or something like
18 that. But that doesn't mean he was testifying correctly or
19 properly.

20 COMMISSIONER KENNEDY: I think Lee was saying what
21 he believed to be true, and that he believed that we thought
22 it true, and that as evidence for further support for that,
23 everyone else was saying the same thing. That's what I think.

24 Now, all of that -- no, it is not all that clear
25 that it wasn't true anyway, but aside from that, as we have
 heard many times since, the more we hear the less evidence there

1 seems to be, in my judgment. But in any event, whatever, the
2 fact is he said it. It is incorrect. And having said that
3 it seems to me that's it. He is incorrect, did he say so?

4 COMMISSIONER GILINSKY: It would have been a simple
5 matter on November 15th to have said that.

6 CHAIRMAN HENDRIE: On November -- Yes, you remember,
7 I talked to him after I got the letter and I talked to you,
8 talked to Dick, talked to Smith and some others around. Lee
9 continued to feel that -- he couldn't understand why there
10 was difficulty. He continued to feel that way through the
11 period in which he prepared the memorandum I asked him to
12 prepare to me in answer to the letter, which I forwarded with
13 my letter in early December.

14 He began to gather what he felt were the instances
15 that he was sure he could remember having seen about no
16 evidence, about mid-December. I triggered off the Inquiry
17 Board work just before Christmas, about the 20th or thereabouts.

18 They did a number of interviews, you know, they did,
19 or I guess most of us talked to him on several occasions in
20 round-up sessions to go over the draft, the notes of the
21 interview and so on, and I really think it was rather later
22 that he begins to be clear on some of the diversity within the
23 Commission, and the fact that although he felt there was a
24 well-defined position that it may have been ---

25 COMMISSIONER GILINSKY: You know, the faster we deal
with the essential facts of what we are using to grind out of

1 this letter, are facts that were available in the November
2 meeting and the business that we haven't unearthed anything.
3 It could have been dealt with then, but -- I mean, the
4 unwillingness to acknowledge the simple facts of the matter is
5 what has escalated this into a great affair.

6 CHAIRMAN HENDRIE: What I'm telling you is that when
7 that might have been done on November 15th as you imply, the
8 man felt that to have written on November 16th on receipt of
9 the letter from Mr. Udall and Mr. Tsongas that, right, I
10 agree the no-evidence statement is misleading and I shouldn't
11 have said it to you and I shouldn't have said that other
12 thing before Mr. Dingell, would have constituted that Mr.
13 Gossick's opinion at that time, a falsehood, which he would
14 be engaging in for the expressed purpose of getting off the
15 hook with the Congress.

16 I keep telling you the guy is a very straightfoward,
17 honorable sort of guy. He could no more do that at that time,
18 than I believe he would have deliberately, you know, mislead
19 the committee.

20 So to say he could -- all these facts were known
21 on the 15th, you know -- you have said you should have made
22 things clearer in a number of points and much more explicit.
23 That's quite clear. You said there is plenty of blame to go
24 around, sir, the facts about those things have been known
25 for a long time.

COMMISSIONER KENNEDY: Since November 15th or before.

1 CHAIRMAN HENDRIE: You know, you do at a given
2 time what you believe you ought to do, and I'm just saying
3 that I just don't think it was possible for him on November 15th
4 to have made that kind of an answer. He would have regarded ---

5 COMMISSIONER GILINSKY: Well, it was certainly possible.

6 CHAIRMAN HENDRIE: - - He would have regarded it as
7 lying to the Congress in order to get off the hook.

8 COMMISSIONER KENNEDY: Yes, expedience.

9 CHAIRMAN HENDRIE: Yes.

10 COMMISSIONER GILINSKY: Well, it is certainly
11 possible for the Commission, basically ---

12 COMMISSIONER BRADFORD: The one aspect of this
13 that doesn't quite fall under that, like this -- at that time
14 and before, but I have never quite been able to understand
15 why he didn't at least feel an obligation to make clear at the
16 Dingell hearing if not before, that there were separate views
17 on the Commission, that is, it is one thing to say that he
18 felt the overview was "X", but another group felt that he
19 should have at least mentioned and maybe he thought it was
20 a very eccentric view himself, that one of the two sitting
21 Commissioners though ---

22 CHAIRMAN HENDRIE: I don't know. But there is --
23 who knows.

24 But I must say there is a certain inconsistency
25 in saying that in the period after June 30, there was no
Commission.

1 COMMISSIONER BRADFORD: Right.

2 CHAIRMAN HENDRIE: And then saying, on the other
3 hand the particular views of the two sitting Commissioners who
4 were not a Commission should have been referred ---

5 COMMISSIONER GILINSKY: I mean, who is he talking
6 about. You see, the Commission at that point was Lee Gossick.
7 Now, he obviously wasn't talking about himself, because he said
8 he didn't know anything about it.

9 CHAIRMAN HENDRIE: He was talking about the Commission---

10 COMMISSIONER GILINSKY: But we know that's not what
11 they thought.

12 CHAIRMAN HENDRIE: He thought he was expressing
13 what he understood to be the consensus position, the collegial
14 position of the pre-June 30th Commission, i.e., when there
15 was one. That's what he has told me repeatedly, and he
16 recognizes that you had problems with some of the language in
17 there and he felt that didn't represent the majority of the
18 Commission. Why he didn't make clear that everything wasn't
19 just right, I don't know.

20 COMMISSIONER GILINSKY: Aside from me, I mean, (a)
21 I've never heard Dick make a statement like that, except --
22 not in print or not in speaking or whatever. But you did
23 talk in the ---

24 COMMISSIONER KENNEDY: You know, I said to Mr.
25 Udall -- I didn't make any statement in your August 2nd thing
at all. I said, look, we have got to be very careful when we

1 say there is no hard or conclusive evidence. What does that
2 mean? Does that immediately imply that there is evidence
3 or does it imply that, you know, there isn't. And you have
4 got to be awfully careful about what's the next question
5 going to be, you have got to know what the answer is.

6 COMMISSIONER GILINSKY: I mean, I certainly never
7 told him to say that. Did you ever tell him to say that?

8 COMMISSIONER KENNEDY: My concern about saying
9 hard or conclusive evidence then, as it is now, is adding
10 ambiguous qualifiers is never the way that I have found to
11 be forthright and straightforward with the Congress. All that
12 is is a cover-your-ass kind of thing.

13 COMMISSIONER GILINSKY: Well, all right. Anyway, I ---

14 COMMISSIONER KENNEDY: That was the concern I had
15 when we were discussing it, not that I wanted him to go up
16 and say, you know, I would have killed the man if he had ever
17 said there has never been a diversion. And I heard that
18 statement around this institution for two years. And even I
19 knew better than a thing like that. You just couldn't say it,
20 that was the problem.

21 COMMISSIONER GILINSKY: Marc, in June said, you know,
22 don't say it this way.

23 COMMISSIONER KENNEDY: Well, but he was talking
24 about something else.

25 COMMISSIONER GILINSKY: I mean, what's the difference.
I mean, first of all he wasn't talking -- he was talking about

1 the same kind of statement. I just don't see how you
2 gather a majority out of this Commission on that side,
3 you know, unless you are blind, deaf and dumb. You know,
4 you are talking about the Commission's senior officers, most
5 senior officer. You are not talking about somebody in the
6 stock room.

7 CHAIRMAN HENDRIE: The Commission's other senior
8 officers in the area and through those years and up until they
9 left, judged the Commission's view as being the same.

10 COMMISSIONER BRADFORD: Can you think, though, Joe,
11 of any other examples of sort of inferred Commission positions
12 like this -- there must be a lot of cases in which the staff --
13 there must be a lot of areas where the staff says, we are
14 not sure what the Commission thinks, but we assume thus and
15 act accordingly.

16 COMMISSIONER KENNEDY: One of the things that
17 has troubled me continuously is that it speaks in sort of
18 a company of voices and they sit there and try to devine what
19 the Commission is thinking.

20 Now, one of the problems at these Commission
21 meetings is these guys go away and they think, they discern
22 what the Commission position is. More than one time I have had
23 to call up and say, look, fellows, you have got it all wrong.
24 You don't understand, I'm afraid, that when I ask some very,
25 very tough question, that is not to be taken as representing

1 a view point from which I am projecting. Rather, I am
2 being the devils advocate in many cases to try to find out
3 where the heart or core of the issue really lies, but then
4 you sit there and you get this feeling, you know. These two
5 guys, boy, they are really tough on this question, and therefore,
6 the Commission believes -- I've told them this 100 times.
7 I said, the Commission doesn't believe anything like that,
8 what are you talking about? Where did you get that?
9 Well, we heard it at the meeting, at the meeting there was
10 a discussion. I don't know how it worked before, maybe
11 Victor does, I don't know how the Commission functioned in
12 the old AEC, I get the impression that it must have been a
13 stylized sort of exercise in which they all came in and
14 people presented papers and they all smiled and left. I don't
15 know. Otherwise, they could have had all kinds of crazy ideas.

16 CHAIRMAN HENDRIE: Let me propose ---

17 COMMISSIONER GILINSKY: Well, this wasn't the idea
18 that the Commissioner was a firehydrant.

19 CHAIRMAN HENDRIE: Let me propose a fix for the
20 last sentence, the last two sentences.

21 COMMISSIONER BRADFORD: Is that for the dogs or
22 the people?

23 COMMISSIONER GILINSKY: I'd better not answer that.

24 CHAIRMAN HENDRIE: On page 7. Instead of saying that
25 the Commission agrees with the Inquiry Board and so on, okay.

1 (Simultaneous conversations.)

2 COMMISSIONER KENNEDY: It is all a matter of
3 perspective.

4 CHAIRMAN HENDRIE: Have you got page 7 in hand?

5 COMMISSIONER KENNEDY: Seven?

6 CHAIRMAN HENDRIE: Yes, bottom of the last two
7 sentences, okay. Let's fix up the difficulty. There is a way
8 to do it.

9 Instead of our agreeing with the Inquiry Board, why
10 don't we say the Commission believes that Mr. Gossick should
11 have limited his testimony for the period covered by the
12 MUF Report.

13 COMMISSIONER KENNEDY: But here, we are talking
14 about the Inquiry Board.

15 Now, you could stop the sentence after MUF Report,
16 period.

17 COMMISSIONER GILINSKY: Well, but suppose -- well,
18 that's all right with me.

19 COMMISSIONER KENNEDY: You stop the thing just right
20 after MUF Report. That's what they said. Now, what did they
21 say? What did the Inquiry Board go on to say?

22 CHAIRMAN HENDRIE: They say, "... or should have used
23 adjectives." That's why I wanted to take out, the Inquiry
24 Board comment.

25 COMMISSIONER KENNEDY: Okay, stop right there.

Now, you make a new sentence. "The Commission

1 also believes that if Mr. Gossick was discussing anything
2 other than the MUF Report itself, it is clear that he should
3 have used adjectives such as ..."

4 COMMISSIONER GILINSKY: Well, that doesn't say it
5 either, because there just wasn't any Commission position on
6 this representing a Commission position on it. There never
7 was a position that ought to be ---

8 COMMISSIONER KENNEDY: Well, say that: "The Commission
9 believes that in any event, had Mr. Gossick been referring to --
10 intended to refer to anything beyond the MUF Report, he should
11 have used this, and should have noted ..." ---

12 COMMISSIONER GILINSKY: "... that there was no
13 Commission position."

14 COMMISSIONER KENNEDY: "... should not have noted --
15 should not have implied that there was a firm Commission
16 position on the question," or something of that sort. And
17 that's fair, that's true, you know. Does that help it?
18 Didn't they say that, or did they? What did they say?

19 COMMISSIONER BRADFORD: They didn't quite say that.
20 That would have been better, I think.

21 COMMISSIONER KENNEDY: You know, what's wrong with
22 saying that?

23 CHAIRMAN HENDRIE: The main difficulty is I haven't
24 jotted my notes down. Before I do, let me note that in his
25 own testimony at the hearings, and with regard to the answers

1 to Ward's specifically and Gossick says, nevertheless, --
2 he is explaining about some of those things, he says, "Neverthe-
3 less, I now realize that the answer..." and he is speaking here,
4 "... of the August 8th testimony..." two answers back to
5 Ward, "... I now realize that the answer I gave reference this
6 subject was a misunderstanding. It probably would have been
7 more appropriate for me to have restricted my answer regarding
8 the Commission's views to the period covered by the MUF Report."

9 That's the agreement, that is what we were noting
10 here. We note Mr. Gossick's agreement with this conclusion.
11 In fact, we could strike the last part of that sentence.

12 COMMISSIONER KENNEDY: Just leave MUF Report and take
13 the other stuff out, and just we note Mr. Gossick agrees with
14 us completely. Does that help?

15 COMMISSIONER GILINSKY: He also should not have talked
16 about the Commissioner's making up their mind after having gotten
17 that briefing. He just shouldn't have made that statement.

18 COMMISSIONER KENNEDY: The Commission believes that
19 in the absence of a clear Commission view on this subject --
20 stated view on this subject that he should have avoided and
21 he should not have -- I think that's fair enough and I think
22 he would say that too, now. He didn't intend to do any of
23 this. He was very careful how he testified.

24 CHAIRMAN HENDRIE: Give me some language to go in
25 addition after: "We note Mr. Gossick's agreement with this

1 conclusion."

2 COMMISSIONER GILINSKY: I'll dictate something.

3 CHAIRMAN HENDRIE: Going along the lines, in addition,
4 Mr. Gossick should not ---

5 COMMISSIONER KENNEDY: "In addition, in the absence of
6 a clearly stated Commission view on the matter, Mr. Gossick
7 should not have reflected a Commission position on the no-evidence
8 question."

9 CHAIRMAN HENDRIE: Okay, let me try one of those.
10 I think I have got the essence of that.

11 What it would do now would be to say that the Commission
12 agrees with the Inquiry Board that he should have limited his
13 testimony to the period covered by the MUF Report period. We know
14 his agreement with this conclusion -- then I'd better add, "... in
15 his testimony..."

16 COMMISSIONER KENNEDY: Uh-hum.

17 CHAIRMAN HENDRIE: -- "... at the Feb. 27th hearing..."
18 to make sure that it is clear where that's coming from.
19 Then we would go on and add the sentence, "In addition, the
20 Commission believes in the absence of a clearly stated Commission
21 view on the matter, Mr. Gossick should not have attempted to
22 reflect the Commission's position on the Apollo matter," or
23 the equivalent.

24 Okay, now I think that will cure the -- your problem
25 at the end of the page, Vic. Does that sound like that will do it?

1 Now, if I look at the letter that Magnew (Phonetic
2 spelling) sent over to me, you have got a couple of inserts.
3 The first insert, he thinks that this point has little
4 bearing on the ---

5 COMMISSIONER GILINSKY: Well, no. He said a sentence
6 before that.

7 CHAIRMAN HENDRIE: Yes, yes, but that one is typed
8 so I'm just checking your handwriting, not your sentence.

9 He thinks that this point has little bearing on the
10 manner of the EDO's testimony, okay? But the next one,
11 inexplicable in view of the two meetings held on August 2nd, okay.

12 COMMISSIONER KENNEDY: What does it say?

13 COMMISSIONER BRADFORD: These are Vic's separates.

14 COMMISSIONER GILINSKY: These are my ---

15 CHAIRMAN HENDRIE: Yes, these are some adds -- may
16 I read them or ---

17 COMMISSIONER GILINSKY: Sure.

18 CHAIRMAN HENDRIE: -- show them around. Let me just
19 show them over and if you keep the paperclips pretty much ---

20 COMMISSIONER KENNEDY: Well, are you going to make
21 a new draft?

22 CHAIRMAN HENDRIE: I'm going to make another one and
23 put it in, because I have got to get Peter's in with them too.

24 COMMISSIONER BRADFORD: I have gone much further
25 this time too.

1 CHAIRMAN HENDRIE: Are they insertable?

2 COMMISSIONER BRADFORD: I haven't marked them as
3 such, let me have that.

4 CHAIRMAN HENDRIE: If you give me the draft back
5 labeled, you know, insert A, insert B or however, some indi-
6 cation then I can get the draft done.

7 Now, you have got a note over here, let's see, on
8 Page 11, ---

9 COMMISSIONER KENNEDY: You know, these are the
10 answers and the questions, now.

11 CHAIRMAN HENDRIE: What you said before ---

12 COMMISSIONER GILINSKY: My private notes with Conran.

13 CHAIRMAN HENDRIE: Yes.

14 COMMISSIONER GILINSKY: I have my own answers to
15 these.

16 COMMISSIONER BRADFORD: Are you going to send in a
17 separate letter, Vic?

18 COMMISSIONER GILINSKY: Well, it depends on what we
19 end up with, but that's just a little side point of view.

20 CHAIRMAN HENDRIE: Okay, should I take the sentence out
21 that refers to your view or leave it in?

22 COMMISSIONER GILINSKY: Why don't you just take it out.

23 CHAIRMAN HENDRIE: Let's see if we do any -- watch out,
24 you had better read it again, because this is a place ---

25 COMMISSIONER GILINSKY: Let's see, I guess I don't have

1 those. Why don't you let me tear those out.

2 CHAIRMAN HENDRIE: Yes. I'll give you the complete
3 separate one if it will be a help.

4 COMMISSIONER GILINSKY: Yes, why don't you do that.

5 CHAIRMAN HENDRIE: You see, if we take out that
6 sentence of yours, just because it is expressed elsewhere, why,
7 you are left working against -- watch out, don't take that out of
8 there until you figure out -- look at the previous page.

9 This is the one about: "Did his testimony accurately
10 reflect his knowledge." Well, you know, we think that with
11 some qualification.

12 COMMISSIONER GILINSKY: Yes.

13 CHAIRMAN HENDRIE: And I think it needs some reflections
14 here, unless ---

15 COMMISSIONER GILINSKY: Yes. What you may do is just
16 sort of combine all of these things and say these may be just
17 sort of inserts of that question 3, a little paragraph there.

18 CHAIRMAN HENDRIE: Oh, you have got a thing?

19 COMMISSIONER GILINSKY: Yes.

20 CHAIRMAN HENDRIE: I see, okay.

21 COMMISSIONER GILINSKY: So that might be a good place
22 then for that sentence. We will just see how we work it.

23 CHAIRMAN HENDRIE: All right. In that case, let us,
24 if we may, look at those things hung on after Recommendation,
25 where we are answering the four questions, and in particular,

1 could I ask you to focus on the ---

2 COMMISSIONER GILINSKY: Actually, I made us some
3 copies of these things. Why don't you just look at this and
4 you can take out a word here and there.

5 CHAIRMAN HENDRIE: While he is doing that, please turn
6 to Page 9 where I get started and see if you -- there's a
7 paragraph, the long one in sort of the middle of the page that
8 gets on, which is laying the basis for saying, look, we would
9 like to answer the four questions and have done ---

10 COMMISSIONER KENNEDY: Why don't we take that sentence
11 out, "The Commission agrees it should answer the questions."

12 COMMISSIONER BRADFORD: Yes.

13 COMMISSIONER KENNEDY: I think it is even irrelevant.

14 COMMISSIONER BRADFORD: That is even if we could pick
15 our choice.

16 COMMISSIONER KENNEDY: Yes.

17 COMMISSIONER GILINSKY: Where is this?

18 COMMISSIONER KENNEDY: The second sentence, it is on
19 Page 9, the second sentence of the second paragraph. It may
20 have been a wise conclusion to reach.

21 CHAIRMAN HENDRIE: Critics, critics.

22 COMMISSIONER GILINSKY: Which is the Commission wishing
23 to prolong its existence.

24 (Laughter)

25 COMMISSIONER KENNEDY: Looking forward to a meaningful

1 fall.

2 I guess I would rephrase the next sentence, too.

3 CHAIRMAN HENDRIE: Yes, let's see. I also can't stand
4 that and I'm not sure I want to believe that too easily.

5 COMMISSIONER KENNEDY: I think I would take the whole
6 sentence out.

7 CHAIRMAN HENDRIE: Why?

8 COMMISSIONER KENNEDY: Well, I don't know.

9 COMMISSIONER GILINSKY: Which sentence is this?

10 COMMISSIONER KENNEDY: The next one.

11 COMMISSIONER GILINSKY: Why don't we just say, "Answers
12 to the four questions follow."

13 CHAIRMAN HENDRIE: What about all the other questions?

14 COMMISSIONER KENNEDY: I'd put that at the very end or
15 at the very beginning someplace and indicate that this paper,
16 together with all the other things, hopefully provide a complete
17 record.

18 COMMISSIONER GILINSKY: You are seeing light at the
19 end of the tunnel.

20 COMMISSIONER KENNEDY: Yes, but I think it is a little
21 jarring here. It sounds like, turn it off, chief. Albiet, maybe
22 that's what's intended. I think it is probably unwise to give
23 that impression, and that's the sort of impression that came
24 through to me.

25 CHAIRMAN HENDRIE: Okay. Where -- let's see, how would

1 you ---

2 COMMISSIONER KENNEDY: You would take the whole thing
3 out of there and then put something either --- well, and then
4 the next sentence, together with some piece of that other can
5 be put up at the very beginning or at the very end of the letter,
6 after the question. "We believe that the answer to the
7 foregoing questions include the essence of the points you raised
8 in the previous letters. Our report, herein, including the
9 answers to the questions, together with our letters or our
10 materials supplied in our letters of April 12th and June 19th,
11 hopefully provide a brief format of the subject..." or something,
12 and then add the next sentence: "As to the allegations of those
13 made by Mr. Conran, the Commission has decided they will deal
14 with them and will report to you. Also, we are answering
15 separately ..." ---

16 CHAIRMAN HENDRIE: Let me take a crack at it and then
17 you can rework it when we get to the next letter.

18 COMMISSIONER KENNEDY: Don't you think it would be
19 better after we get through with all of this instead of before
20 answering the questions? I think so.

21 CHAIRMAN HENDRIE: Let me try it that way and then you
22 can see how you like it.

23 Okay, now, I've got VG's answers to the questions.

24 (Pause)

25 CHAIRMAN HENDRIE: Would you like these worked in
total, then?

1 COMMISSIONER GILINSKY: Well, I think ---

2 COMMISSIONER KENNEDY: A lot of us already said some
3 of that.

4 COMMISSIONER GILINSKY: It doesn't -- this is not
5 very significant I don't think, myself.

6 CHAIRMAN HENDRIE: Well, I'm willing to add it in.

7 COMMISSIONER GILINSKY: Do you mean question-by-
8 question?

9 I think it would -- I think I would prefer to keep it
10 together, otherwise, you have got to start rephrasing it.

11 COMMISSIONER BRADFORD: Well, I was going to say that,
12 for example on the first question -- I think the answer to the
13 first question could be improved by taking Vic's second sentence
14 with "moreover" -- it is slightly off at the end of it, but
15 then -- and then just putting it in. I would have taken out
16 the word "wrongly" and have then suggested that there was a
17 Commission conclusion of no evidence based on an investigation
18 and then barrowing the language from (inaudible)
19 and then go on to say, when in fact, this was not the case and
20 just put it down.

21 COMMISSIONER GILINSKY: Well, it seems to me that
22 you have to start off the reply with the "yes" or "no". I
23 suppose it is a matter of dictation. Or else, say it doesn't
24 lend itself to that sort of answer.

25 CHAIRMAN HENDRIE: I'm sorry. I missed the last of it.

1 COMMISSIONER GILINSKY: Well, the question is, was
2 something accurate or not, and it seems to me that the obvious
3 answer is, yes or no, or else to say that such an answer would
4 be inappropriate, one of the three.

5 (Pause)

6 CHAIRMAN HENDRIE: Well, I guess I would say I would
7 be glad to consider starting out, "no" period, as noted under
8 Finding B-3. On the other hand, if you are going to write your
9 own answer up there so that I'm going to have to preface this
10 answer as saying, Chairman Hendrie and whoever else wants to join
11 me, says as follows and Commissioner Gilinsky will answer
12 separately and so on, why, then I'm going to write my own answer
13 to it.

14 I would be delighted to discuss a collegial response
15 or even to accept comments on my own, but if you want to answer
16 totally, why then, you will have to leave me to make mine.

17 COMMISSIONER GILINSKY: I'd be happy to do that, but
18 I mean, if your view is that the answer is "no" that ought to
19 go in there regardless of whether it is your personal answer or
20 anybody else's answer.

21 CHAIRMAN HENDRIE: You know, if each of us is to have
22 a -- to end up making ---

23 COMMISSIONER KENNEDY: I don't have any trouble leaving
24 the sentence to say "no". I don't generally feel that one has
25 to answer each question by starting out saying "yes" or "no".

1 I don't think adding "no" in front of the answer on
2 Page 10 would make it any more clearer than it is now. That's
3 my own view.

4 COMMISSIONER BRADFORD: No, I would be perfectly happy
5 with it if you added the "no" and then picked up the "moreover"
6 thought. I don't think that would be saying, you know ---

7 CHAIRMAN HENDRIE: I think the "moreover" thought about
8 the investigation is sort of irretentive. It doesn't go anywhere.
9 Somewhere back in the various displays I was trying to find it.
10 Lee Gossick ---

11 COMMISSIONER BRADFORD: Did he explain that?

12 CHAIRMAN HENDRIE: -- said that he was not trying to
13 imply that the NRC has investigated all of these incidents. The
14 way that it came up in the testimony -- His language isn't grand,
15 but he is starting off pretty clearly talking about NRC
16 experience and then it gets on to Apollo a little later, and I
17 think, Lee Gossick in one of these various displays around here,
18 which displayed and that's what I'm saying that it didn't mean
19 that the NRC has investigated everything. What I mean was that
20 my understanding was that there was -- had been an investigation
21 by somebody or other of these plants and people kept concluding
22 that this stuff hadn't been (inaudible)

23 So I think that is kind of beating a dead horse on
24 the matter and I, for myself, would be -- would not ---

25 COMMISSIONER KENNEDY: Well, yes. When you drop out

1 with the dots what seemed to me to be terribly important words,
2 "We have investigated every instance that has come to our
3 attention or has been alleged to us with regard to the theft
4 or diversion." And I can only say that had to apply to those
5 things that pertained to us, that were brought to us under our
6 cognizance since the creation of the Commission. And I think
7 that's an important point.

8 COMMISSIONER GILINSKY: Well, it would have been a
9 help to us.

10 COMMISSIONER KENNEDY: But he did. That's what I'm --
11 I'm maintaining that's exactly what he did do. And dropping out
12 those words, I think, it says something different than what he
13 said. As he said, we have investigated every instance that
14 has come to our attention or has been alleged to us.

15 COMMISSIONER GILINSKY: I think the words fit perfectly
16 well in there.

17 COMMISSIONER KENNEDY: Oh, I don't think so, Vic.
18 How could they have brought something to us if we didn't exist?
19 How could they have alleged something to us if we didn't exist?

20 COMMISSIONER GILINSKY: Well, it was brought to us
21 and alleged to us when they did it.

22 COMMISSIONER KENNEDY: But we would have no cognizance
23 it is over there.

24 COMMISSIONER GILINSKY: Well, you know, here we are
25 looking at the things that -- Well, that's one interpretation.

1 COMMISSIONER KENNEDY: I guess I could have said
2 something just like that, and that's certainly what I would have
3 meant and what I would have assumed people would have taken it to
4 mean.

5 COMMISSIONER BRADFORD: Well, Tsongas' question is:
6 "Had there ever been materials successfully stolen?"

7 CHAIRMAN HENDRIE: Well, you remember the context
8 in which this is being made. Conran has just gotten done saying
9 that there were a substantial number, a half dozen or a dozen or
10 some number like that ---

11 COMMISSIONER BRADFORD: Including a couple of others
12 that pre-date NRC.

13 CHAIRMAN HENDRIE: I think so, yes. And I think most
14 of them probably pre-dated the NRC in which material has been
15 stolen or disappeared. There have been small people pitch a
16 pellet over the fence or whatever for what reason. Then it
17 starts in here and I just don't -- an assorted answers and so on.

18 COMMISSIONER GILINSKY: Let's see, did we drop the
19 thought about a Commission position or did you add that sentence?

20 COMMISSIONER KENNEDY: I think he added it.

21 COMMISSIONER GILINSKY: He added it.

22 CHAIRMAN HENDRIE: What are your time limits?

23 COMMISSIONER GILINSKY: I have to leave at 6:00 o'clock.

24 CHAIRMAN HENDRIE: Okay, can you last another 10 minutes?

25 Okay, now tell me where I go from here with this letter?

1 I must say, it seemed to me that the answers to these
2 questions are, in fact, pretty well covered by the Findings.
3 We have agreed in the B-3 Finding, I thought.

4 COMMISSIONER GILINSKY: What is the B-3 Finding.

5 CHAIRMAN HENDRIE: That's the one at July 29th and
6 Mr. Gossick having chosen to testify about the Apollo matter
7 should have been more expansive and by detailing so much of the
8 matter as he then knew thereby clearly defining his terms.

9 COMMISSIONER GILINSKY: Right.

10 CHAIRMAN HENDRIE: Well, I don't find -- maybe it is
11 in the Interview section, I don't know, but I remembered a
12 discussion that he had investigated these and what he can do or
13 what he feels he ought to do, I think is not an untruthful
14 citation.

15 And you would rather have these of yours go
16 separately?

17 COMMISSIONER GILINSKY: Well, it depends on what you
18 do with these, on this ---

19 COMMISSIONER KENNEDY: The options are open.

20 CHAIRMAN HENDRIE: With what?

21 COMMISSIONER KENNEDY: Accept them or send them
22 separately, are those the options?

23 COMMISSIONER GILINSKY: Well, presumably you will want
24 to put something in No. 2, referring to the Commission position,
25 the fact that there wasn't any at that time. Something similar

1 to what you put in to the ---

2 CHAIRMAN HENDRIE: I need to modify the last part of
3 the sentence there, right? "Testified incorrectly with regard
4 to the Commission's position." That's certainly fair enough.
5 "Believes that Mr. Gossick should have limited his testimony for
6 the period covered by the MUF Report."

7 I don't know whether I need the further qualification.
8 We have already said testified incorrectly with regard to the
9 Commission's position, which by being more general, covers ---

10 COMMISSIONER GILINSKY: Well, I think it is important
11 to say that there wasn't any Commission position prior.

12 CHAIRMAN HENDRIE: -- And should have voided -- and
13 in the absence of a whatnot.

14 COMMISSIONER GILINSKY: Well, what are we going to put
15 down in the other place?

16 CHAIRMAN HENDRIE: Well, okay. That can be done, but
17 I still need your ---

18 COMMISSIONER GILINSKY: Well, I would want 3 and 4
19 just to go in as my views on those, and let me think about
20 1 and 2 and then sort of think about us doing that.

21 CHAIRMAN HENDRIE: All right.

22 COMMISSIONER KENNEDY: What about the last paragraph on
23 Page 2? Do you want to put that in?

24 COMMISSIONER GILINSKY: Well, I would put that in in
25 responding to 4.

1 CHAIRMAN HENDRIE: Add 3 and 4 and you will think about
2 1 and 2.

3 All right, under 3 and 4, 3 is clear-cut. Your 3
4 simply replaces, if you will allow me to change the phrasing
5 slightly, you say, "... in my previous statements," right?
6 "In his previous statements the Commission..." and so on.
7 That will simply replace that sentence that I had on page 11
8 at the top that attempted to represent your view. So that fits
9 well.

10 When we get to 4 to what extent do you view -- that is,
11 is does your 4 mean that you don't concur with the paragraph I
12 have written under 4 or any part of it, and so I should label
13 that "Chairman Hendrie says." Then later on ---

14 I guess it would also be possible for that paragraph,
15 if we were agreed on it, to be a collegial statement and there
16 could be additional remarks. You know, the paragraph, your 4
17 could be a ---

18 COMMISSIONER KENNEDY: In addition, Commissioner
19 Gilinsky notes?

20 CHAIRMAN HENDRIE: In addition, Commissioner
21 Gilinsky notes and so on.

22 COMMISSIONER GILINSKY: Let's think about that.

23 CHAIRMAN HENDRIE: Okay.

24 Gossick can answer this for me, the summary of the
25 interview and Gossick can answer to a question like Congressman

1 Tsongas' about the theft of nuclear materials by the effect
2 that we folks have investigated every instance included and
3 we have no evidence, et cetera. He was talking about what NRC
4 had investigated and what had been investigated by the regulatory
5 organization of AEC, including events prior to '68 when the
6 regulatory controls were established.

7 COMMISSIONER GILINSKY: How does that come out?

8 CHAIRMAN HENDRIE: I don't know. Do you mean did
9 we decide, you know --- I have run out of wind to read it, maybe
10 some other parts.

11 I'm not sure that is the only place. I was looking in
12 the exhibits, because it seemed to me that in the array of questions
13 that Henry Myers asked there was one that went to that point.
14 So there may be a piece of that in the exhibits, but I don't
15 have it in hand.

16 Now, finally as the last item we have two minutes to go.
17 You are going to give me your inserts and so on --

18 COMMISSIONER BRADFORD: Yes.

19 CHAIRMAN HENDRIE: -- leaning collegially where we
20 put ourselves.

21 How should I end this letter, then?

22 COMMISSIONER GILINSKY: Sincerely Yours.

23 COMMISSIONER KENNEDY: With "Warm Personal Regards," or --

24 CHAIRMAN HENDRIE: Thanks a million, fellows.

25 COMMISSIONER KENNEDY: What was the one that we got

1 with four pages of castigation that said, "With All Good
2 Wishes." I like that one.

3 COMMISSIONER BRADFORD: You promised him the Conran
4 assessment and also something else ---

5 CHAIRMAN HENDRIE: The lessons learned. That letter,
6 by the way, has been, I believe, approved all the way around
7 the circuit. Now, I don't know whether to hold it a day or two
8 and send it ---

9 COMMISSIONER KENNEDY: Well, why don't you package it
10 up and send it with this package?

11 COMMISSIONER BRADFORD: The lessons learned is the
12 one that points to the recommendations?

13 CHAIRMAN HENDRIE: I have it, it's -- a draft borne
14 from the signature package for just these purposes.

15 Now, is our intent simply to end this letter with
16 the material -- you know, putting in the material we have talked
17 about here, but simply answering these questions this way and
18 letting it stand there or do we go on and have further remarks
19 and say ---

20 COMMISSIONER KENNEDY: To what end?

21 CHAIRMAN HENDRIE: To what end.

22 COMMISSIONER GILINSKY: I regard this as the end of
23 my participation in reviewing this subject.

24 COMMISSIONER KENNEDY: Whereupon, with the best of
25 goodwill and full intentions to being helpful you will plunge

1 forthwith into the questions.

2 CHAIRMAN HENDRIE: Do you have any feeling about these?

3 COMMISSIONER BRADFORD: No. I think that one way or
4 the other, you either put in a conclusiory text -- let me put
5 it another way. I think what you can expect next is a letter
6 back from Udall saying ---

7 COMMISSIONER KENNEDY: That's good, now what are you
8 going to do?

9 COMMISSIONER BRADFORD: Exactly. What are you going
10 to do, the grievance said this, this and that. What on earth
11 are you going to do about it, but there may be something to be
12 said until we are waiting for that letter, seeing what turns
13 up and then responding to it.

14 COMMISSIONER KENNEDY: I've thought about that question
15 a little bit and I guess I don't know how I'd come out yet, since
16 it is a hard balance. Are we better off reading and then reacting
17 to whatever comes, or are we better off trying to preempt knowing
18 that you really can't. See, if you go forward and say, well now,
19 having gone through all of this, let me tell you what we are
20 going to do about it, A, B, C, and get a letter back then that
21 says, that's all well and good, I think A, B, and C are good,
22 but what about D and E. You haven't mentioned those. Then what
23 are you going to do.

24 COMMISSIONER BRADFORD: I think that's probably sound
25 and I think there are some management questions that are essentially

1 apart from all this that are more appropriate than the budget
2 review and perhaps the management by objective program and
3 the personnel meetings that we are having on Conran that involve
4 discussion of Lee and Lee's role are entirely apart from NUMEC.
5 Maybe the best thing to do is to wait for that letter. The
6 point is, we are not going to, on the one hand, say as the result
7 of all this we are giving him a ringing vote of confidence, on
8 the other hand we certainly are not going to say as the result
9 of all this we are setting a trap. Anything in between, as you
10 suggested is likely, given the temper of the time, to produce
11 another letter.

12 COMMISSIONER KENNEDY: But it would produce a letter
13 which will help give you a few suggestions and I'm not sure --
14 See, if they give you the suggestions in the vacuum, then you are
15 counter with them. If you give them some suggestions and they
16 counter, what are you going to do.

17 COMMISSIONER BRADFORD: Yes. I think that's right, let
18 them ---

19 COMMISSIONER KENNEDY: I haven't thought it through
20 to see how it works. I just don't know.

21 CHAIRMAN HENDRIE: Maybe we ought not to settle
22 absolutely on it here, but let me suggest that there are some
23 loose ends which really ought to be cleaned up.

24 The Commission, having come this far, it seems to me
25 that there are some irreducible minimum actions that are

1 required.

2 First, it seems to me that the Commission, in addition
3 to answering or sending this letter to Mr. Udall in answer, has
4 to make Lee officially aware that this is the Commission's
5 conclusions on the matter, the Inquiry findings.

6 COMMISSIONER KENNEDY: In fairness to all concerned,
7 including us, I think he should be made aware of that before the
8 letter is sent. We should discuss it with him and he should
9 understand how we reached these conclusions. I don't think they
10 should come as any surprise, after all, except for a lot of
11 verbiage. That's why I said in the meeting, except for one
12 thing. One thing it doesn't say very well, oh, it does a little,
13 and I'm glad to see that, but it really doesn't take on the
14 Commission itself quite as much of a burden as that, that the
15 Commission ought to be bearing. That's my view of the point.

16 It says enough to make the point. We weren't doing
17 that very well before and I think it is hard to say -- I think
18 it is terribly important for us to recognize that this works
19 both ways. Once they think that we are sitting on Mt. Olympus
20 and ready to cut their heads off every time anybody makes a
21 mistake, when indeed, we make plenty of them ourselves, which
22 Lee has to go around picking up after and catching for, you know,
23 it is only because we are all human too. If they see that as
24 a prospect, and if you don't have the Commission view point of
25 2700 guys (inaudible)...

1 CHAIRMAN HENDRIE: Well, I think, as the Commission's
2 senior officer of the staff that it is fair to discuss these
3 things with him, but I think we inevitably have to take the
4 little formal step of making him formally aware that these
5 are the Commission's conclusions, first.

6 Second, I think, we either by a letter from the
7 Commission or perhaps it would be more appropriate, I'm not quite
8 sure, I believe that we should recognize that the testimony,
9 at least before the Dingell subcommittee, should be corrected.

10 Now, has the other one -- I don't know if they have
11 ever -- let's see, does this thing cover the whole smear? I
12 think it does.

13 COMMISSIONER KENNEDY: No.

14 CHAIRMAN HENDRIE: This one is the February 27. There
15 was not another one of these on the July 29? Have you ever
16 seen it? That is ---

17 COMMISSIONER BRADFORD: They may not have gotten it
18 printed out.

19 CHAIRMAN HENDRIE: You know, if the record, in effect is
20 still open, because it hasn't been printed or at least hasn't
21 gone to final galleys or something like that, I wonder if the
22 Commission has concluded that the testimony at these two
23 hearings is in its present view not all that it should have been.

24 COMMISSIONER KENNEDY: What is this?

25 CHAIRMAN HENDRIE: This is the Feb. 27.

1 COMMISSIONER KENNEDY: This is the February 27th hearing.

2 CHAIRMAN HENDRIE: And it occurred to me that I can't
3 remember ever having seen the printed reports ---

4 COMMISSIONER KENNEDY: Do you mean the printed reports
5 like this?

6 CHAIRMAN HENDRIE: Yes, of either of the other two,
7 or were they ever contemplated.

8 COMMISSIONER KENNEDY: I don't know. They may well
9 have been issued, but issued in one of those books.

10 COMMISSIONER BRADFORD: They don't always print the
11 hearings. I'm not sure what dictates that, but there are a lot of
12 them never printed, the congressional hearings.

13 COMMISSIONER KENNEDY: Oh, yes, many.

14 CHAIRMAN HENDRIE: Really?

15 COMMISSIONER KENNEDY: Many, that's right. Many.
16 Only when they need them for purposes of a report.

17 CHAIRMAN HENDRIE: Are we, for instance, ever likely
18 to get a report on the authorization hearings?

19 COMMISSIONER KENNEDY: Oh, yes, sure.

20 CHAIRMAN HENDRIE: Well, we will get a report from the
21 committee, but I mean a transcript of the official ---

22 COMMISSIONER KENNEDY: With a printed -- all of the
23 testimony? I'm not sure of that. I don't know the line of it
24 either.

25 CHAIRMAN HENDRIE: If there is not a printed record ---

1 COMMISSIONER KENNEDY: It ought to be corrected, in any
2 event, because it will be archival material, you know, the
3 transcripts are there some where, even though they are not
4 printed in formal documentary report form.

5 CHAIRMAN HENDRIE: So presumably we get them and send
6 them back.

7 COMMISSIONER BRADFORD: That's right. We correct and
8 edit them without knowing whether or not they will ever be
9 printed.

10 CHAIRMAN HENDRIE: Or include it with the records of
11 the hearing if it is too late to run, but it seems to me that ---

12 COMMISSIONER BRADFORD: It is some sort of transmittal.

13 CHAIRMAN HENDRIE: I don't know whether I will feel
14 strong enough to try to draft a discreption of that that would
15 go in here, or if I do, whether we will conclude it on a stay, but
16 I would like to think about it.

17 COMMISSIONER KENNEDY: One way that you could do it,
18 you know, is simply by informing the staff that's what you are
19 doing.

20 CHAIRMAN HENDRIE: Well, but so ---

21 COMMISSIONER BRADFORD: I will vote to withhold or
22 whatever that is necessary before I get ---

23 COMMISSIONER KENNEDY: Aye.

24 CHAIRMAN HENDRIE: Thank you, thank God you remembered
25 that.

(Whereupon the meeting was concluded at approximately
4:45 p.m.)