

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
UNITED STATES ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

August 3, 1966

Honorable Glenn T. Seaborg
Chairman
U. S. Atomic Energy Commission
Washington, D. C.

Subject: PL-89-487, AMENDING SECTION 3 OF THE ADMINISTRATIVE
PROCEDURE ACT

Dear Dr. Seaborg:

The Advisory Committee on Reactor Safeguards requests the Commission to advise if it sees in the recent enactment of PL-89-487, amending Section 3 of the Administrative Procedures Act respecting public information, any effect upon the mode of operation of the Committee or the need for any changes.

As you know, the Committee conducts all of its discussions, affecting both civilian and military applications of atomic energy, in private or executive session, including meetings with applicants for reactor licenses and with members of the AEC Regulatory Staff as well as its own deliberations. The only aspect of these discussions and deliberations which are made public is the Committee's reports to the Commission (usually letter reports of conclusions) on specific reactor projects which become part of the public record under Section 182b. of the Atomic Energy Act. All other reports to the Commission by the Committee become public only as they are made so by the Commission.

In the course of its meetings and discussions the Committee has regarded the exchange of ideas and views, usually oral but occasionally written, and any record of what transpired, as intended for Committee use only. Examples of documents considered in the category of non-public information would be minutes or file memoranda of Committee or Subcommittee meetings, drafts of letters or reports, reports to the Committee by its own consultants or individual members of the Committee, Committee agenda, and statements of unresolved agenda questions.

The Committee believes that in performing its functions of investigations, the mode of operation, which allows for full and frank discussion of reactor safety questions, is important to fulfilling its responsibilities.

The possibility of disclosure of the exchange of views and discussions that have preceded issuance of matured and completed reports to the Commission would have an inhibiting effect on such interchange and discussion, and, in our opinion, would hurt rather than help the cause of public safety.

Therefore, if it should appear to the Commission that the Committee's view of the privileged nature of its discussions and papers must undergo change in the light of P.L. 89-487, we would appreciate your further advice on appropriate steps that might be taken respecting Committee meetings and documents which will continue the effective as well as lawful functioning of the Committee.

Sincerely yours,

/s/ David Okrent

David Okrent
Chairman