

NINETY-SIXTH CONGRESS

Congress of the United States
House of Representatives

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C
WASHINGTON, D.C. 20515

April 2, 1979

Dr. Joseph M. Hendrie
Chairman
Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Chairman:

I noted with interest this morning the Commission's meeting notice appearing in the Federal Register (44 Federal Register 19262, April 2, 1979, attached), announcing the April 4, 1979 meeting of the NRC's Advisory Committee on Reactor Safeguards, Subcommittee on the Three Mile Island Nuclear Station, Unit 2. As noted in the Federal Register statement, several portions of the April 4 meeting dealing with the incident at the Three Mile Island Nuclear Station in Pennsylvania, are expected to be closed to the public to discuss "matters involving proprietary information."

The Subcommittee on Government Information and Individual Rights has legislative and oversight responsibility for the Federal Advisory Committee Act (FACA). The interest of the NRC Advisory Committee in protecting confidential proprietary data is understandable, and the FACA provides specific grounds for advisory meetings to be closed to protect such data. However, public interest in the accident at Three Mile Island is high and must be recognized. Interpretation of what constitutes confidential proprietary business information should be as narrow as responsibly possible, to insure that the meeting be open to the fullest extent. In addition, although the act only requires the keeping of detailed minutes, I would urge that a transcript be made of closed portions of the meeting. This transcript should be reviewed using Freedom of Information Act standards and the edited version released as soon after the meeting as possible.

The NRC Advisory Committee also proposes holding a closed "executive session," according to the Federal Register notice, "to explore and exchange their preliminary opinions regarding matters which should be considered during the (public) meeting". No statutory ground is cited in the notice to justify this closed session. The notion of a "pre-meeting" gathering of committee members to discuss matters later to be decided at the formal public session, is inconsistent with the

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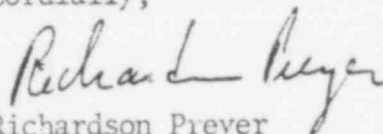
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Dr. Joseph M. Hendrie
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Federal Advisory Committee Act's procedural requirements. Even if such a session could be closed under one of the act's exemptions, it seems ill-advised given the current atmosphere of confusion surrounding the situation at the Three Mile Island facility.

The fullest possible openness and candor is essential to instill public confidence in the government's actions concerning the Three Mile Island nuclear station accident.

Cordially,



Richardson Preyer
Chairman

Attachment

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Dated: March 28, 1979.
 Samuel J. Chilk,
 Secretary of the Commission.
 [FR Doc. 79-10024 Filed 3-30-79; 8:45 am]
 BILLING CODE 7590-01-M

Advisory Committee on Reactor
 Safeguards, Subcommittee on
 Consideration of Class-9 Accidents;
 Meeting Postponed

The ACRS Subcommittee on
 Consideration of Class-9 Accidents has
 postponed indefinitely the meeting
 scheduled to be held on April 4, 1979 in
 Washington, D.C. Notice of this meeting
 was published on March 20, 1979 (44 FR
 16985).

Dated: March 28, 1979.
 Samuel J. Chilk,
 Secretary of the Commission.
 [FR Doc. 79-10025 Filed 3-30-79; 8:45 am]
 BILLING CODE 7590-01-M

Advisory Committee on Reactor
 Safeguards, Subcommittee on the Three
 Mile Island Nuclear Station, Unit 2; Meeting

The ACRS Subcommittee on the Three
 Mile Island Nuclear Station, Unit 2, will
 hold a meeting on April 4, 1979 in Room
 1046, 1717 H St., NW, Washington, DC
 20555 to discuss an incident which
 occurred at this station on March 28,
 1979 resulting in release of primary
 coolant into the containment and the
 declaration of a general emergency by
 the operators at this station.

This meeting notice is being published
 on an emergency basis (less than 15
 days prior notice) since this unexpected
 incident is a matter which warrants
 consideration by the full Committee
 during its regularly scheduled meeting
 on April 5-7, 1979 and a Subcommittee
 meeting prior to April 5, 1979 is required
 to review the plant status and the
 actions taken to limit the risk to the
 public.

In accordance with the procedures
 outlined in the Federal Register on
 October 4, 1978, (43 FR 45928), oral or
 written statements may be presented by
 members of the public, recordings will
 be permitted only during those portions
 of the meeting when a transcript is being
 kept, and questions may be asked only
 by members of the Subcommittee, its
 consultants, and Staff. Persons desiring
 to make oral statements should notify
 the Designated Federal Employee as far
 in advance as practicable so that
 appropriate arrangements can be made
 to allow the necessary time during the
 meeting for such statements.

The agenda for subject meeting shall
 be as follows:

Wednesday, April 4, 1979

2:00 p.m. until the conclusion of business

The Subcommittee may meet in Executive
 Session, with any of its consultants who may
 be present, to explore and exchange their
 preliminary opinions regarding matters which
 should be considered during the meeting and
 to formulate a report and recommendations
 to the full Committee.
 At the conclusion of the Executive Session,
 the Subcommittee will hear presentations by
 and hold discussions with representatives of
 the NRC Staff, the Metropolitan Edison
 Company, et al, and their consultants,
 pertinent to this review. The Subcommittee
 may then caucus to determine whether the
 matters identified in the initial session have
 been adequately covered.
 In addition, it may be necessary for the
 Subcommittee to hold one or more closed
 sessions for the purpose of exploring matters
 involving proprietary information. I have
 determined, in accordance with Subsection
 10(d) of Pub. L. 92-463, that, should such
 sessions be required, it is necessary to close
 these sessions to protect proprietary
 information (5 U.S.C. 552b(c)(4)).

Further information regarding topics
 to be discussed, whether the meeting
 has been cancelled or rescheduled, the
 Chairman's ruling on requests for the
 opportunity to present oral statements
 and the time allotted therefor can be
 obtained by a prepaid telephone call to
 the Designated Federal Employee for
 this meeting, Mr. Ragnwald Muller,
 (telephone 202/634-1413) between 8:15
 a.m. and 5:00 p.m., EST.

Background information concerning
 this nuclear station can be found in
 documents on file and available for
 public inspection at the NRC Public
 Document Room, 1717 H Street, N.W.,
 Washington, DC 20555 and at the
 Government Publications Section, State
 Library of Pennsylvania, Education
 Building, Commonwealth and Walnut
 Street, Harrisburg, PA 17126.

Dated: March 28, 1979.
 Samuel J. Chilk,
 Secretary of the Commission.
 [FR Doc. 79-10023 Filed 3-30-79; 8:45 am]
 BILLING CODE: 7590-01-M

NUCLEAR REGULATORY
 COMMISSION

Advisory Committee on Reactor
 Safeguards, Procedures Subcommittee;
 Meeting Postponed

The April 4, 1979 meeting of the ACRS
 Procedures Subcommittee, scheduled to
 be held in Washington, DC, has been
 postponed indefinitely. Notice of this
 meeting was published on March 20,
 1979 (44 FR 16986).

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