

May 24, 1979


UNITED STATES  
NUCLEAR REGULATORY COMMISSION

SECY-79-351

CONSENT CALENDAR ITEM

For: The Commissioners

From: Raymond J. Brady, Director  
Division of Security  
Office of Administration

Thru: Executive Director for Operations 

Subject: APPROVAL UNDER SECTION 145b. OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, FOR MEMBERS OF THE PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND TO HAVE ACCESS TO RESTRICTED DATA AND NATIONAL SECURITY INFORMATION

Issue: Grant to designated members of the President's Commission on the Accident at Three Mile Island "Q" access authorization to enable them to have access to Restricted Data and National Security Information if required to fulfill the mandate in Presidential Executive Order 12130 that established this Commission.

Discussion: A review of the functions of the President's Commission on the Accident at Three Mile Island as established in Executive Order 12130 (Enclosure 1) indicates that a need may arise for access to Restricted Data or National Security Information by one (1) or more members of this Commission. The General Services Administration (GSA) which has been tasked with the responsibility of providing administrative support to this newly established Commission also feels that some members of this Commission may require access to Nuclear Regulatory Commission (NRC) classified information during the course of their investigation of the Three Mile Island accident. In this regard, GSA notes that no pre-appointment investigation has been conducted on members of this newly established Commission. Additionally, since this Commission is to be terminated on September 30, 1979, or shortly thereafter, it does not appear possible for NRC to complete an investigation prior to authorizing members access to NRC classified information. Accordingly, GSA has inquired (see Enclosure 2) if the NRC could waive the background investigation on these individuals and grant them authorization for access to NRC classified information which may be required in the conduct of their mandated study and investigation.

CONTACT: R. J. Brady, SEC  
42-74472

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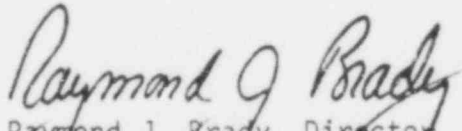
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A White House press release attached as Enclosure 3 provides biographic sketches on the eleven (11) members appointed to the President's Commission on the Accident at Three Mile Island. One (1) of the appointed members, Theodore B. Taylor, presently maintains an active NRC "Q" access authorization. A check with the Department of Energy (DOE) indicates that three (3) of the appointed members, Patrick E. Haggerty, Thomas Pigford, and Russell Peterson, maintain active "Q" access authorizations with DOE. There is no indication that other members of the Commission maintain government security clearances.

Recommendation: Determine pursuant to Section 145b. of the Atomic Energy Act of 1954, as amended, that permitting members of the President's Commission on the Accident at Three Mile Island access to Restricted Data and National Security Information is clearly consistent with the national interest.

Based on the above determination, approve the waiver of a background investigation and the granting of "Q" access authorization to all members of the Commission except Theodore B. Taylor who already has an NRC "Q" access authorization.

Coordination: The Executive Legal Director, the Division of Organization and Personnel, and the Division of Security have no objection to the recommendations contained in this paper.

  
Raymond J. Brady, Director  
Division of Security  
Office of Administration

Enclosures: As stated

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Friday, June 1, 1979.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT May 30, 1979, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of June 4, 1979. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION

Commissioners  
Commission Staff Offices  
Executive Director for Operations  
Secretariat

April 11, 1979

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

12130

PRESIDENT'S COMMISSION ON THE ACCIDENT AT  
THREE MILE ISLAND

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide, in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), an independent forum to investigate and explain the recent accident at the nuclear power facility at Three Mile Island in Pennsylvania, it is hereby ordered as follows:

1-1. Establishment.

1-101. There is established the President's Commission on the Accident at Three Mile Island.

1-102. The membership of the Commission shall be composed of not more than twelve persons appointed by the President from among citizens who are not full time officers or employees within the Executive Branch. The President shall designate a Chairman from among the members of the Commission.

1-2. Functions.

1-201. The Commission shall conduct a comprehensive study and investigation of the recent accident involving the nuclear power facility on Three Mile Island in Pennsylvania. The study and investigation shall include:

- (a) a technical assessment of the events and their causes;
- (b) an analysis of the role of the managing utility;
- (c) an assessment of the emergency preparedness and response of the Nuclear Regulatory Commission and other Federal, state and local authorities;
- (d) an evaluation of the Nuclear Regulatory Commission's licensing, inspection, operation and enforcement procedures as applied to this facility;
- (e) an assessment of how the public's right to information concerning the events at Three Mile Island was served and of the steps which should be taken during similar emergencies to provide the public with accurate, comprehensible and timely information; and
- (f) appropriate recommendations based upon the Commission's findings.

1-202. The Commission shall prepare and transmit to the President and to the Secretaries of Energy and Health, Education and Welfare a final report of its findings and recommendations.

1-3. Administration.

1-301. The Chairman of the Commission is authorized to appoint and fix the compensation of a staff of such persons as may be necessary to discharge the Commission's responsibilities, subject to the applicable provisions of the Federal Advisory Committee Act and Title 5 of the United States Code.

1-302. To the extent authorized by law and requested by the Chairman of the Commission, the General Services Administration shall provide the Commission with necessary administrative services, facilities, and support on a reimbursable basis.

1-303. The Department of Energy and the Department of Health, Education and Welfare shall, to the extent permitted by law and subject to the availability of funds, provide the Commission with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the Commission's functions.

1-304. The Commission may request any Executive agency to furnish such information, advice or assistance as it deems necessary to carry out its functions. Each such agency is directed, to the extent permitted by law, to furnish such information, advice or assistance upon request by the Chairman of the Commission.

1-305. Each member of the Commission may receive compensation at the maximum rate now or hereafter prescribed by law for each day such member is engaged in the work of the Commission. Each member may also receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1-306. The functions of the President under the Federal Advisory Committee Act which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Administrator of General Service.

1-4. Final Report and Termination.

1-401. The final report required by Section 1-202 of this Order shall be transmitted not later than six months from the date of the Commission's first meeting.

1-402. The Commission shall terminate two months after the transmittal of its final report.

JIMMY CARTER

THE WHITE HOUSE,  
April 11, 1979.

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