



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

Comm  
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February 7, 1980

CHAIRMAN

William M. Nichols, Esq.  
General Counsel  
Executive Office of the President  
Office of Management and Budget  
Washington, D. C. 20503

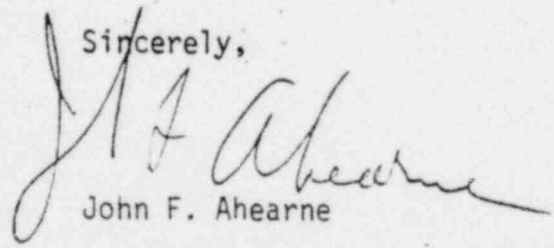
Dear Mr. Nichols:

At your request, the Commission has reviewed the draft executive order which would establish the "Oversight Committee on Nuclear Safety." We recognize the importance of the President's interest in tracking the Commission's actions which respond to the report of the President's Commission on the Accident at Three Mile Island; thus, we understand the reason for the Committee. However, we have two minor concerns about the Committee.

Our first concern is that the draft executive order can be interpreted to create doubts about the Commission's independence because the order characterizes the Committee's broad function as "oversight" rather than "advisory," and because it grants the Committee largely undefined authority to obtain information, advice and assistance from other agencies, including the Commission. Consequently, we would urge that the order state explicitly that the Committee is not to undertake substantive decisionmaking regarding cases or rulemakings pending before the NRC. Moreover, we believe that the order should specify in greater detail (1) the categories of "information, advice or assistance" that the Committee is expected to need, (2) the statutes and authorities which are to be consulted in construing the terms "to the extent permitted by law," and (3) the procedures to be followed for Committee requests directed to the Commission.

Our second comment relates to the ambiguity in the draft order about the Committee's role with respect to Federal safety research for light water reactors. We are unable to determine what activities the Advisory Committee would be expected to perform, incident to its "recommending the general context of a Federal research program." The Energy Reorganization Act of 1974 specifies the Commission's statutory role in safety research, as well as the responsibilities of other Federal agencies (42 USC §5845).

In closing, the Commission wishes to emphasize its intention to cooperate fully and voluntarily with the President and the Committee with respect to TMI followup actions. We trust that our comments on the draft executive order are helpful.

Sincerely,  
  
John F. Ahearne

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