



SAPL

Seacoast Anti-Pollution League
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PROPOSED RULE
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OFFICE OF SECRETARY
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BRANCH

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Secretary:

It is the position of the Seacoast Anti-Pollution League that the rule relative to the Government in the Sunshine Regulations as published at 50 Federal Register 20889 should be withdrawn. First, SAPL is very concerned that this rule was adopted on an interim basis prior to the public's having been given the opportunity to make comment on it. There was no showing that there was any threat to public safety that would result through delay of effectiveness of this change pending submission of public comment, nor was there likely any such threat to safety. As Commissioner Asselstine stated, "The Commission has operated under its present rule for eight years without catastrophe." This very bad process does nothing to instill public confidence in the agency and in fact it has quite the opposite effect. One begins to wonder what it is that the Commission feels it needs to hide by changing its recording requirements so precipitously.

The rule itself is seriously flawed by the lack of clarity of the new definition of a "meeting". The language defining a meeting which reads "where discussions are sufficiently focused on discrete proposals or issues as to cause or be likely to cause the individual participating members to form reasonably firm positions regarding matters pending or likely to arise before the agency" is so vague and subjective that it opens the door to a good deal of abuse. With the very best of intentions, a Commission meeting could wander into areas that lead participating members to form firm positions on pending issues. Again to quote Commissioner Asselstine, "it will require nothing short of divination" to predict what direction a meeting might take. If the prediction proves wrong, the public's interest will have been irrevocably harmed by the fact that since there was no "meeting", there will also have been no notice, no transcript, and no minutes.

The exclusion of "general background briefings by the NRC staff on a technical issue common to a number of plants" and "informal discussion of problems likely to face the agency in the coming year" from reporting requirements under the Sunshine Act is most improper as these subjects can be of vital interest to the public.

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In sum, there seems to be no supportable rationale for adopting this rule. The claim that this change in Commission practice will "improve the ability to do the public's business" simply does not withstand analysis. There is absolutely no reason why "collegiality and sound management" cannot be fostered in on-the-record discussion. The public interest ought not be sacrificed simply for the sake of convenience.

Sincerely,

Jane Doughty

Jane Doughty
Field Director