



UNITED STATES
ATOMIC ENERGY COMMISSION COPY 1 OF 2
WASHINGTON, D.C. 20545

April 5, 1974

MINUTES OF
EXECUTIVE SESSION 74-25

1:00 p.m., Wednesday, March 27, 1974, Commissioners' Conference Room
Germantown, Maryland

COMMISSIONERS

Dixy Lee Ray, Chairman
Clarence E. Larson (departed after Item VIII)
William O. Doub
William E. Kriegsman
William A. Anders

STAFF

Richard Hewlett*
Jerome Nelson*
Sidney Marks*
Guy H. Cunningham, III*

*Indicates partial attendance

Secretary of the Commission

Paul C. Bender

General Counsel

Marcus Rowden*

I. Taking Stock

- A. The Secretary presented an oral status report on Secretariat activities that are of interest to the Commissioners. Copies of the vu-graph slides used during the status report are attached.
- B. The Commissioners expressed satisfaction with the operation of the Commission Correspondence System and the information made available to them through the Secretariat Information Papers and the correspondence "Readers." In this regard the Commission recognized:
 - 1. The requirement that Institutional Mail and Commission Information Papers and Memoranda must be routed through the Secretariat Mail Facility if all Commissioners are to be informed equally.
 - 2. A need to speed up the preparation of responses to important correspondence, particularly Congressional correspondence.

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3. That emphasis must be placed on promptly moving "Readers" from one Commissioner's office to the next.
- C. The Commission recognized the need to upgrade some of the activities that support Commission Meetings, particularly the need to provide ample time for Commission deliberation on papers before they are scheduled for discussion in a Commission meeting with staff present.
- D. With regard to "C" above the Commission: 1/
1. Did not indicate any objection to publication of the Secretary's memorandum to the staff that makes the Management by Objective Program a part of the Commission decision process on papers related to the Management by Objectives goals and milestones. (Copy attached).
 2. Recognized the need for inter-action between members of the Commissioners' personal staffs and the Secretariat monitors.
 3. Recognized the need for scheduled quarterly planning conferences with top level AEC managers.
 4. Recognized the requirement to increase the capability of Secretariat monitors.
- E. The Commission accepted the Secretary's discussion of the impact of the new Commission Business Procedures upon the Secretary and the Secretariat.
- F. The Secretary informed the Commissioners of projected changes to the Secretariat operation at 1717 H Street in D. C. and informed the Commission of a paper on those changes that would be submitted for approval when coordination with the staff is completed.
- G. The Commission approved the refurbishing of the Germantown Reception Room, with the cost to be held to around \$3,000.
- H. The Commissioners requested that the Secretary prepare for their confirmation a memorandum 1/ informing the major AEC staff heads that:
1. The Secretary of the Commission, or if necessary, a Commissioner will be the only determiners of whether or not the 5-day rule or 30-day rule will be waived.

1/ Action nullified on March 28, 1974. See attached summary.

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2. The Secretary of the Commission is authorized to return to the staff policy papers that do not meet criteria ~~of~~^{of} the February 22, 1974 memorandum and subsequent memoranda approved by the Commission. (Copy of February 22 memorandum attached).
- I. The Commission and the Secretary discussed the upgrading of Congressional Liaison activities. The Commission instructed the Secretary to prepare two memoranda to the staff for Commission review and approval:
 1. A memorandum directing that the quality of responses to Congressional correspondence will be upgraded.
 2. A planning paper to provide a basis for discussing the establishment of a Congressional Liaison Office at the Commission level. This paper will consider the advantages and disadvantages of making the change before or after the establishment of ERDA and NEC.
 - II. Presentation of Major Policy Issues

See Item I.D.1. above.
 - III. Management By Objectives Progress Report to OMB

Discussion of this item was deferred until the Policy Session on Monday, April 1.
 - IV. Chairman's Item on Medical Ethics
 - A. The Chairman and the General Counsel discussed a meeting with Mr. John Hogness held on Saturday, March 23.
 - B. Mr. Sidney Marks discussed the effort to gather the records that tell the history of the situation surrounding the experiment that was conducted during the latter days of the Manhattan Project.
 - C. The Commission decided to inform the participants in the experiment as soon as possible.
 - D. The Commission recognized the need to specify how and by whom the various categories of participants will be informed.
 - E. Recognized the need to continue gathering facts and the need to address the question of how those facts are to be gathered.

- F. The Commission decided to utilize an outside review of the history of the experiment and of the steps the Commission will be taking because of it. In this regard the Commission:
 - 1. Rejected the use of an Advisory Committee.
 - 2. Decided the JCAE should be informed orally.
 - G. The Commission deferred selection of a time when a public statement on the matter would be made.
 - H. The Commission instructed Dr. Marks and the Secretary to inform Dr. Liverman that they wanted advice on how to proceed in regard to items C, D, E, and F.2.
- V. Review of ALAB 182 - Farley Units 1 and 2 (SECY-A-74-94)
- A. The Solicitor discussed the background on this action.
 - B. The Commission approved the issuance of the proposed Memorandum and Order.
- VI. Release of Population Density Study to the JCAE
- A. The General Counsel briefed the Commission on the background leading to the request by the JCAE staff for the Population Density Study.
 - B. The Commission noted that Ralph Nader is, or will be making a request for the Population Density Study, also.
 - C. The Commission approved the hand carry of the Population Density Study to the JCAE staff by the General Counsel. They understood that the paper to be delivered consists of a Staff Paper to the Commission with appendices A and B.
 - D. The Commission, through the General Counsel, requested that the Director of Regulation prepare a paper dealing with general release of the Population Density Study to the public, along with other similar papers on the subject that, in the mind of the Director of Regulation and the General Counsel, would be susceptible to similar treatment.

VII. Role of the Commission in Adjudicatory-type Cases Occurring on the General Manager's Side

- A. Commissioner Kriegsman discussed and the Commissioners noted that unlike the situation with Regulatory there need not be the identical separation between staff and the Commission when the Commission is dealing with subject papers generated on the General Manager's side of the AEC.
- B. In support of the discussion Commissioner Kriegsman used as an example an environmental impact statement generated by the General Manager. He noted that although procedures call for release of the draft statement by the staff, it is not always necessary that the Commissioners completely avoid involvement in the draft statement. He pointed out that, conceivably, a statement on which there was no Commission review could become the final statement if no outside comments were received.
- C. The Commissioners noted the entire discussion and its applicability to future action within the general subject area.

VIII. Status of Space at 1717 'H' Street

- A. The Chairman and the Secretary apprised the Commission of the current effort to retain the eleventh floor at 'H' Street. The Commissioners were given copies of Mr. Barrow's memorandum to J. Wayne, Space Management Division, GSA. (copy attached).
- B. The Commission recognized the need to escalate the action to the Commission - GSA Administrator level, but withheld taking any further action until the next report is received from John Ryan.

IX. Alleged Discrimination Because of Race

- A. Dr. Ray discussed and distributed to the Commissioners a memorandum addressed to her and signed by six black employees in which they allege discrimination. (Copy attached). The Commission requested:
 1. The General Manager prepare a paper for Commission consideration that will provide the facts on which the Commission can decide the next step in dealing with this matter.

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- X. Ernest O. Lawrence Award Nominations for 1974 (SECY-S-74-44)
 - A. In the absence of Dr. Larson the Secretary discussed the awards.
 - 1. The Commission decided to finalize their action in time to permit the award presentation on May 2nd or 3rd.
 - 2. The Commission requested that the Secretary poll them within the next few days so that their decision can be announced.
- XI. Integrated Fuel Cycle Park
 - A. This item was deferred because Commissioner Larson had to depart.
- XII. Personnel Item
 - A. Commissioner Kriegsman discussed his concern.
 - 1. The Commission decided to solicit a recommendation from the General Manager during the Policy Session on April 1.
- XIII. 1974 AEC Citation Nominees (SECY-74-33 and March 6 Supplement to SECY-74-33)
 - A. The Commission deferred discussion to a later Executive Session.
- XIV. Report on Reactor Research and Development Appropriations Hearings
 - A. Commissioner Anders apprised the Commissioners of key events in the Reactor Research and Development Appropriations Hearings on March 26.

The Executive Session was concluded at 4:35 p.m.


Paul C. Bendex
Secretary of the Commission

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