

January 5, 2000

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: Annette Vietti-Cook, Secretary */RA/*

SUBJECT: NON-SUNSHINE ACT DISCUSSIONS

In the Federal Register Notice dated May 4, 1999, which indicated that the Commission intended to implement a final rule issued in 1985 regarding Non-Sunshine Act discussions among three or more Commissioners, the Commission stated that it would maintain a record of the date and subject of, and participants in, any scheduled Non-Sunshine Act discussions. It also indicated that after a six-month period, the Commission would revisit the usefulness of the record-keeping practice. To assist in the record-keeping process SECY developed a simple short form to capture the required information. During the six-month period with implementation beginning July 1, the Commission held two non-Sunshine Act discussions (Hurricane Preparedness Issues (9/15/99) and Media Streaming (9/22/99)). Unless these types of discussions increase dramatically, record-keeping would not be a burden for SECY staff to maintain.

Although record-keeping clearly adds to the formality of these types of meetings which may detract from the intent of the Commission in holding such discussions, it could also prove a useful historical record of these discussions. On balance, I recommend that the Commission continue the current practice for recording Non-Sunshine Act discussions.

SECY please track.

cc: OGC
CIO
CFO
EDO