

SFChronicle JUN 25 1975

Supreme Court Says OK To Some FAA Secrecy

Washington

The U.S. Supreme Court ruled yesterday that the Federal Aviation Administration has a legal right to keep many of its records secret if the airline industry objects to public disclosure.

The 7-to-2 decision also may give other government agencies stronger grounds for refusing to disclose documents sought under the Freedom of Information Act.

The court ruled that the act does not supersede earlier legislation. It gave the FAA authority to withhold many records if anyone files a written objection and if the FAA administrator decides that disclosure would "adversely affect the interests" of the objector and

that the public interest does not require disclosure.

The justices overturned a U.S. Court of Appeals decision requiring the FAA to turn over certain reports sought by the Center for the Study of Responsive Law, a Ralph Nader organization.

The documents are called Systems Worthiness Analysis Reports and they consist of FAA officials' appraisals of the operation and maintenance of commercial airlines. The reports deal extensively with airline safety.

The FAA argued that disclosure of the reports might cause the airlines to stop providing information essential for the safety analysis.

But lawyers for the Nader center contended that the Freedom of Information Act, designed to open many

more government records to public scrutiny, requires disclosure.

The FAA replied that the act states it does not apply to documents "specifically exempted from disclosure of information contained in any application, report, or document filed" in compliance with FAA rules. When an objection is submitted, the FAA administrator "shall order such information withheld" if he decides disclosure would damage the objector and "is not required in the interest of the public."

The Supreme Court agreed with the FAA that the statute qualifies as an exemption to the Freedom of Information Act.

Associated Press