



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

December 13, 1979

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: Lee V. Gossick, Executive Dir for Operations
Leonard Bickwit, Jr., General Counsel

FROM: *for* Samuel J. Chilk *Secretary*

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION 79-40, 3:15 P.M.,
WEDNESDAY, DECEMBER 12, 1979, COMMISSIONERS' CONFERENCE
ROOM, D. C. OFFICE (OPEN TO PUBLIC ATTENDANCE)

I. Proposed Memorandum & Order in the Matter of Northern Indiana Public Service Company (Bailly Generating Station, Nuclear 1) (Docket No. 50-367), (See SECY-A-79-24 & 24A)

1. The Commission:

(a) by a vote of 4-1, with Commissioner Bradford dissenting*, concluded that the planned use of shorter pilings than originally contemplated for the foundations of the Bailly facility does not require amendment of the Bailly construction permit and that no hearing on this matter is required as a matter of law;

(b) by a vote of 3-2, with Commissioners Gilinsky and Bradford dissenting*, concluded that a discretionary hearing on this matter should not be held at this time.

(OGC/SECY)

(Subsequently, the Secretary signed the Memorandum & Order on December 12, 1979. The Order and the separate and dissenting opinions were served on December 12, 1979).

2. The Commission unanimously agreed** that the following instruction be transmitted to the staff:

"The Commission is concerned that at present, it is unclear precisely what design and other changes the holder of a construction permit may make during the course of construction without (a) notifying the NRC; (b) securing prior approval of the staff; and/or (c) obtaining a construction permit amendment. The Commission requests preparation of a staff proposal by January 30, 1980, which can serve as a basis for Commission action to clarify these issues".

(ELD/NRR) (SECY Suspense: 1/30/80)

* Commissioner Bradford, in his Dissenting Views, concluded that a license amendment is required and that an opportunity for hearing is required as a matter of law. Commissioner Gilinsky in a Separate Opinion, although agreeing that neither a license amendment nor a hearing is required, would have granted a hearing in this case at this time as a matter of discretion.

** Commissioners Gilinsky & Bradford, although concurring in this instruction to the staff, would have preferred to commit the agency to a rulemaking.

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II. SECY-79-631 - Approval Under Section 145(b) of the Atomic Energy Act of 1954, as Amended, for Employment of Gary F. Sanborn as a Public Affairs Officer, Office of Public Affairs and for Access to National Security Information and Restricted Data

The Commission, by a vote of 5-0, determined pursuant to Section 145(b) of the Atomic Energy Act of 1954, as amended, that the employment of Gary F. Sanborn as a Public Affairs Officer, Office of Public Affairs, and permitting Mr. Sanborn access to National Security Information and Restricted Data, is clearly consistent with the national interest. Based on this determination, the Commission granted Mr. Sanborn an NRC "Q" access authorization, pending completion of his processing for NRC access authorization. (ADM)

Chairman Ahearne
Commissioner Gilinsky
Commissioner Kennedy
Commissioner Hendrie
Commissioner Bradford
Commission Staff Offices

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OFFICE OF THE
SECRETARY

December 21, 1979

MEMORANDUM FOR: Chief, Public Document Room
THRU: *[Handwritten initials]* Chief, Correspondence & Records Branch
FROM: *[Handwritten initials]* Samuel J. Chilk, Secretary
SUBJECT: RELEASE OF STAFF REQUIREMENTS FROM OPEN MEETINGS, OCTOBER 1-DECEMBER 14, 1979

Attached are two copies of the subject memoranda for placement in the Public Document Room.

Attachments:
As stated

cc:
Director, State Programs