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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
PUBLIC MEETING  
AFFIRMATION SESSION 79-22

Room 1130  
1717 H Street, N. W.  
Washington, D. C.

Friday, 27 July 1979

The Commission met, pursuant to notice, at 9:40 a.m.

BEFORE:

- DR. JOSEPH M. HENDRIE, Chairman
- VICTOR GILINSKY, Commissioner
- RICHARD T. KENNEDY, Commissioner
- PETER A. BRADFORD, Commissioner
- JOHN F. AHEARNE, Commissioner

ALSO PRESENT:

Messrs. Eilperin, Ostrach, and Chilk.

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## mgc 1 P R O C E E D I N G S

2 (9:40 a.m.)

3 CHAIRMAN HENDRIE: The first item this morning is  
4 an affirmation session. I'll ask the Secretary to lead us  
5 through that.

6 MR. CHILK: There are two orders in S-3 that the  
7 Commission is being asked to affirm. The first order is the  
8 final rule which was circulated by Chairman Hendrie on July  
9 19. It contains minor revisions to pages 1253 and -54  
10 circulated to you by the Solicitor on the 24th. The  
11 separate views of Commissioner Bradfrod were circulated to  
12 you on the 24th and the 26th. And the separate views of  
13 Commissioner Gilinsky were circulated to you on the 26th.

14 Chairman Hendrie, Commissioner Kennedy, and  
15 Commissioner Ahearne had approved the order as circulated by  
16 the Chairman's memorandum of July 19 with the OTC changes,  
17 the minor changes on the four pages I enumerated.  
18 Commissioner Bradford has approved the order in part, has  
19 disapproved it in part, and has attached his separate views  
20 as circulated to you on the 24th and the 26th. Commissioner  
21 Gilinsky has disapproved the order and has attached his  
22 separate views which were circulated to you on the 26th.

23 I would ask you to affirm your votes on that.

24 CHAIRMAN HENDRIE: Those in favor?

25 (Chorus of ayes.)

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mgc 1 CHAIRMAN HENDRIE: Those opposed, or in part  
2 opposed?

3 COMMISSIONER GILINSKY: I think we're all voting  
4 aye.

5 CHAIRMAN HENDRIE: Okay. All vote aye to affirm  
6 the order.

7 MR. CHILK: The second order that you're being  
8 asked to affirm is the proposed extension of interim rule as  
9 recommended by the Solicitor in his memorandum of the 24th,  
10 and this will continue the interim rule until the effective  
11 date of the final rule, which is 30 days after its  
12 publication in the Federal Register notice. And all of your  
13 officers have agreed to that extension.

14 CHAIRMAN HENDRIE: Those in favor?

15 (Chorus of ayes.)

16 CHAIRMAN HENDRIE: So ordered.

17 MR. CHILK: The second affirmation is 79 —

18 CHAIRMAN HENDRIE: Okay. Go ahead, Sam.

19 MR. CHILK: SECY-A-79-56, a review of ALAB-542 in  
20 the matter of Atlantic Research Corporation, in which the  
21 staff has requested a review of an Appeal Board decision and  
22 OTC has concurred. The Commission has voted five to  
23 nothing, agreeing for review of that matter, and the order  
24 modified slightly from the paper was concurred in by your  
25 offices yesterday.

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gc 1 I'd ask you to affirm that.

2 CHAIRMAN HENDRIE: Those in favor?

3 (Chorus of ayes.)

4 CHAIRMAN HENDRIE: So ordered.

5 MR. CHILK: Third, is 79-388. It's an appeal,  
6 Anderson FOIA appeal for documents identified as A-4 and  
7 A-7. The general counsel recommended a denial of the  
8 appeal. The Commission denied the documents referred to in  
9 A-4 by vote of five to nothing, denied the documents  
10 referred to in A-7 by a vote of four to one with  
11 Commissioner Bradford dissenting, but raising no objections  
12 to the affirmation.

13 I would ask you to affirm the vote.

14 CHAIRMAN HENDRIE: Those in favor?

15 (Chorus of ayes.)

16 CHAIRMAN HENDRIE: So ordered.

17 MR. CHILK: The last one is SECY-79-163-Revision  
18 of 10 CFR 2.802 Petition for Rule Making. It's an amendment  
19 to the Rules of Practice. The Commission voted five to  
20 nothing to approve the changes. Each of you made some  
21 modification. Those modifications have gone into the  
22 final document which was coordinated with your offices  
23 between the 20th and the 25th, so I would ask you to affirm  
24 your vote.

25 CHAIRMAN HENDRIE: Those in favor?

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(Chorus of ayes.)

CHAIRMAN HENDRIE: So ordered.

MR. CHILK: That completes the affirmation, sir.

CHAIRMAN HENDRIE: Good.

(Whereupon, at 9:50 a.m., the affirmation meeting was adjourned.)

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