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NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

PUBLIC MEETING

AFFIRMATION SESSION 79-23

- - -

Place - Washington, D. C.

Date - Tuesday, 31 July 1979

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

AFFIRMATION SESSION 79-23

- - -

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

Tuesday, 31 July 1979

The Commission met, pursuant to notice, at 5:30 p.m.

BEFORE:

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

PRESENT:

S. Chilk.

gsh 1 CHAIRMAN HENDRIE: The room will please quiet --
2 the assembled multitude. I would like to ask my colleagues to
3 join me in holding a short notice meeting on an affirmation
4 item.

5 (A chorus of ayes.)

6 CHAIRMAN HENDRIE: So ordered.

7 MR. CHILK: This is SECY-79-59-A, a proposed amendment
8 to 10-CFR, Part 73.55, to extend the implementation date for
9 certain complementary and alternative measures for the
10 protection against the insider threat.

11 The purpose of the paper would extend the time for
12 implementation of pat down searches until February 1, 1980.
13 Four of you have voted to approve that paper. I have not
14 heard from Commissioner Gilinsky. I believe he proposed to
15 abstain.

16 COMMISSIONER GILINSKY: I would extend it for a
17 brief interval.

18 MR. CHILK: Commissioner Ahearne, in his approval,
19 has suggested that the period be restricted to November 1st.

20 COMMISSIONER AHEARNE: That was the only grounds I
21 voted to approved it.

22 MR. CHILK: I have three votes, then.

23 CHAIRMAN HENDRIE: What was the base date?

24 COMMISSIONER AHEARNE: Six months.

25 COMMISSIONER BRADFORD: Why don't you consider me to

1 be joining John at November 1st, and that way, there would be
2 three of us who don't think it ought to be any longer than
3 that.

4 COMMISSIONER KENNEDY: We are just making substantive
5 re-arrangements to the paper. I would like to have further
6 time to consider it since this is just an affirmation item.

7 MR. CHILK: If we don't act on this paper, then the
8 pat down search becomes effective because it expires --

9 COMMISSIONER KENNEDY: Well, we're just violating our
10 own rules. We're supposed to come to the table and vote on
11 the issue that is before us and not discuss it. And here we
12 are having discussion and making a fundamental change in what
13 has been decided.

14 That is not an affirmation.

15 COMMISSIONER GILINSKY: Well, we have done that
16 before.

17 COMMISSIONER KENNEDY: No, by God, we haven't.

18 MR. CHILK: We really haven't, except that this one
19 came upon us just at a particular moment in time. All of you
20 have been in meetings all day today. We did go into this
21 meeting with three of you voting to approve the paper with the
22 date that the paper calls for, February 8th, Commissioner
23 Ahearne saying November.

24 COMMISSIONER GILINSKY: Well, we could vote on a
25 quick discussion meeting.

gsh 1 CHAIRMAN HENDRIE: Let's go back and unaffirm it.
2 I think we have to act on it. Those in favor of a short notice
3 meeting to discuss the problem before us with the pat down
4 search rule, will please say aye.

5 (A chorus of ayes.)

6 CHAIRMAN HENDRIE: So ordered.

7 I take it that the staff has asked for six months.

8 MR. CHILK: The staff asked for six months on the
9 basis that you've got to assess the hearing board
10 recommendations. You've just gotten a new paper on that and
11 they believe that it will take you several months to do that,
12 following which they've got to put in the implementation.

13 And that was their reason for selecting February.

14 CHAIRMAN HENDRIE: Gentlemen, we can make it November
15 if a majority want to go there. But I think that that is
16 a guaranteed extension because I don't think that the
17 commission, since the commission has to take an action on the
18 clearance rule, and since that is a somewhat difficult matter,
19 it seems to me where I must say it is not clear to me where
20 one goes from here on it.

21 I don't think that there is any possibility of
22 clearing the pat down search rule area by 1 November. I
23 would recommend the six months. But if those of you would lik
24 to keep it on a short leash would continue to prefer to do
25 that, either whether you agree or disagree with me about an

gsh

1 apparent need to come back on November 1st and extend in order
2 to get action. If a majority lies that way, I have no
3 objection.

4 COMMISSIONER AHEARNE: My first preference, frankly,
5 was for not extending it. But upon rereading it and sort of
6 semi-reluctantly, or reluctantly going along with an extension,
7 I believe that the three months was about as far as I could
8 realistically say that I could go.

9 But I would have no problem with not extending it.

10 CHAIRMAN HENDRIE: Well, I don't know. Do you
11 remember the discussions about that?

12 COMMISSIONER AHEARNE: Yes.

13 CHAIRMAN HENDRIE: I don't know if that happened
14 before you came.

15 COMMISSIONER AHEARNE: Well, I have been to a lot
16 of stuff on it.

17 CHAIRMAN HENDRIE: All right. I have a vote for
18 November 1st, willingness to extend until November 1st.

19 Who else?

20 COMMISSIONER KENNEDY: I've already voted.

21 CHAIRMAN HENDRIE: I will vote February 1st. Vic?

22 COMMISSIONER GILINSKY: November 1st.

23 COMMISSIONER BRADFORD: I will join John in November
24 1st, with a request that, in fact, if it has not been dealt
25 with by then, give us a little more warning.

gsh 1 MR. CHILK: Yes, I think the staff was late getting
2 it up. I think we goofed in not inviting your attention to
3 the fact that we didn't pick this up immediately.

4 CHAIRMAN HENDRIE: It came upon us all of a sudden
5 here.

6 MR. CHILK: Nobody picked it up until last night.

7 CHAIRMAN HENDRIE: All right. I will rule that a
8 majority of the commission is willing to extend until November
9 1st. Please note that, if I may, Dick, that Commissioner
10 Kennedy and I agree with the extension, but think that the
11 originally requested staff mark of February 1st would have
12 been more appropriate.

13 COMMISSIONER BRADFORD: I would guess the November
14 1st deadline would drive us toward at least an early cut in
15 September at the clearance rule procedure.

16 CHAIRMAN HENDRIE: Yes. That is one of the things
17 that we've got to turn to after we get off the budget. And
18 also, as part of that, why somebody, the counsel or somebody
19 has to figure out some ways of getting from where we are now
20 to wherever we're going to go.

21 I felt kind of defeated by the complexity with which
22 it ended.

23 Okay. We have an order to deal with the thing. The
24 Secretary will please issue it.

25 (Whereupon, at 5:30 p.m., the hearing adjourned.)

