



OFFICE OF THE  
SECRETARY

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

IN RESPONSE REFER TO  
M810629A

(REVISED 7/6/81)

June 30, 1981

PDR COPY

MEMORANDUM FOR: William J. Dircks, Executive Director  
for Operations  
Leonard Bickwit, Jr., General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION  
81-26, 2:15 P.M., MONDAY, JUNE 29, 1981,  
COMMISSIONERS' CONFERENCE ROOM, D.C.  
OFFICE (OPEN TO PUBLIC ATTENDANCE)

- I. SECY-81-373 - PROPOSED ADDITION TO THE SECRETARY'S  
AUTHORITY TO RULE ON MISFILED PLEADINGS UNDER  
10 CFR 2.772 (Rulemaking Issue)

The Commission, by a vote of 4-0\*, approved for publication in the Federal Register an amendment to 10 CFR 2.772 to permit the Secretary to issue orders, without Commission affirmation, to redirect pleadings erroneously filed by the Commission to the appropriate board. All Commissioners agreed with the modifications proposed by Commissioners Gilinsky and Ahearne.  
(OGC)

(Subsequently, the Federal Register Notice was signed by the Secretary.)

\* Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Ahearne was not present when this item was affirmed, but had previously indicated that he would approve this item. Had Commissioner Ahearne been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 3-0 in favor of the amendment.

II. SECY-81-335 - 10 CFR PART 61 - "LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE"  
(Rulemaking Issue)

The Commission, by a vote of 3-0\* approved for publication in the Federal Register, as modified by Commissioner Bradford's memo of 6/25/81, a proposed rule on Licensing Requirement for Land Disposal of Radioactive Waste. The modification at page 85, Subsection 5, should read as follows:

"(5) Waste must not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste."  
(NMSS) (SECY Suspense: 7/17/81)

The Commission also approved:

- a. staff's conclusions set forth in Enclosure B, which provides the analysis called for by the Periodic and Systematic Review of the Regulations.  
(NMSS) (SECY Suspense: 7/17/81)
- b. a certification that the rule will not have a significant economic impact on a substantial number of small entities.  
(ADM)

The Commission requested that:

- a. a Draft Environmental Impact Statement will be published concurrently with the approval of the publication of the proposed rule.  
(NMSS) (SECY Suspense: 7/17/81)
- b. a detailed staff analysis of public comments on the Advance Notice of Proposed Rulemaking be contained in the Draft Environmental Impact Statement.  
(NMSS) (SECY Suspense: 7/17/81)
- c. appropriate Congressional Committees be informed.  
(OCA/NMSS) (SECY Suspense: 7/17/81)

cc: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Bradford  
Commissioner Ahearne  
Commission Staff Offices  
PDR

\* Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Ahearne was unavailable to participate when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the proposed modification.