

March 8, 2001

Mr. M. S. Tuckman, Executive Vice President
Nuclear Generation
Duke Power Company
526 Church Street
P.O. Box 1006
Charlotte, NC 28201-1006

SUBJECT: DUKE POWER COMPANY, MCGUIRE 1&2 and CATAWBA 1&2,
REQUEST FOR EXCEPTION TO 10 CFR 50.4, WRITTEN COMMUNICATIONS

Dear Mr. Tuckman:

This letter is in response to your December 19, 2000, letter in which you requested an exception allowing CD-ROM copies to be used instead of paper copies to meet the copy requirements under 10 CFR 50.30(a)(2), 51.55(a), and 2.101(a)(3). You also requested an exception allowing CD-ROMs instead of paper to meet the copy requirements under 10 CFR 50.4(b) and 10 CFR 50.4(c).

Subsequent to your letter, on January 25, 2001, the NRC issued Regulatory Issue Summary (RIS) 2001-05, "Guidance on Submitting Documents to the NRC by Electronic Information Exchange (EIE) or on CD-ROM." The RIS waives the requirement that licensees and vendors must receive case-by-case approval to submit documents to the NRC electronically by EIE or on CD-ROM. It also waives requirements that multiple copies of documents be submitted to the NRC. Submission of documents to the NRC by EIE or on CD-ROM is strictly voluntary; addressees may continue to submit paper documents to the NRC.

We have reviewed your request and have determined that it will be acceptable to file a single CD-ROM copy for all sections cited above in accordance with the requirements of RIS 2001-05. Specifically:

1. Duke Power is permitted to submit a signed original of the transmittal letter and a single CD-ROM copy of the required application for permits and licenses for facilities described in 10 CFR 50.21(b) or 50.22, and amendments to these applications to the Document Control Desk, U. S. Nuclear Regulatory Commission, Washington DC 20555-0001.
2. Duke Power requested approval to provide CD-ROM copies to the chief executive of the local government in accordance with the provisions of 2.101(a)(3)(ii), and to Federal, State, and local officials in accordance with the provisions of 2.101(a)(3)(iii), 50.30(a)(2) and 51.55(a). Use of CD-ROM copies for these officials is acceptable to the NRC. However, prior to distributing CD-ROM copies to recipients other than the NRC, Duke Power should contact each recipient to determine if the CD-ROM is an acceptable alternative to the paper copy.

Mr. Tuckman

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3. Duke Power is permitted to submit one signed original of the transmittal letter and a single CD-ROM copy of documents submitted to meet the requirement to update the renewal application in accordance with the requirements of 10 CFR Parts 2, 50, 51, and 54.

4. With respect to copy requirements for retaining supporting information on site pursuant to 10 CFR 50.30 (a)(2) and 51.55 (a), Duke Power is hereby granted approval to maintain this information in the form of electronic files which, upon request, can be readily reproduced in paper or electronic form.

Duke Power has indicated that the submittal will be in Portable Document Format (PDF) with non-proprietary browser included. This is consistent with current NRC CD-ROM Submittal Procedures that are available for downloading from the NRC EIE Website at [<http://www.nrc.gov/NRC/EIE/index.html>](http://www.nrc.gov/NRC/EIE/index.html) and from ADAMS using Accession No. ML003682830.

Later this year, the NRC expects to initiate a rulemaking proceeding to allow all licensees, vendors, applicants, and members of the public to submit any document to the NRC by EIE or on CD-ROM. The NRC is currently evaluating the requirements for transmitting documents electronically from the NRC to licensees, vendors, applicants, and members of the public.

In the future, the NRC may issue guidance on formatting documents submitted on CD-ROM (file structure, version requirements, links within and between documents, requirements for search engines, software licensing, etc.). Please contact Mike King of my staff if you have any questions or require additional information at (301) 415-2062 or e-mail mek@nrc.gov.

Sincerely,

/RA/

Brenda J. Shelton, Chief
Records Management Branch
Information Management Division
Office of the Chief Information Officer

Docket Nos. 50-369, 50-370, 50-413, and 50-414

Mr. Tuckman

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Brenda J. Shelton, Chief
Records Management Branch
Information Management Division
Office of the Chief Information Officer

Docket Nos. 50-369, 50-370, 50-413, and 50-414

Distribution: See next page

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