

January 3, 2003

MEMORANDUM TO: Catherine Holzle
Office of the General Counsel

FROM: Michael T. Lesar, Chief /RA/ *By A W Shepard for M T Lesar*
Rules and Directives Branch
Division of Administrative Services
Office of Administration

SUBJECT: REVIEW OF THE FINAL RULE REVISING 10 CFR 2.790,
"AVAILABILITY OF OFFICIAL RECORDS" (AC07)

The Rules and Directives Branch (RDB) has reviewed the final rule on "Availability of Official Records". We have attached a marked copy of the package that presents our comments.

Please note that the codification and/or the structure of the amendment to § 2.790(b)(1) will have to be altered in order to comply with current publication standards established by the Office of the Federal Register (OFR). On page 28 of the *Federal Register* notice, 2nd full paragraph, the concluding sentence of 2.790(b)(1)(ii)—which allows the Commission to "waive the requirements of this subparagraph" on request and as appropriate—must either be given a new paragraph designation within the system of codification or moved to an existing designated paragraph. Also, the reference to "this subparagraph" must be changed to refer to a specific paragraph or paragraphs, i.e., "paragraph 2.790(b)(1)" or "paragraphs 2.790(b)(1)(ii) and (iii)." Please contact us if you need further assistance in resolving this problem prior to publication.

When forwarding the rule for signature and publication, please include in the transmittal package:

- A 3.5-inch diskette containing the *Federal Register* notice in WordPerfect. This diskette will be forwarded to the OFR and GPO for use in typesetting the document.
- The ADAMS accession number for the final rule. Please give SECY owner's rights in the security panel when profiling the document.
- The Congressional letters, along with a copy of the file on a separate diskette. This diskette will be forwarded to the Office of Congressional Affairs.
- Three completed SBREFA forms (Form GAO-001, available via InForms).

A Regulatory History must be created in ADAMS for this final rule after its publication. In the profile of each document related to the rulemaking, use the Regulation Identifier Number (RIN) as the Case/Reference number (RIN 3150-AC07). This will make it easier to combine all the relevant documents into a package under ADAMS.

If you have any questions concerning this matter, please contact Michael T. Lesar, Chief, Rules and Directives Branch, ADM, at 415-7163 (MTL) or Victoria Voytko, ADM, at 415-6075 (VNV).

Attachment: As stated

January 3, 2003

MEMORANDUM TO: Catherine Holzle
Office of the General Counsel

FROM: Michael T. Lesar, Chief /RA/ *By A W Shepard for M T Lesar*
Rules and Directives Branch
Division of Administrative Services
Office of Administration

SUBJECT: REVIEW OF THE FINAL RULE REVISING 10 CFR 2.790,
"AVAILABILITY OF OFFICIAL RECORDS" (AC07)

The Rules and Directives Branch (RDB) has reviewed the final rule on "Availability of Official Records". We have attached a marked copy of the package that presents our comments.

Please note that the codification and/or the structure of the amendment to § 2.790(b)(1) will have to be altered in order to comply with current publication standards established by the Office of the Federal Register (OFR). On page 28 of the *Federal Register* notice, 2nd full paragraph, the concluding sentence of 2.790(b)(1)(ii)—which allows the Commission to "waive the requirements of this subparagraph" on request and as appropriate—must either be given a new paragraph designation within the system of codification or moved to an existing designated paragraph. Also, the reference to "this subparagraph" must be changed to refer to a specific paragraph or paragraphs, i.e., "paragraph 2.790(b)(1)" or "paragraphs 2.790(b)(1)(ii) and (iii)." Please contact us if you need further assistance in resolving this problem prior to publication.

When forwarding the rule for signature and publication, please include in the transmittal package:

- A 3.5-inch diskette containing the *Federal Register* notice in WordPerfect. This diskette will be forwarded to the OFR and GPO for use in typesetting the document.
- The ADAMS accession number for the final rule. Please give SECY owner's rights in the security panel when profiling the document.
- The Congressional letters, along with a copy of the file on a separate diskette. This diskette will be forwarded to the Office of Congressional Affairs.
- Three completed SBREFA forms (Form GAO-001, available via InForms).

A Regulatory History must be created in ADAMS for this final rule after its publication. In the profile of each document related to the rulemaking, use the Regulation Identifier Number (RIN) as the Case/Reference number (RIN 3150-AC07). This will make it easier to combine all the relevant documents into a package under ADAMS.

If you have any questions concerning this matter, please contact Michael T. Lesar, Chief, Rules and Directives Branch, ADM, at 415-7163 (MTL) or Victoria Voytko, ADM, at 415-6075 (VNV).

Attachment: As stated

Distribution: RDB Reading RDB Subject MTLesar VVoytko

Document: C:\ORPCheckout\FileNET\ML030020332.wpd
ADAMS Accession No.: ML030020332

OFFICE	RDB:DAS	RDB:DAS
NAME	V. Voytko	M. Lesar / <i>AWS for</i>
DATE	01/02/03	01/03/03

OFFICIAL RECORD COPY