

A F F I R M A T I O N V O T E

R E S P O N S E S H E E T

RELEASED TO THE PDR
4/7/94
date initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-94-046 - FINAL RULE ON EQUAL ACCESS TO JUSTICE ACT (10 CFR PART 12)

APPROVED X w/cmt DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

The different uses of the phrase "final disposition" in §§ 12.204(a) and 12.204(b) of the draft final rule may leave readers wondering whether the deadline for an application for fees is 30 days after final agency action on the underlying dispute, or 30 days after the final resolution -- be it agency or court -- of the underlying dispute. Removing the word "Commission's" from § 12.204(a) would do away with the reader's difficulty, but it might also somehow be inconsistent with the intent or the underlying policy of the regulations. I would suggest that OGC settle this matter before sending the final rule to the Federal Register.

9404110316 940317
PDR COMMS NRCC
CORRESPONDENCE PDR


SIGNATURE

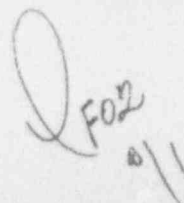
RELEASE VOTE IX

17 March 1994

DATE

WITHHOLD VOTE

ENTERED ON "AS" YES ✓ No _____



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