



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 24, 2004

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-04-0026

TITLE: PROPOSED RULE TO AMEND 10 CFR 9,
SUBPART A, FREEDOM OF INFORMATION ACT
REGULATIONS AND SUBPART B, PRIVACY
ACT REGULATIONS

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 24, 2004.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

VOTING SUMMARY - SECY-04-0026

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	3/8/04
COMR. McGAFFIGAN	X				X	3/12/04
COMR. MERRIFIELD	X				X	3/11/04

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on March 24, 2004.

NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN DIAZ
SUBJECT: **SECY-04-0026 - PROPOSED RULE TO AMEND 10 CFR
9, SUBPART A, FREEDOM OF INFORMATION ACT
REGULATIONS AND SUBPART B, PRIVACY ACT
REGULATIONS**

Approved Disapproved _____ Abstain _____
Not Participating _____

COMMENTS:

Subject to the attached edits.



SIGNATURE

March 8, 04

DATE

Entered on "STARS" Yes No _____

* * * * *

4. In §9.23, paragraph (a)(1)(ii) and the introductory text of paragraph (b) are revised to read as follows:

§9.23 Requests for records.

(a) ***

(1) ***

(ii) To obtain copies of records expeditiously, a person may open an account with the NRC Public Document Room reproduction contractor. Payment for reproduction services will be made directly to the contractor.

* * * * *

(b) A person may request agency records by submitting a request authorized by 5 U.S.C. 552(a)(3) to the Freedom of Information Act and Privacy Act Officer by an appropriate method listed in §9.6 of this chapter. The request must be in writing and clearly state on the envelope and in the letter that it is a "Freedom of Information Act request." The NRC does not consider a request as received until the date it is actually received by ~~and recorded as received~~ by the Freedom of Information Act and Privacy Act Officer.

* * * * *

* * * * *

8. Section 9.29 is revised to read as follows:

§9.29 Appeal from initial determination.

(a) A requester may appeal a notice of denial of a Freedom of Information Act request for access to agency records, denial of a request for waiver or reduction of fees, or denial of a request for expedited processing under this subpart within 30 calendar days of the date of the NRC's denial.

(b) For agency records to which access is denied by the Assistant Inspector General for Investigations, the appeal must be in writing directed to the Inspector General and sent to the Freedom of Information Act and Privacy Act Officer, Office of the Chief Information Officer by an appropriate method listed in §9.6. The appeal should clearly state on the envelope and in the letter that it is an "Appeal from Initial Freedom of Information Act Decision." The NRC does not consider an appeal received until the date it is actually received by ~~and recorded as received by~~ the Freedom of Information Act and Privacy Act Officer. The Inspector General will make the NRC determination on the appeal within 20 working days after the receipt of the appeal. If the Inspector General denies an appeal of access to records, in whole or in part, the Inspector General will notify the requester of the denial, explaining the exemptions relied upon and how the exemptions apply to the agency records withheld. The notice will inform the requester that the denial is a final agency action and that judicial review is available in a district court of the United

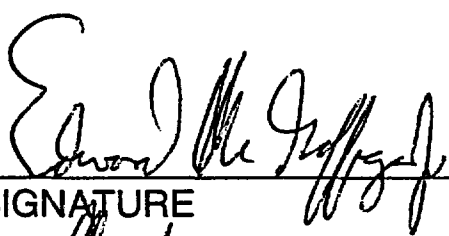
NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-04-0026 - PROPOSED RULE TO AMEND 10 CFR
9, SUBPART A, FREEDOM OF INFORMATION ACT
REGULATIONS AND SUBPART B; PRIVACY ACT
REGULATIONS**

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: *I concur in Chairman's vote.*



SIGNATURE
March 12, 2004

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE
RESPONSE SHEET

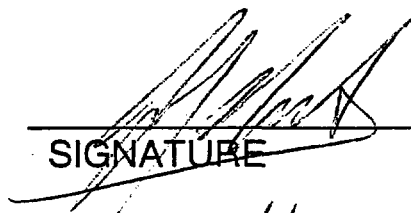
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-04-0026 - PROPOSED RULE TO AMEND 10 CFR
9, SUBPART A, FREEDOM OF INFORMATION ACT
REGULATIONS AND SUBPART B, PRIVACY ACT
REGULATIONS**

Approved Disapproved Abstain

Not Participating

COMMENTS:

*I oppose subject to the action of
Chairman Diaz.*



SIGNATURE

3/11/04
DATE

Entered on "STARS" Yes No