

July 23, 2002

MEMORANDUM FOR: William D. Travers
Executive Director for Operations

John F. Cordes, Director
Office of Commission Appellate Adjudication

FROM: Andrew L. Bates, Acting Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:45 P.M., TUESDAY, JULY 23, 2002, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-02-0096 - Direct Final Rule on Electronic Maintenance and Submission of Information

The Commission⁽¹⁾ approved a direct final rule amending the NRC's communications regulations to help bring the regulations into compliance with the Government Paperwork Elimination Act (GPEA).

Following incorporation of the attached changes, the *Federal Register* notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense: 8/23/02)

The staff should address the cultural and technical barriers that prevent the staff from using electronic files rather than paper as the means for the conduct of NRC business so that the burdens associated with requirements for paper submission and multiple copies can be eliminated or reduced. The staff should report to the Commission as to its strategy for modernizing the agency's internal business practices.

The staff should submit to the Commission, via errata sheet or other mechanism, the changes to the final rule and guidance document that it proposes "to ensure that it reflects current agency policy on information available to the public."

II. SECY-02-0113 - Duke Energy Corporation (McGuire Nuclear Station, Units 1 & 2, Catawba Nuclear Station, Units 1 & 2) Appeal of LPB-02-04: SAMA Contention

The Commission⁽²⁾ approved a Memorandum and Order responding to appeals by the Duke Energy Corporation and the NRC staff of LPB-02-04, which granted the petitions to intervene and requests for hearing of the Blue Ridge Environmental Defense League (BREDL) and the Nuclear Information and Resource Service (NIRS). The Memorandum and Order affirms LPB-02-04 insofar as it admitted the first part of the Severe Accident Mitigation Alternatives (SAMA) contention related to hydrogen igniters and station blackout, but reverses the Board's admission of the proposed hydro-electric line as part of the SAMA contention.

(Subsequently, on July 23, 2002, the Acting Secretary signed the Memorandum and Order.)

Attachment: [Changes to the Final Rule in SECY-02-0096](#)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

Changes to the Final Rule in SECY-02-0096

- On page 5, last paragraph, revise the last 3 lines to read '... document on CD-ROM, the person must submit the same number of CD-ROMs as document must be submitted in the number of paper copies required by

- the regulations, and the CD-ROM documents should be accompanied by'
- On page 6, paragraph 1, revise line 12 to read ' ... the staff to eliminate the need for additional paper copies of submissions' Revise lines 13 and 14 to read ' ... an to make the document available to the' Revise lines 15 and 16 to read ' ... paper copy is ~~more~~ cost effective because'
- On page 6, at the end of the 1st paragraph, insert a new paragraph that reads "Documents submitted via EIE, without special attributes such as 3D images, do not pose the same printing concerns. Thus paper copies are not required for these documents."
- On page 6, next to last paragraph, revise line 1 to read ' ... special attributes ~~, such as 3D images,~~ may be submitted on paper'
- On page 7, last paragraph, revise the 3rd line from the end to read ' ... the limited approach simply of letting readers'
- On page 8, 3rd paragraph, revise line 1 to read ' ... propose amendment sto our'
- On page 8, 4th paragraph, revise line 1 to read ' ... regulations that ~~somehow~~ imply'
- On page 14, last paragraph, revise lines 1 and 2 to read 'The NRC has determined that a backfit analysis is not required for backfit rule, 10 CFR 50-109, does not apply to this direct final rule because these amendments do not include any provisions that would require backfits as defined in 10 CFR Chapter 1. Furthermore, this rule does not impose any backfit, as "backfit" is defined in the rule, and because this rule is'
- On page 80, paragraph 70.21(a)(1), revise line 4 to read ' ... is on paper or CD-ROM, one'
- On page 100, paragraph 1, revise line 4 to read ' ... is on paper or CD-ROM, 20 copies must'

1. Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Chairman Meserve and Commissioner McGaffigan were present in the Conference Room. Commissioner Diaz participated in the meeting via speakerphone. Commissioner Dicus was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Dicus, however, had previously indicated that she would approve this paper and had she been present she would have affirmed her prior vote.

2. Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Chairman Meserve and Commissioner McGaffigan were present in the Conference Room. Commissioner Diaz participated in the meeting via speakerphone. Commissioner Dicus was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Dicus, however, had previously indicated that she would approve this Memorandum and Order and had she been present she would have affirmed her prior vote.