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From: Geary Mizuno
To: Shepard, Alzonía
Date: 12/19/03 1:11PM
Subject: Re: Minor Correction Amendments

Alzonía and Betty:

Maria Schwartz and I looked over the final rule. We have the following comments, which need to be addressed:

1. On p. 2, first full paragraph, I do not believe that the reference to 5 USC 553(b)(A) is the correct citation as to why an opportunity for public comment may be dispensed with; it seems to me that the better citation is to Section 553(b)(B) - good cause exists because public comment is unnecessary given the minor, administrative nature of the rulemaking changes.

2. In the same paragraph, the explanation as to why the NRC may dispense with the 30-day delay in effectiveness and make the final rule immediately effective needs to cite to 5 USC 553(d), and a better explanation/basis as to why there is good cause to make the rule immediately effective. I suggest the following language:

Good cause exists under 5 U.S.C. 553(d) to dispense with the usual 30-day delay in the effective date of the final rule, because the amendments are of a minor and administrative nature dealing with corrections to certain CFR sections, which do not require action by any person or entity regulated by the NRC. Nor does the final rule change the substantive responsibilities of any person or entity regulated by the NRC.

3. On p. 2, under Paperwork Reduction Act, we note that there are no approval numbers provided.

4. On pp. 4-10, we note that the authority citations do not include a reference to "sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note)," which we were asked to include in most of the authority citations for the final Part 2 rule (including conforming changes throughout 10 CFR). Can you verify that the lack of inclusion of this citation in this rulemaking is correct?

Neil Jensen will be acting for the remaining time that Stuart is out of the office, and he will be providing the NLO for OGC if the comments set forth above are addressed.

Happy Holidays!

Geary

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>>> Alzonía Shepard 12/19/03 10:19AM >>>

In order to get this rule published this year, we would need your comments by cob 12/22. Please send concurrence or comments to Betty Golden.

CC: Golden, Betty; Hackley, Elizabeth; Jensen, E. Neil; Schwartz, Maria