From: "Heffner, Ken" <ken.heffner@pgnmail.com>
To: "'Geary Mizuno'" <GSM@nrc.gov>
Date: 3/9/04 2:01PM
Subject: RE: Inquiry on IM 0305 Exhibits 10-14

Dear Mr. Mizuno,

Thank you for your prompt response. I just want to clarify that we, as a licensee, are using 10 CFR 2.390. What I was trying to point out was that the Annual Assessment letters signed by the NRC Regional Branch personnel and sent to licensees on March 3, 2004 used 2.790. I'm merely suggesting that until IM 0305 is revised, that the NRC should use the correct citation to Section 2.390 in future correspondence with licensees.

Ken Heffner

-----Original Message-----
From: Geary Mizuno [mailto:GSM@nrc.gov]
Sent: Tuesday, March 09, 2004 1:51 PM
To: ken.heffner@pgnmail.com
Cc: Robert Jasinski
Subject: Inquiry on IM 0305 Exhibits 10-14

Dear Mr Heffner:

Your inquiry to Mr. Robert Jasinski of OPA has been forwarded to me for a response, as I was the attorney handling the January 14, 2004 final rulemaking on 10 CFR Part 2. NRC Staff in the Office of Nuclear Reactor Regulation have informed me that IM 0305 is ordinarily revised once a year, and that the next revision is scheduled for 2005 which is when the references to Section 2.790 would be corrected to refer to Section 2.390. However, there may be an interim revision in the next few months, and if this revision is made, then that interim revision will reflect the correct ctiation to Section 2.390.

In the meantime, we suggest that all licensees should use the correct citation to Section 2.390 in future correspondence and filings with the NRC. If you have any further questions, please e-mail me or call me at 301-415-1639.

Geary S. Mizuno
Senior Rulemaking Attorney
Office of the General Counsel
US Nuclear Regulatory Commission

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>>Recent changed to the adjudicatory process (69 FR 2254 January 14,
>>2004) resulted in 10 CFR 2.790 being changed to 10 CFR 2.390.
>>However, the IM 0305 Exhibits 10 - 14 still reference 2.790 as
>>indicated by the Annual assessment letters sent to our four licensees
>>on March 3, 2004. 10 CFR 2.790 no longer exists.<<<<<<