

From: Larry Harris - *NEI*
To: Jacob Zimmerman
Date: 12/18/2007 8:49:34 AM
Subject: NEI letter related to 73.62

For [unclear]

Good Morning:

In the attached you'll find a brief write up concerning a call we had with Jim Riccio of Greenpeace. During that call, Mr. Riccio noted that the December 2006 letter from NEI regarding the then draft rule was exempt from public disclosure.

After several discussions and searching in ADAMS we located another letter from NEI that indicates that the previous letter that was exempt from disclosure can be made publicly available.

The two documents (please see ML#s listed below) are in ADAMS as draft documents under the control of NRR.

It would seem like a good idea to complete the ADAMS process and make the NEI letter publically available.

Could someone over your way assist with that? The ML #s are:

Original letter: ML063470621

Follow up from NEI allowing disclosure: ML063560355

Thanks,

Larry

CC: Douglas Huyck; Mark Shaffer; Robert Caldwell; Stewart Schneider

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GREENPEACE

INTEROFFICE MEMORANDUM

TO: PATRICIA HOLAHAN, MARK SHAFFER, SCOTT MORRIS, ROBERT CALDWELL, DOUG HUYCK
FROM: LARRY C. HARRIS
SUBJECT: PHONE CALL WITH JIM RICCIO OF GREENPEACE REGARDING THE 73.62 (SECURITY ASSESSMENT FOR NEW REACTORS) RULEMAKING
DATE: 01/14/2008

Background:

Mr. Riccio left me a voicemail on December 13, 2007, requesting a return call to discuss the recent 73.62 rulemaking effort.

Action taken:

Doug Huyck and I returned his call on December 14, 2007. Mr. Riccio explained that he was drafting comments to the Part 52 rulemaking that was undertaken as a result of Commission direction to terminate the 73.62 effort and to replace it with an effort that would incorporate aspects of aircraft impact assessments at the design stage.

Doug explained that staff had been directed by the Commission to develop what became the draft 73.62 rule. Also we noted that, upon review, the Commission decision was to disapprove the proposed rule and replace it, in part, with the Part 52 effort. Mr. Riccio stated he understood that and that he had read the associated SRM and vote sheets. He also noted that NEI had sent a related letter to the Commission that was not publicly available. Doug explained that an exemption from such disclosure was a determination and request made by the originator of the document, in this case NEI.

Mr. Riccio also questioned what additional aspects of the 73.62 draft language might be missing as the result of the Commission's actions. We explained that according to the SRM, the Commission felt that the regulations in 73.55 were sufficient to assure adequate protection and that, in conjunction with the new aircraft assessment requirements in Part 52, provided the reasoning for disapproving the proposed rule. It was also brought to Mr. Riccio's attention that the Part 52 action is being lead by NRO not NSIR.

Mr. Riccio thanked us for returning his call. He did not request any additional information or action.