Harris, Brian

From: Richard Webster [rwebster@easternenvironmental.org]
Sent: Tuesday, June 16, 2009 10:51 AM
To: Conte, Richard R6N-1
Cc: Harris, Brian; Collins, Sam; Julia LeMense; Janet Tauro
Subject: Re: Follow ups to the Annual assessment meeting

Mr. Conte:

Thank you for your response. I believe the questions I have asked all request information that is not already in the documents you mention. To the extent that the requested information is provided in the documents you mention, I would appreciate some indication of where it is. With regard to the underground pipes, I look forward to receiving the promised information. As I am sure you appreciate, one of the critical questions is what the CLB actually requires. As I discussed in my letter, while your verbal clarifications on the CLB issue were useful, I would like you to confirm that I understood you correctly. Will the forthcoming documents you mention clarify this issue? To the extent that the forthcoming documents do not respond to my questions, will you be prepared to respond to them at a later date?

Second, while I question the decision of the Staff not to respond to public enquiries that may relate to both a pending appeal and to ongoing safety issues, I also fail to understand how many of the issues on which we have requested clarification relate to the appeal, which will be decided on the record before the agency at the time the decision was made. Could you please clarify which enquiries you regard as related to the appeal and why? Could you also clarify if the Staff is guided by any policy in this area?

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On Jun 16, 2009, at 9:27 AM, Conte, Richard wrote:

Mr. Webster,

Sam Collins and I received the email you sent to us on June 1, 2009, which discussed a series of questions related to the underground piping at Oyster Creek that experienced corrosion and leakage in April 2009. In addition, over the last several months, you have provided a number of emails to me and other members of the Region I and Headquarters staff on a range of issues related to Oyster Creek relicensing. I believe that most of the issues you raised have since been answered, either in phone conversations with myself and other members of the NRC staff, or during discussions before, during and after the May 28, 2009, Annual Assessment Meeting. However, there is substantial information in the areas you have questioned available on the docket for Oyster Creek, most particularly NRC Inspection Report 50-219/2009006, the April 2009 Commission Memorandum and Order, and the Safety Evaluation Report on Oyster Creek License Renewal.

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I would note that on May 28, 2009, you filed an appeal on behalf of your clients in the Third Circuit of the US Court of Appeals contesting NRC decisions made in the Oyster Creek license renewal case. As I am sure you understand, the staff cannot respond to further inquiries or comments on matters related to your legal filing.

Nothwithstanding the legal matter above, the agency is currently preparing a response to questions raised by Congressman Adler of New Jersey's 3rd Congressional District on May 27, 2009. . In addition, we are currently inspecting Exelon's underground piping examinations and repairs, as well as the extent of the tritium contamination onsite, and are preparing an inspection report on our observations and findings. Upon issuance of both documents, we will forward copies to you which should address the questions noted in your June 1st email.

Sincerely,
Richard Conte