

Klukan, Brett

Pillsbury

From: Travieso-Diaz, Matias F. [matias.travieso-diaz@pillsburylaw.com]
Sent: Tuesday, October 13, 2009 2:51 PM
To: Andrew Reese; Kenneth Elwell; Klukan, Brett; Clark, Michael
Cc: Silberg, Jay E.; Haemer, Robert B.
Subject: RE: Consultation pursuant to 10 CFR 2.323(b)

Andrew: Thanks for getting back to me.

Matias F. Travieso-Diaz | Pillsbury Winthrop Shaw Pittman LLP

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-----Original Message-----

NJ State

From: Andrew Reese [mailto:Andrew.Reese@dol.lps.state.nj.us]
Sent: Tuesday, October 13, 2009 2:35 PM
To: Kenneth Elwell; Brett Klukan; Michael Clark; Travieso-Diaz, Matias F.
Cc: Silberg, Jay E.; Haemer, Robert B.
Subject: Re: Consultation pursuant to 10 CFR 2.323(b)

New Jersey opposes the stay. The NRC granted New Jersey agreement state status following a long process and after having reviewing Shieldalloy's comments on the transfer of licensing authority. We see no reason to stay or rescind the transfer of authority.

>>> "Travieso-Diaz, Matias F." <matias.travieso-diaz@pillsburylaw.com>
>>> 10/09/09 9:11 AM >>>

P. H. Silberg

Dear counsel: Shieldalloy expects to seek judicial review of the NRC decision to transfer regulatory authority over the Newfield site to New Jersey under the just approved Agreement State agreement. We plan to file soon a motion with the Commission asking that the transfer of authority over the Newfield site be stayed pending judicial review. We believe that issuance of such a stay will not prejudice any party since, if the stay is granted, the Newfield facility will remain under the regulatory oversight of the NRC Staff, and there is no doubt that the Staff's oversight is adequate to protect public health and safety during the pendency of the review by the courts. Please advise as soon as possible whether you will agree to such a stay.

Many thanks,

Matias F. Travieso-Diaz | Pillsbury Winthrop Shaw Pittman LLP

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P/5

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