

From: Peter Tam
To: Dennis Zannoni
Date: 12/23/04 10:22AM
Subject: Your Inquiry About the Oyster Creek exemption to 10 CFR 2.109(b)

Dennis:

I am responding to your e-mail by inserting comments in **bold** (below).

Peter

>>> "Dennis Zannoni" <Dennis.Zannoni@dep.state.nj.us> 12/22/04 11:11AM >>>
Peter:

Thanks for the information. At least the letter you sent me has more information pertaining to the NRC decision granting the exemption. **[As I told you on the phone, the exemption itself (not the associated EA) contains NRC's entire technical and legal basis.]**

We are in the process of compiling a briefing package for our senior management concerning the exemption and I think I have most of the necessary information. We need a few things. Do you have the meeting minutes for the meeting that took place between Exelon executives and the NRC Commissioners, at which time, they discussed the exemption request? **[No. The meeting between Exelon executives and individual NRC Commissioners on 7/6/04 was a "drop in visit" defined in NRC Management Directive 3.5. No meeting minutes were written for this "drop in visit."]** Also, can you tell me who on the NRC staff made the decision to grant the exemption. It is impossible to know who is responsible for the exemption. We have exemption letters with your signature, Dyer's signature, Diaz's signature but we have no idea of the chain of command in the exemption request and approval process. **[No one person made the decision to grant the exemption. The Oyster Creek exemption, like all other NRC regulatory actions, is an official NRC agency action, which is a product produced collegially by a number of NRC employees. While various individuals have been delegated authority in various aspects, as you correctly noted, all of the individuals work for NRC to issue the exemption. However, as I pointed out earlier to you, the NRC person most familiar with the issues related to this exemption is Dave Matthews, Director of the Division of Regulatory Improvement Programs.]** If you can't help me with this information can you provide someone who can help me?

Dennis Zannoni
NJ DEP
Bureau of Nuclear Engineering
609 984 7440

>>> "Peter Tam" <PST@nrc.gov> 12/22/04 09:30AM >>>
Rich, Dennis:

Please note that the person with whom you can discuss this exemption is Dave Matthews.

Peter

CC: Cornelius Holden; David Matthews; Diane Screnci; Jacob Zimmerman; Jennifer Dixon-Herrity; Kent Tosch; Pete Eselgroth; Richard Laufer; Richard Pinney; Robert Bores; Robert Summers; Scott Burnell; Tad Marsh; Thomas Madden

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From: Peter Tam

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