



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 27, 2007

DOCKETED
USNRC

March 5, 2007 (10:00am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SECRETARY

The Honorable Robert Menendez
United States Senate
Washington DC 20510

SERVED March 5, 2007

DOCKET NO. 40-7102

Dear Senator Menendez:

This is to acknowledge receipt of your letter dated January 25, 2007, expressing concern over the Shieldalloy Metallurgical Corporation decommissioning plan which is currently before the Atomic Safety and Licensing Board (ASLB) for the proceeding.

Under Nuclear Regulatory Commission procedural rules for adjudications, the Secretary of the Commission is considered an Adjudicatory employee. Because of that role, I trust that you will understand that I cannot discuss the procedural status of a case or the merits of contentions filed therein during either its pendency before an ASLB or if it is on appeal to the Commission. Please further understand that the Commission has an appellate role in the NRC's Adjudicatory process and must remain impartial in matters before its ASLBs because of that role.

A copy of your letter and this response will be placed on the Shieldalloy hearing docket and served on the parties to the proceeding

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", is written over the typed name.

Annette L. Vietti-Cook
Secretary of the Commission

cc: Service List

United States Senate

WASHINGTON, DC 20510

January 25, 2007

Annette Vietti Cook
Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, DC 20555

Dear Ms. Cook:

We are writing to request that the Nuclear Regulatory Commission (NRC) and the Atomic Safety Licensing Board (ASLB) that has been established to preside over the Shieldalloy Metallurgical Corporation proceeding grant the requests for a public hearing on the Shieldalloy decommissioning plan, as submitted by the State of New Jersey, the Counties of Gloucester and Cumberland, and the residents of Newfield.

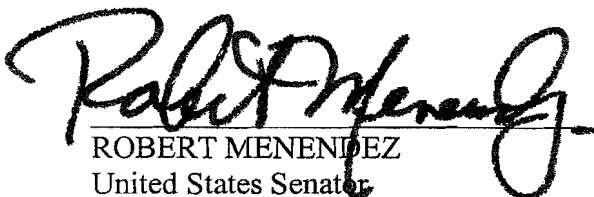
The fact that the state, counties, and local residents affected by the plan have requested a public hearing is indicative of the broad public opposition to this misguided proposal allowing Shieldalloy to leave their radioactive waste behind. The arguments presented by the petitioners are compelling, particularly with respect to the potential health and safety effects on the residents of the community, and they deserve to be heard in a full hearing by the ASLB.

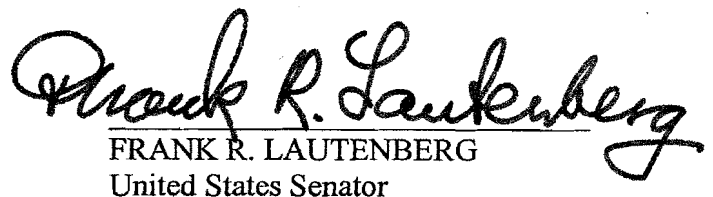
But beyond the specific details of the plan, which deserve careful scrutiny, is the general principle of requiring polluters to clean up the messes they create. This is a bedrock principle of fairness and environmental law that we have been committed to for decades, and we do not believe the NRC should allow Shieldalloy to subvert it simply because another option is cheaper.

As elected representatives of the people of Newfield and the entire State of New Jersey, our responsibility is not to ensure that things are done as cheaply as possible. Our responsibility is to ensure that the health, well-being, and interests of the people of New Jersey are protected, and we believe that this is also the underlying responsibility of the federal government. However, the decommissioning plan proposed by Shieldalloy falls woefully short on all three counts. We strongly oppose any plan that leaves the radioactive waste in Newfield, and we strongly encourage the NRC and ASLB to hold a full public hearing so that details of the plan can be dissected openly.

Thank you for your consideration of this request.

Sincerely,


ROBERT MENENDEZ
United States Senator


FRANK R. LAUTENBERG
United States Senator

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

SHIELDALLOY METALLURGICAL CORP.)

Docket No. 40-7102-MLA

(License Amendment Request for)
Decommissioning the)
Newfield, New Jersey Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANNETTE L. VIETTI-COOK TO SENATOR ROBERT MENENDEZ IN RESPONSE TO HIS LETTER DATED 01/25/07 (ATTACHED) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 40-7102-MLA
 LETTER FROM ANNETTE L. VIETTI-COOK
 TO SENATOR ROBERT MENENDEZ IN RESPONSE
 TO HIS LETTER DATED 01/25/07 (ATTACHED)

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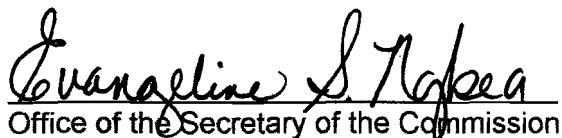
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 Office of the Secretary of the Commission

Dated at Rockville, Maryland
 this 5th day of March 2007