



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 Frank R. Lautenberg
United States Senate
Washington DC 20510

SERVED March 5, 2007

DOCKET NO. 40-7102

Dear Senator Lautenberg:

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".

Annette L. Vietti-Cook

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.

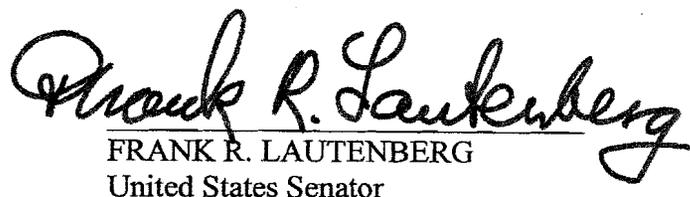
But beyond the specific details of the plan, which deserve careful scrutiny, is the general principle of requiring polluters to clean up the messes they create. This is a bedrock principle of fairness and environmental law that we have been committed to for decades, and we do not believe the NRC should 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 FRANK R. LAUTENBERG 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.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Alan S. Rosenthal, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
William Reed
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Bradley W. Jones, Esq.
Margaret J. Bupp, Esq.
Michael J. Clark, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Joseph J. McGovern, Esq.
Parker McCay, P.A.
Three Greentree Centre
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053

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

Jay E. Silberg, Esq.
Matias F. Travieso-Diaz, Esq.
Robert B. Haemer, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1128

David R. Smith, Radiation Safety Officer
Shieldalloy Metallurgical Corporation
12 West Boulevard
P.O. Box 768
Newfield, NJ 08344-0768

Loretta Williams
310 Oakwood Drive
P.O. Box 311
Newfield, NJ 08344

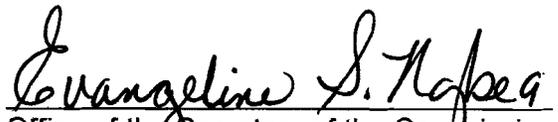
Borough of Newfield, New Jersey
c/o John C. Eastlack, Jr., Esq.
Solicitor for the Borough of Newfield
Holston, MacDonald, Uzdavinis, Eastlack,
Ziegler & Lodge
66 Euclid Street
Woodbury, NJ 08096

Terry Ragone
Newfield Residents Environmental Group
White Dove Lane
P.O. Box 605
Newfield, NJ 08344

Gary D. Wodlinger, Esq.
110 North 6th Street
Box 729
Vineland, NJ 08362

Stuart Rabner, Esq.
Attorney General of New Jersey
Andrew D. Reese, Esq.
Kenneth Elwell, Esq.
Deputy Attorneys General
New Jersey Office of the Attorney General
Department of Law and Public Safety
Division of Law
25 Market Street
P.O. Box 093
Trenton, NJ 08625-0093

Fred H. Madden, State Senator
David R. Mayer, Assemblyman
Paul Moriarty, Assemblyman
New Jersey Senate and General Assembly
Holly Oak Office Park
129 Johnson Road, Suite 1
Turnersville, NJ 08012


Office of the Secretary of the Commission

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