

RAS-15141

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May 8, 2008

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**DOCKETED  
USNRC**

May 9, 2008 (am)

Before the Atomic Safety and Licensing Board

**OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF**

In the Matter of )

SHIELDALLOY METALLURGICAL )  
CORPORATION )

(License Amendment Request for )  
Decommissioning the Newfield Facility) )  
)  
)

Docket No. 40-7102-MLA  
ASLBP No. 07-852-01-MLA-BD01

**SHIELDALLOY'S SUBMITTAL REGARDING CHRONOLOGY OF EVENTS  
RELATED TO THE DECOMMISSIONING OF THE NEWFIELD, NJ FACILITY**

On April 28, 2008, the Atomic Safety and Licensing Board ("Board") in the above proceeding conducted a telephone conference with counsel for the parties. In the course of the conference, the Board directed that "the licensee provide us with a detailed statement of just precisely what it submitted to the staff beginning in 1998, right along, what was submitted to the staff, and some summary of its content." Tr. at 33.<sup>1</sup> The Board went on to state:

CHAIRMAN ROSENTHAL: May 8<sup>th</sup>, I would like both Shieldalloy and the NRC staff to file memoranda addressed to the matters that we've discussed, because the Board would like to have before it a complete picture of just what has transpired since production ceased in '98, both on the part of Shieldalloy, and on the part of the staff, that has brought us to the point where it now appears it will be over another year before technical review is completed.

Tr. 48. This submittal by licensee Shieldalloy Metallurgical Corp. ("SMC") is intended to

<sup>1</sup> Transcript of Shieldalloy Metallurgical Corporation (License Amendment Request for the Decommissioning of the Newfield Facility) Pre-Hearing Conference, April 28, 2008 (hereinafter "Tr.").

TEMPLATE = SEC Y - 021

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comply with the Board's request. It consists of a summary narrative and, as an enclosure ("Attachment 1"), a table listing important events relating to SMC's Newfield, NJ facility.<sup>2</sup>

## I. INTRODUCTION

The Board's request for this filing arose from its view that decommissioning of a site such as Newfield can be accomplished expeditiously and should not take many years. As stated by Chairman Rosenthal:

... [I]t seems to me off-hand that this is certainly a period of time that is entirely inconsistent with the spirit, if not the letter, of the provisions of Section 40.42 dealing with decommissioning. I mean, again, we're not dealing here with decommissioning of a very complex reactor. We're dealing here with the decommissioning of a pile of slag, and for 10, 11, 12 years to elapse after the activity ceases, and still there isn't a determination as to what decommissioning process will provide the adequate measure of environmental protection, it seems to me to be grossly excessive.

Tr. 27.

SMC agrees with the Board's perception. SMC's facility in Cambridge, Ohio held an NRC materials license and generated slag similar to the one present at Newfield. Decommissioning of SMC's site in Ohio has already been substantially and safely accomplished, with full completion expected this year. The Newfield site decommissioning could have been completed in a similar, short period of time after SMC first submitted its proposed initial decommissioning plan ("DP") on August 30, 2002.<sup>3</sup> Decommissioning of the NRC licensed

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<sup>2</sup> The table includes some entries prior to 1998 because they are needed to provide context for the post-1998 developments. The entries in the table include ADAMS accession numbers for the cited documents, where available, or citations to the pages of the Decommissioning Plan. The table does not constitute a complete listing of all events and documents relating to the Newfield Facility, but only those relevant to the Board's inquiry. For example, it does not include a complete picture of SMC's extensive efforts over the years to develop beneficial off-site uses for the materials (such as the slag) present at the Newfield site.

<sup>3</sup> The Board may have been under the misapprehension that the initial DP was submitted by SMC in October 2005. Chairman Rosenthal stated early in the conference call: "As recorded in the November 17, 2006 Federal Register notice that initiated this proceeding, Shieldalloy waited, however, for a period of more than seven years, i.e., until October 2005 before filing its initial decommissioning plan." Tr. 5. In reality, what SMC filed on October 24, 2005 was Revision 1 to the Plan, supplemented on June 30, 2006 by Revision 1a. The Board's misapprehension was

waste at the Cambridge, Ohio site began in 2001 after the State of Ohio gave approval to the portion of the DP that dealt with slag isolation. The decommissioning process was more complex at Cambridge than it would be at Newfield because it involved resolution of non-radiological environmental issues, relocation of slag in several areas around the facility, and decommissioning of two slag piles that contained the resulting NRC licensed source material. Despite the more involved decommissioning process, the slag piles at Cambridge have been covered and capped and the only major activities that need to be completed are administrative.

The difference between the time to decommission the Newfield and Cambridge facilities can be found in the different responses of the host States. The State of Ohio, through Ohio EPA and Ohio Department of Health, agreed to assume control over the Cambridge facility and oversee the decommissioning of the waste materials *in situ*. The State of New Jersey ("State"), on the other hand, while a signatory to a 1997 bankruptcy settlement agreement that contemplated the decommissioning of the Newfield facility based on leaving the waste material (slag and baghouse dust) at the site, has since that time refused to assume control over the Newfield site and has actively opposed any decommissioning option that does not involve the shipment of the waste offsite. It has been the need to develop an alternative plan for managing

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caused by the wording of the notice published by the NRC of "a proceeding on a proposed license amendment which would approve SMC's revised DP." *Notice of Consideration of Amendment Request for Decommissioning for Shieldalloy Metallurgical Corporation, Newfield, NJ and Opportunity to Request a Hearing*, 71 Fed. Reg. 66,986 (Nov. 17, 2006). The notice stated in part:

In August 2001, SMC notified the NRC that it had ceased production activities using source material. On August 27, 2001, the licensee provided notification of its intent to decommission the facility. The license is in timely renewal, and was amended on November 4, 2002 to authorize only decommissioning activities. SMC submitted its initial DP to the NRC on October 21, 2005. The DP proposed the use of a possession only license for long term control of the site. The NRC staff rejected the initial DP by letter dated January 26, 2006. The staff met with SMC (in a meeting open to the public) on March 9, 2006, to discuss the initial DP's deficiencies and a path forward for development of an acceptable DP. Pursuant to comments received at the March 2006 meeting, SMC submitted its revised DP by letter dated June 30, 2006.

Id., emphasis added. Observing that the notice incorrectly referred to the October 2005 submittal as SMC's "initial DP," the Board requested statements from the licensee and the NRC Staff that more fully described the history of the development of the DP for the Newfield facility. Tr. at 34-37.

the waste at Newfield that does not require involvement by the State that has added several years to the process. During those years, SMC and the NRC Staff have worked diligently to develop a DP that meets regulatory requirements and provides adequate protection of public health and safety based on the long term storage of the materials at the site under the control of the NRC.

## **II. SUMMARY**

As requested by the Board, a summary of the important events relating to the decommissioning of the Newfield Facility follows (reference numbers are to the numbers of the documents listed in Attachment 1). This summary covers events and associated documentation in four areas: (a) decommissioning of the Newfield manufacturing facilities and other portions of the site after manufacturing operations ceased in 1998; (b) development of a DP consistent with the assumptions underlying the 1997 bankruptcy settlement between the then owners of SMC, the NRC and the State; (c) efforts to obtain State support for the DP; and (d) development of a DP that does not rely on State agreement or support.

### **A. Events relating to the decommissioning of the manufacturing facilities and other portions of the Newfield site**

In 1993, shortly before filing for protection under the U.S. bankruptcy laws, the then owners of SMC developed and submitted to the NRC a conceptual DP for the Newfield Facility. Ref. 1 – 3. The NRC Staff and SMC, with input from the State, examined that proposal in the four years between the initiation of the bankruptcy proceeding and its settlement in April 1997. Ref. 4 – 18. The settlement agreement that was signed by SMC, the NRC, the EPA and the State contemplated “remediation of the NRC slag pile” at Newfield and obligated SMC to allocate funds and establish a letter of credit for that purpose. Ref. 18.

The ore at the site continued to be processed under SMC's license until February 1998, when production ceased. Ref. 20 – 27, 54. Shortly thereafter, in June 1998, the current owners acquired SMC. Ref. 28. Because of adverse market conditions and the inability to make competitive bids for importing additional ore, SMC commenced decommissioning the manufacturing areas and other facilities at the Newfield site. Ref. 29 – 35. Those facilities were decommissioned, the remaining material covered by the NRC license was consolidated in the slag hold area, and the final survey of the former manufacturing buildings was made and accepted by the NRC in December 2001. Ref. 36 – 71. Additional decommissioning activities were conducted at the site between December 2001 and August 2002. Ref. 72 – 76. The radioactive materials that remain at the site are the slag and baghouse dust that were left over from the facility's operations, and concrete and soils from the decommissioning of the manufacturing buildings.

**B. Development of a decommissioning approach for Newfield based on the assumptions underlying the bankruptcy settlement**

During the period from 1998 to 2001, SMC's new owners attempted without success to find a buyer who would remove and use the slag at the Newfield and Cambridge sites. Although these efforts have continued, in August 2001 SMC notified the NRC that it would prepare a DP and terminate its license. Ref. 64. In August 2002, SMC submitted a DP based on an approach similar to the one used to decommission the SMC facility in Cambridge, Ohio. Ref. 78.<sup>4</sup>

**C. Efforts to obtain State support for the DP**

The NRC did not accept the August 2002 DP, reflecting in part the lack of documented agreement from the State to assume an oversight role for the site, as described in the DP. Ref.

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<sup>4</sup> At Cambridge, the slag piles were stabilized and capped, and provided with a vegetative cover subject to long-term monitoring and maintenance. "Environmental Impact Statement; Decommissioning of the Shieldalloy Metallurgical Corporation Cambridge, Ohio Facility", NUREG-1543 (1996).

85. Between 2003 and 2005, SMC and the NRC Staff pursued potential approaches that would result in a restricted release license termination with enforceable institutional controls. Ref. 86 – 148g. Throughout the process, SMC followed the NRC regulations and guidance for developing the elements of the DP and assuring interaction with the public on the proposed plan. This effort included, for example, providing the State and interested members of the public with copies of the DP and holding four public meetings on the plan with a Site Specific Advisory Board convened in accordance with the requirements of 10 C.F.R. § 20.1403(d). Ref. 95, 100, 121, 139. As described in Revision 1 of the DP and subsequent updates, the State actively participated in meetings and discussions between SMC, the NRC and the public, but refused to take a position on whether it was willing to assume a role in the decommissioning of the Newfield site. Ref. 197.

**D. Revisions to DP to reflect a decommissioning approach that does not rely on the State's agreement or support**

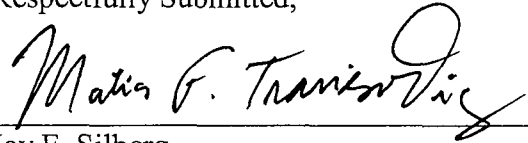
In October 2005, SMC submitted a revised DP (Revision 1). Ref. 149. Recognizing the State's unwillingness to assume a role in decommissioning, the DP did not reflect a role for the State in the ownership or control of the Newfield site. The NRC rejected the plan, raising questions on four areas of the DP: (1) dose modeling; (2) surface water hydrology and erosion protection; (3) restricted use/institutional controls; and (4) financial assurance. Ref. 151. Additional discussions between the NRC and SMC, including a public meeting attended by the State, were held between January and June 2006. Ref. 152 – 168. SMC submitted Revision 1a of its DP on June 30, 2006, addressing the NRC's comments. Ref. 169. The State did not submit comments on Revision 1a of the DP, but instead chose to request a hearing on the DP and filed requests for relief from the Commission and the courts opposing the plan. Ref. 183 – 187.

Subsequent to the NRC Staff's October 2006 acceptance of the DP for review (Ref. 174), there have been numerous interactions between SMC and the Staff, including a number of Staff requests for additional information ("RAIs") on the DP. Ref. 178 – 240. The State has participated in or audited the vast majority of those interactions.

### III. CONCLUSION

As summarized above, the chronology demonstrates that SMC has diligently pursued, since as early as 1993, the decommissioning of the Newfield Facility. The DP submitted by SMC in 2002 proposed a decommissioning approach similar to that successfully implemented for the Cambridge facility with the cooperation of the State of Ohio. In contrast to Ohio, New Jersey has chosen not to cooperate with the proposed decommissioning approach. As a result, SMC had to prepare and submit a revised DP in 2005 based on an approach that does not depend on state cooperation but relies instead on NRC providing oversight and institutional controls. The entries in Attachment 1 show that SMC and the NRC Staff have invested significant efforts to resolve technological, procedural, and administrative complexities arising from implementing this new approach and developing a DP that does not rely on State ownership or cooperation.

Respectfully Submitted,



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Dated: May 8, 2008

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
SHIELDALLOY METALLURGICAL	)	Docket No. 40-7102-MLA
CORPORATION	)	ASLBP No. 07-852-01-MLA-BD01
(License Amendment Request for	)	
Decommissioning the Newfield Facility)	)	
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Shieldalloy's Submittal Regarding the Chronology of Events Related to the Decommissioning of the Newfield Facility" dated May 8, 2008, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 8<sup>th</sup> day of May 2008.

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Matias F. Travieso-Diaz

## ATTACHMENT 1

## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
1.	04/07/93	Conceptual DP for the Newfield facility	ML071070263
2.	06/29/93	SMC provides additional environmental information to NRC	ML070880956
3.	09/07/93	SMC Files for bankruptcy	ML071070254
4.	12/16/93	Transcript of Scoping Meeting for NRC environmental impact statement with regard to conceptual decommissioning plan	ML070640394; ML070880953
5.	01/11/94	NJDEP comments on EIS process for decommissioning	ML070640361
6.	01/28/94	SMC files response to 1/12/94 request for additional information for environmental assessment	ML070640535
7.	04/01/94	SMC prepares environmental evaluation of site (TRC)	ML070730634
8.	04/01/94	SMC Human Health Risk Assessment - Revised draft (TRC)	ML070730646
9.	08/18/94	SMC Submits EIS information	ML071350273
10.	09/23/94	NRC issues amended license with increased possession limits	ML070640445
11.	10/28/94	SMC provides revised ER to NRC	ML070990497
12.	05/31/95	NRC provides status of decommissioning planning at SMC to State of New Jersey	ML070580320
13.	09/15/95	SMC submits application to renew source material license	ML070580558
14.	12/12/95	SMC submits a revision to the conceptual decommissioning plan	ML070510206
15.	03/17/96	Financial Assurance for U.S.N.R.C. Licenses SMB-1507 and SMB-743	
16.	06/24/96	SMC letter to NRC on offsite baghouse dust	ML070510636
17.	03/11/97	SMC submits dose estimates from atmospheric emissions	ML070520145
18.	03/26/97	Settlement Agreement of Environmental Claims between Debtors and USA and NJ, including financial assurance of slag pile remediation	ML03190363
19.	04/01/97	SMC emerges from Chapter 11	
20.	06/25/97	NRC issues notice of consideration on SMC license renewal request	ML070580272
21.	07/01/97	Federal Register Notice. Consideration of License Renewal Request for the Newfield facility, and opportunity for hearing	61 Fed. Reg. 35531
22.	08/01/97	SMC submits Hudson Branch Risk Assessment Report (IT Corp)	ML070520232
23.	08/07/97	SMC submits confirmation of site inventory of source material	ML070190632

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## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
24.	09/22/97	Federal Register Notice. Finding of no significant impact for the renewal of source material, License SMB-743, SMC, Newfield, N.J.	
25.	09/30/97	NRC's environmental assessment for license renewal	ML070580267
26.	10/09/97	Letter to E. Jackson, President (SMC) from J. Hickey (NRC) re SMC 9/19/97 request for amendment	
27.	10/20/97	Letter to D. Smith (SMC Radiation Safety Officer) from M. Weber (NRC) re Renewal of License SMB-743	ML9907160205
28.	06/30/98	Safeguard purchases SMC	
29.	10/13/98	Results of Radiological Analysis of Haul Road Decontamination Effort	ML071350530
30.	01/28/99	SMC safety evaluation report amendment request	ML071350230
31.	02/09/99	Letter to D. Smith (SMC) from C. Paperiello (NRC) re Transfer of Baghouse Dust Under 10 CFR 40.13(A) and 40.51(b)(3) (TAC No. L30926)	ML060320583; ML071200178
32.	03/18/99	Letter to M. Weber (NRC) from D. Smith (SMC) re Application to Amend Source Material License No. SMB-743 (TAC No. L21470)	ML9905030238
33.	06/22/99	Final Status Survey of Haul Road	ML071150452
34.	07/20/99	Letter to D. Smith (SMC) from T. Sherr (NRC) re Amendment Request Dated January 28, 1999	ML071350223
35.	08/13/99	SMC letter to T. Sherr, Chief (NRC) re Response to USNRC Request for a License Amendment Application	ML071370671
36.	08/13/99	SMC response to NRC request for release of areas outside boundary fence in response to EPA allegation	ML071170292
37.	09/08/99	SMC Report of Safety Surveillance for Quarter 3, 1998	ML071200242
38.	10/14/99	SMC letter re acceptance of amendment request to replace annual limit on intake (ALI) and derived air concentration (DAC) for Y-Class Thorium and uranium compounds	ML071370623
39.	10/19/99	SMC submits decommissioning funding plan based on conceptual decommissioning plan. (Note: Index item 43 discusses acceptance of this plan for review)	
40.	10/27/99	NRC Inspection Report of Inspections on 8/19 and 9/9/1999	ML993190286

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Number	Date	Event	ADAMS or Other Reference
41.	11/04/99	NRC letter (J. Oliver) to SMC (D. Smith) re Acceptance of Decommissioning Funding Plan for Review	ML993160258
42.	11/04/99	NRC memorandum re Technical Assistance Request – Shieldalloy Decommissioning Plan	ML993160132
43.	11/04/99	SMC letter to NRC re release survey of land area to be reforested east of SMC site	ML993240458
44.	11/20/99	Materials License, SMB-743 Amendment 3, Docket No. 40-7102, Expiration Date: 10/20/02	ML993490221
45.	01/14/00	SMC submits final site survey report from demolition of AAF Baghouse	ML003679651
46.	01/20/00	Report of soil sampling in remediated Storage Yard	ML003678385
47.	01/21/00	SMC provides report of survey of Storage Yard to NRC	ML003678361
48.	02/11/00	NRC letter denying decommissioning funding plan	ML003683575
49.	03/09/00	NRC letter to SMC re Acceptance of Soil Sampling/Survey of Storage Yard After Remediation Report	ML003690158
50.	03/20/00	Public meeting between NRC and SMC on the conceptual decommissioning plan	
51.	03/28/00	SMC letter to NRC re Additional Information on Final Survey/Sampling Report for Storage Yard	ML003700662
52.	04/10/00	NRC letter (J. Olivier, LISB, FCSS) to SMC (D. Smith) re Former Storage Yard Area to be Reforested	ML003700038
53.	04/20/00	SMC response to NRC comments on the conceptual decommissioning plan	ML003712251
54.	04/25/00	NRC letter (R. Bellamy, Decommissioning and Laboratory Branch) to SMC (N. Morrison) re results of the 3/13/00 radiation safety inspection	ML003708040
55.	05/02/00	SMC letter (D. Smith, Radiation Safety Officer) to NRC (T. Sherr) requesting postponing initiation of the decommissioning process	ML003712762; ML071200486
56.	05/22/00	SMC letter (D. Smith) to NRC (J. Olivier) re Amendment Application Dated 9/23/99	ML003720908
57.	06/30/00	Closure report for the surface impoundments	ML071200420
58.	07/05/00	NRC letter granting SMC's request to postpone initiation of decommissioning process for one year	ML003750499
59.	12/07/00	NRC letter commenting on the SMC resolutions of comments on the conceptual decommissioning plan	

# ATTACHMENT 1

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Number	Date	Event	ADAMS or Other Reference
60.	03/06/01	SMC letter providing responses to the additional NRC comments on the conceptual decommissioning plan	ML011080215
61.	05/03/01	NRC letter acknowledging receipt of amendment application to remove G-Warehouse from listing of restricted areas	ML011310548
62.	05/21/01	SMC letter documenting the telephone conference of SMC resolution of additional NRC comments on the conceptual decommissioning plan	ML011510331
63.	06/01/01	NRC letter (L. Roché) to SMC (D. Smith) re Chief for the Fuel Cycle Licensing Branch	ML011590480
64.	08/27/01	SMC notifies NRC of its intent to terminate license	ML012570371
65.	08/30/01	SMC license application	ML022660440
66.	09/27/01	Settlement Agreement of Environmental claims between Debtors and USA and NJ	ML013040184
67.	10/01/01	SMC submitted Rev. 2 to the decommissioning funding plan incorporating the revised conceptual decommissioning plan	ML013040184; ML013040153
68.	10/09/01	SMC request to remove G-Warehouse from list of permanent restricted areas and update of description of two additional areas	ML012890317
69.	11/05/01	NRC letter to SMC re Acknowledgment of Intent to Terminate Source Material	ML013100193
70.	11/15/01	SMC letter (D. Smith) to NRC (M. Leach) re Application to Amend Source Material License	ML013170388
71.	12/18/01	NRC letter (R. Bellamy) to SMC (N. Morrison) re Inspection, SMC, Newfield, N.J. Site	ML013530374
72.	02/22/02	SMC application to remove D102/D111 from restricted area listing	ML020670077; ML020700145
73.	04/25/02	SMC submits D&D plan for D-111 and D-102 (PARS)	ML021160053
74.	05/01/02	NRC acceptance of notification of intent to remove buildings, control	ML021220122
75.	05/07/02	NRC phone record re removal of buildings and work plan discussion	ML021290089
76.	07/15/02	Safety Inspection Report and Compliance Inspection	ML022820519
77.	08/04/02	Archer letter to TRC Environmental Corp. re NRC Decommissioning for Newfield	
78.	08/28/02	SMC Submits Rev. 0 of DP	ML022800283, ML030660342; ML022800312

# ATTACHMENT 1

## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
79.	08/30/02	SMC letter (D. Smith) to NRC (M. Leach) re Request to Decommission the SMC Newfield Facility	ML022660440
80.	10/04/02	NRC letter to SMC re Inspection on 7/15-9/18/2002	ML002810350
81.	10/28/02	NRC letter to Shieldalloy acknowledging timely receipt of renewal application	ML023010695
82.	11/06/02	NRC letter to Shieldalloy re Issuance of License Amendment #8	ML023110336
83.	11/07/02	Shieldalloy letter to NRC re Application to Amend SMB-743	ML023220168
84.	11/26/02	NRC letter to Shieldalloy re Issuance of License Amendment	ML023310047
85.	02/28/03	NRC rejects SMC DP and denies request to defer review of Rev. 0 of DP	ML030660342
86.	04/04/03	NRC Notice of Meeting with SMC to discuss Restricted Release Decommissioning Options, Including a Possession-Only License	ML030940324
87.	04/16/03	SMC, NRC and NJDEP meeting to discuss restricted release options prior to submission of DP	ML031260631; ML031050422; ML031130476
88.	04/30/03	SMC submits license renewal application to NRC	ML031280606
89.	05/06/03	Summary of 4/16/03 meeting	ML31260631
90.	05/16/03	Shieldalloy letter to NRC re Phased Approach for Termination of License No. SMB-743	ML031470616
91.	05/31/03	Environmental Report. PARS Environmental Inc., Final Status Survey Plan (May 2003) D111 & D102/112 Production Dept. & Flex Kleen Baghouse, Shieldalloy	ML031770069
92.	07/01/03	Memo regarding slag reuse in artificial reefs	ML071200038
93.	07/02/03	NRC letter to Shieldalloy Requesting Additional Information Concerning Amendment for Phased Approach for License	ML031840189
94.	07/30/03	Smith (SMC) letter to Kalman (NRC) re Phased approach to license termination	ML071370554
95.	08/15/03	SSAB meeting 1	DP Ch. 16, App. 19.7
96.	08/22/03	SMC Letter to NRC re Preferred Approach to Decommissioning	DP Plan, App. 19.7
97.	09/09/03	SMC submits revised Item 6 of Action Plan	
98.	09/11/03	SMC letter to NRC re Preferred approach to Newfield decommissioning	ML032660236
99.	09/18/03	NJDEP issues letter commenting on draft minutes of August 15, 2003 SSAB Meeting	DP Plan, App. 19.7

# ATTACHMENT 1

## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
100.	09/19/03	Site Specific Advisory Board Meeting No. 2	DP plan, Ch. 16, App. 19.7
101.	10/02/03	SMC submits Item 9 of Action Plan	
102.	10/02/03	SMC submits Item 11 of Action Plan	
103.	10/06/03	Shieldalloy letter to NRC re Action Plan for Decommissioning the Newfield Facility	ML071370548
104.	11/17/03	NRC memo re SRM for SECY-03-0069, Results of the License Termination Rule Analysis	ML033210595
105.	11/24/03	NRC Staff Comments on October 6, 2003, Submittals Regarding Items 9 and 11 of the Action Plan for the SMC Site in Newfield, N.J.	ML033280547; ML03370168
106.	01/22/04	NJDEP letter to NRC re ground water data	ML040980546
107.	04/15/04	NRC Staff Interim Guidance for a Long-Term Control Possession Only License at the Shieldalloy Newfield Site	ML041320436
108.	04/28/04	Analytical results for ground water samples	ML050980077
109.	05/15/04	NRC to SMC regarding NRC Staff Guidance for a Long Term Control Possession Only License at Newfield	ML041320397
110.	05/28/04	NRC Regulatory Issue Summary (RIS) 2004-08, Results of the License Termination Rule Analysis	ML041460385
111.	06/08/04	NRC letter to SMC re Eliminating the Site Decommissioning Management of All Sites Undergoing Decommissioning Under A Comprehensive Decommissioning Program	ML041560498
112.	06/29/04	Attendee List for Meeting Between SMC and NRC to discuss NRC's Interim Guidance for LTC License	ML041960574
113.	07/06/04	Acknowledgement letter to B. Campbell (NJDEP) concerning NRC's intent to pursue a Long Term Control, possession only, license for SMC	ML041880138
114.	07/16/04	Summary of Meeting (6/29/04) between NRC Staff and SMC to discuss Interim Guidance for a Long Term Control Possession Only License at the SMC site in Newfield, NJ	ML041970534; ML041960574
115.	09/10/04	Decommissioning Plan & Site Specific Advisory Meeting (9/17/04) for USNRC Source Material License SMB-743, SMC, Newfield, NJ	ML042740495
116.	09/10/04	SMC letter to NJDEP to discuss opportunity for public meeting in concert with next SSAB meeting	ML042740495
117.	09/17/04	NJDEP Letter to NRC expressing dissatisfaction with timeline and method of convening SSAB	ML04270492

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## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
118.	09/23/04	Teleconference with SMC and NRC to discuss dose modeling and environmental assessment issues	SMC e-mail from D. Smith to K. Kalman of 10/8/04
119.	10/08/04	Shieldalloy letter to NRC re Teleconference Summary	ML071370538
120.	10/21/04	Shieldalloy letter to Integrated Environmental Management re Decommissioning Plan and Site Specific Advisory Board Meeting	
121.	11/05/04	Site Specific Advisory Board Meeting 3 and public meeting	DP Ch. 16, App. 19.7
122.	11/29/04	NJDEP letter re minutes of 11/5/04 SSAB Meeting	NJDEP letter from D. Gaffigan to D. Smith
123.	12/01/04	NRC responds to NJDEP's 9/17/04 letter on the Newfield site	ML043010059
124.	12/07/04	NJDEP letter (J. Lipoti) to NRC (D. Gillen) re NJDEP letter dated 12/06/04 concerned about SSAB meetings on the "decommissioning" of the SMC site.	ML050030116; ML043580358
125.	12/17/04	Shieldalloy letter to NRC re Action Plan for Phased Approach	ML050130131
126.	02/10/05	SMC submits letter to NRC with schedule for submitting draft environmental report, dose modeling and ALARA chapters for NRC review	ML050540026
127.	02/23/05	SMC submits letter to NRC with schedule for submitting draft environmental report, dose modeling and ALARA chapters for NRC review	SMC Letter to K. Kalman from D. Smith (sent via e-mail)
128.	04/14/05	SMC transmits scheduled deliverable on phased approach to decommissioning planning - Draft Chapter 5 on Dose modeling	ML051530111
129.	05/25/05	Draft Environmental Report submitted to USNRC for preliminary acceptance review	
130.	06/14/05	Teleconference with NRC and SMC to discuss Chapter 5 Dose Modeling submittal (NJDEP invited)	NRC e-mail from K. Kalman to D. Smith
131.	06/16/05	Revised submission to NRC Office of International Programs on CANAL export from NRC	ML070580300
132.	06/24/05	NRC provides comments on draft dose modeling chapter of DP	ML051680544
133.	07/29/05	Draft Chapter 7 ALARA Analysis submitted to USNRC for preliminary review	ML052720487
134.	08/16/05	SMC confirms DP submittal schedule and requests comments on draft ER and ALARA submittals	SMC E-mail from D. Smith to K. Kalman



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## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
135.	08/24/05	SMC counsel response to NJDEP 7/18/05 letter re NJ radioactive materials license requirements	ML052720527; ML052440281
136.	08/25/05	SMC transmits deliverable on dose modeling as part of phased approach to decommissioning	ML053330304
137.	08/26/05	SMC E-mail to NRC regarding scheduling of public noticed conference call to review NRC comments on draft ALARA analysis and draft Environmental Report	SMC E-mail from D. Smith to K. Kalman
138.	08/29/05	Response to June 24, 2005 Comments on Draft Chapter 5 of SMC Decommissioning Plan	SMC Letter to K. Kalman from D. Smith
139.	09/06/05	Site Specific Advisory Board Meeting held	
140.	09/12/05	Kalman (NRC) announces NRC comments on Environmental Report held up	
141.	09/12/05	NRC provides SMC with preliminary comments on Environmental Report and ALARA chapter	NRC e-mail to D. Smith from K. Kalman
142.	09/12/05	E-mail correspondence between SMC and EnergySolutions re off-site disposal of slag and baghouse dust	ML071360433
143.	09/13/05	Smith/Kalman e-mail regarding NRC delivery of comments	
144.	09/14/05	Goodman and Gardner (NJDEP) request perimeter TLD reports	
145.	09/16/05	SMC letter to NRC re action plan for phased approach	ML052720503
146.	09/21/05	Site Specific Advisory Board Meeting 4 and public meeting	DP Ch. 16, Sign-in sheet
147.	09/21/05	NRC provides additional comments to Draft Ch 7 and Draft ER of DP	ML052550623
148.	09/23/05	NRC issues Supplement 1 to NUREG-1757 (DRAFT)	ML052620218
149.	10/24/05	Decommissioning Plan for the Newfield Facility (Rev. 1) submittal	ML053190215
150.	10/26/05	Envirocare off-site disposal proposal	ML071170557
151.	01/26/06	NRC rejection of Revision 1 to the Decommissioning Plan for the Newfield Facility	ML060180551
152.	02/01/06	NRC suggests SMC look at U mine disposal option	
153.	02/09/06	NRC announces meeting with SMC on DP rejection	ML060390579
154.	02/16/06	SMC and NRC conference call to discuss DP rejection	SMC internal e-mail
155.	03/09/06	Meeting with SMC/NRC to discuss DP rejection - minutes	

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## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
156.	03/09/06	NRC issues summary of meeting with SMC on Rev 1 of DP	ML061070401
157.	03/22/06	NRC transmits minutes of 3-9 meeting	
158.	03/28/06	NRC e-mail on Chapter 5 deficiencies	
159.	03/29/06	SMC provides NRC with comments on draft meeting minutes for 3/9/06 meeting	SMC e-mail from D. Smith to K. Kalman
160.	04/05/06	Kalman (NRC) provides dose modeling examples	
161.	04/11/06	On-site meeting between NRC and SMC in Newfield to discuss engineered barrier design (NJDEP in attendance)	
162.	04/21/06	NRC states there will be additional RAIs on dose modeling; no simple answer	
163.	04/30/06	SMC commits to providing revisions to DP to NRC by 6/30/06	SMC e-mail from D. Smith to K. Kalman
164.	05/01/06	NRC/SMC e-mail exchange on RAIs	
165.	05/12/06	NRC Summary of 3/9/06 Meeting between NRC and SMC issued	ML061070401
166.	05/23/06	NJ Intent to become Agreement State	
167.	06/08/06	SMC Submits draft Chapter 5	
168.	06/30/06	SMC submits follow-up to the March 9, 2006 Meeting and Response to USNRC Letter of January 26, 2006	ML061980092
169.	06/30/06	SMC transmits Rev. 1a, based on 1/26/06 letter, 3/9/06 Meeting and 4/11/06 Meeting	SMC Letter to K. Kalman from D. Smith
170.	08/01/06	SMC reports groundwater monitoring results to NJDEP	ML071200394
171.	08/07/06	Report on ground water monitoring results	ML071200394
172.	09/01/06	NRC issues revisions to NUREG 1757, Vol. 1 and Vol. 2	ML063000243
173.	10/04/06	NRC visits Newfield to discuss EIS process	SMC e-mail from D. Smith to N. Morrison
174.	10/18/06	NRC accepts Rev. 1 of DP for technical review	ML062580126
175.	11/09/06	NRC memo re Federal Register notice of opportunity to request a hearing re SMC	ML063100282
176.	11/13/06	NJDEP letter to NRC regarding acceptance of DP for technical review	NJDEP letter from N. Wittenberg to K. McConnell
177.	11/14/06	SMC provides aerial photos to NRC	TRC e-mail from J. Oliva to Greg Suber

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## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
178.	11/16/06	NRC provides SMC with list of documents requested to be available at 12/12/06 meeting	NRC e-mail from G. Suber to D. Smith
179.	11/17/06	Publication of Notice of Consideration of Amendment Request for Decommissioning and Opportunity to Request a Hearing in Federal Register	ML063050037
180.	12/05/06	NRC holds public meeting and press conference on DP at Newfield	ML063520596
181.	12/12/06	NRC holds public meeting at SMC	
182.	12/12/06	TRC provides NRC with a CD containing requested reference documents	Transmittal letter to NRC from J. Oliva
183.	12/22/06	Petition for hearing on NUREG-1757 filed by NJDEP	ML070030008; ML070030007
184.	12/28/06	Notice of intent to prepare Environmental Impact Statement published in Federal Register	12/28/06 Federal Register
185.	01/08/07	SMC responds to petitions	ML070170515
186.	01/12/07	Commission Order denying NJ's request for a stay of review of the Shieldalloy DP, denying NJ's request for a hearing on the NRC guidance document and deferring action on NJ's rulemaking petition	ML070120539
187.	01/26/07	NJDEP files request for hearing on SMC DP Plan	NJDEP letter from A. Reese to NRC
188.	02/26/07	SMC receives draft RAIs from NRC	
189.	03/06/07	NRC issues letter to EPA requesting meeting to discuss EPA's preliminary assessment of DP	NRC letter from L Camper to W. Mugdan
190.	03/12/07	NRC provides SMC with preliminary draft RAIs	NRC e-mail from P. Swain to D. Smith
191.	03/13/07	SMC and NRC teleconference to discuss preliminary draft RAIs	NRC e-mail from G. Suber to D. Smith
192.	03/13/07	Summary of USNRC and SMC teleconference on draft RAIs	ML070780190
193.	03/16/07	Letter from NJDEP (Gaffigan) with comments on Rev 1a of DP	ML070920158
194.	03/19/07	NRC releases RAI from environmental review of DP	ML070780139
195.	03/19/07	Letter from NRC to SMC with RAI on environmental issues	ML070780139

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## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
196.	03/28/07	ASLB issues Memorandum and Order that: (1) denies all hearing petitions except that of the NJDEP; (2) grants NJDEP's Petition by finding that Contention 5 is admissible in all respects; (3) stays all proceedings, including discovery and the need for the Staff to prepare a hearing file until the Staff has issued its SER and EIS; and (4) defers ruling on the admissibility of the remaining NJDEP contentions until that time.	ML07087079
197.	04/05/07	NJDEP letter to SMC indicating inability to issue decision regarding state ownership/control/third party oversight without requested SMC financial information	NJDEP letter from L. Jackson to D. White
198.	04/18/07	Teleconference between SMC and NJDEP to discuss environmental RAIs	SMC e-mail from D. Smith to various parties, ML073060039
199.	04/24/07	SMC transmits response to environmental RAIs	ML071170305
200.	05/02/07	SMC submits corrected CD with response to RAI set 1	ML071380040
201.	05/03/07	NRC requests ground water sample splits	SMC e-mail to L. Butlien of TRC
202.	06/06/07	NRC informs SMC the scoping process for EIS is complete and provides summary	ML071380432
203.	06/20/07	NRC letter to NJDEP (Gaffigan) on groundwater sampling	ML071710424
204.	07/05/07	NRC provides RAIs on Rev. 1a of DP	ML071640287, ML071640267
205.	07/24/07	NRC staff members tour SMC facility and collect ground water sample splits (NJDEP also collects splits)	NRC e-mail from J. Peckenpaugh to D. Smith
206.	08/29/07	Teleconference between NRC and SMC regarding cap design and leachability RAIs (NJDEP invited)	NRC e-mail from K. Kalman to D. Smith
207.	09/11/07	Teleconference between NRC and SMC regarding Safety Review RAIs (NJDEP invited)	SMC e-mail to various parties
208.	09/11/07	SMC issues summary of teleconference to NRC (NJDEP copied)	SMC e-mail from D. Smith to K. Kalman
209.	09/26/07	EPA submits comments on DP to NRC	ML072820048
210.	10/04/07	Teleconference between NRC and SMC	
211.	10/16/07	SMC speaks with K. Kalman (NRC) re schedule	SMC internal e-mail
212.	11/09/07	SMC provides response to USNRC's 9/5/07 RAI on DP	ML073321281

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## Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
213.	11/20/07	SMC provides NRC with description of December sampling program	SMC e-mail from D. Smith to K. Kalman
214.	11/27/07	NRC summarizes NJDEP input to RAI responses 3, 5, 8, 17 and 18	ML073330155
215.	11/29/07	NRC performs safety inspection of Newfield site	ML080170172
216.	12/03/07	NJDEP requests copy of SMC sampling plan for Hudson Branch from NRC	ML073370151
217.	12/03/07	NJDEP letter to NRC on December, 2007 sampling plan	ML073381240
218.	12/04/07	NRC internal communication on SMC RAI reviews and schedule	ML073381270
219.	12/05/07	NRC Project Team meeting with SMC	ML073381287
220.	12/07/07	Jack Hayes replaces Ken Kalman as NRC Project Manager	SMC internal e-mail
221.	01/03/08	Teleconference between NRC and SMC regarding remedial investigations and extent of chemical contamination	SMC E-mail from D. Smith to J. Hayes
222.	01/09/08	SMC provides NJDEP comments on Draft Final Feasibility Study to NRC	SMC E-mail from D. Smith to J. Hayes
223.	01/11/08	NRC report of safety inspection of Newfield site	ML080170172
224.	02/08/08	NRC calls SMC to discuss means of responding to 11/9/07 RAI response submittal	SMC internal e-mail
225.	02/21/08	NRC provides additional comment on DP	NRC e-mail from J. Hayes to D. Smith
226.	02/21/08	NRC requests series of teleconferences for additional discussions of Safety RAIs, including NJDEP	NRC e-mail from J. Hayes to D. Smith, ML080520001
227.	02/26/08	Teleconference between NRC and SMC regarding RAIs 1a, 4a and 11 (including NJDEP)	
228.	02/26/08	Conference call to discuss selected RAIs	ML080570116
229.	02/28/08	NRC proposes new schedule for conference calls, including NJDEP	NRC e-mail from J. Hayes to D. Smith
230.	03/03/08	Teleconference between NRC and SMC regarding RAIs 61, 66, 67, 69, 70A-70C, 71, 73, 12-16 (including NJDEP)	
231.	03/03/08	Teleconference between NRC and SMC regarding RAIs 17-18, remainder of RAI 11 and RAIs 12-16 (including NJDEP)	

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### Timeline of Events in Newfield Facility Decommissioning

Number	Date	Event	ADAMS or Other Reference
232.	03/04/08	Teleconference between NRC and SMC regarding RAIs 21, 22, 25 and 14 (including NJDEP)	
233.	03/10/08	Teleconference between NRC and SMC regarding RAIs 17 & 18 (including NJDEP)	SMC e-mail from D. Smith to J. Hayes
234.	03/12/08	NRC provides rest of additional comment on DP (dated 1/8/08)	
235.	03/13/08	Teleconference between NRC and SMC regarding RAIs 29, 32, 33, 35, 36, 27, 28, 56, 59 (including NJDEP)	NRC e-mail from J. Hayes to D. Smith
236.	03/18/08	Teleconference between NRC and SMC regarding SMC's approach to collecting Kd data (including NJDEP)	
237.	03/19/08	Teleconference between NRC and SMC regarding SMC's approach to collecting Kd data (including NJDEP)	
238.	03/27/08	NRC and SMC conduct quarry visits (NJDEP invited)	
239.	04/24/08	Teleconference between NRC and SMC regarding SMC's approach to collecting Kd data (NJDEP invited)	
240.	04/30/08	Teleconference between NRC, NJDEP and SMC regarding schedule for submission of Rev. 1b	