

June 12, 2008

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

NRC STAFF'S MOTION FOR LEAVE TO RESPOND TO LBP-08-08

On June 2, 2008, the Atomic Safety and Licensing Board designated to preside over this proceeding issued a Memorandum bringing a matter of concern to the Commission's attention.<sup>1</sup> In its Memorandum, the Board raised certain issues related to decommissioning efforts at the Licensee's Newfield facility and the United States Army's Jefferson Proving Ground Site. Among the issues raised with respect to the Licensee's facility, the Board questioned why "no interim protective measures have been put in place at the Newfield site" while the Staff is engaged in its review of the Licensee's decommissioning plan.

Pursuant to 10 C.F.R. § 2.323(a), the Staff respectfully requests leave to respond to the Board's Memorandum. If leave is granted, the Staff will provide information for the Commission bearing upon matters raised in the Board's Memorandum.<sup>2</sup>

Consistent with 10 C.F.R. § 2.323(b), counsel for the Staff has contacted counsel for the other parties in an attempt to resolve the issues presented by this motion. Counsel for the

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<sup>1</sup> *Shieldalloy Metallurgical Corp.*, Memorandum (Bringing Matter of Concern to Commission's Attention), LBP-08-08 (June 2, 2008).

<sup>2</sup> On June 10, 2008, the Licensee filed its own motion for leave to respond to LBP-08-08. The Staff supports this motion, which seeks the same relief requested by the Staff here.

Licensee does not object to this motion. Counsel for the New Jersey Department of Environmental Protection, the Intervenor in this proceeding, also does not object to this motion, "with the qualification that NJ reserves the right to reply to the motion and any response."

Respectfully submitted,

**/RA/**

Michael J. Clark  
Counsel for the NRC Staff

Dated at Rockville, Maryland  
this 12<sup>th</sup> day of June, 2008

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR LEAVE TO RESPOND TO LBP-08-08" in the above captioned proceeding have been served on the following persons by deposit in the United States Mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk(\*); and by electronic mail as indicated by a double asterisk (\*\*) on this 12<sup>th</sup> day of June, 2008.

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**/RA/**

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