

December 5, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SHIELDALLOY METALLURGICAL CORP.) Docket No. 40-7102-MLA
)
(Licensing Amendment Request for)
Decommissioning of the)
Newfield, New Jersey Facility))

NRC STAFF'S TENTH STATUS REPORT

In its Memorandum and Order dated May 8, 2007, the Board directed the NRC Staff to file bimonthly reports regarding its review of Shieldalloy Metallurgical Corporation's decommissioning plan (DP) for its Newfield, New Jersey facility.¹ The Staff filed its Ninth Status Report on October 10, 2008.

As noted in the Ninth Status Report, in mid-June 2008 Shieldalloy began taking samples of slag and baghouse dust from the Newfield site for use in leach rate testing. After Shieldalloy completes the leach rate testing, it will incorporate the results into its Source Term Document. Shieldalloy intends to submit its Source Term Document for NRC review and comment in May–June 2009. This timeframe, which is slightly later than the April–May timeframe noted in the Staff's Ninth Status Report, results from a delay in Shieldalloy receiving initial leach rate testing results. After Shieldalloy resolves any Staff comments on the Source Term Document, it will submit Rev 1b of the DP for its Newfield site. The Staff expects Shieldalloy to submit Rev. 1b in June–July 2009.

¹ Memorandum and Order (Directing the Filing of Status Reports) (May 8, 2007) (unpublished) at 2. The Board directed the Staff to file its first report no later than June 8, 2007 and subsequent reports no later than the end of the first full week of the month when due under the bimonthly schedule. *Id.* The reports are to contain "(1) a brief statement regarding the then status of the technical review; and (2) the Staff's then best estimate as to the completion date of the review and the release of the documents associated with it." *Id.*

In the Ninth Status Report, the Staff also noted that Shieldalloy had submitted its draft Engineered Barrier Design Report on August 21, 2008, and that the Staff was awaiting confirmation that the report should be considered Shieldalloy's final report. The Staff has since received confirmation from Shieldalloy that the Engineered Barrier Design Report should be considered final, and the Staff has begun reviewing that report.

Based on its review of the Engineered Barrier Design Report, as well as on its continuing review of other information provided by Shieldalloy, the Staff anticipates sending Shieldalloy new requests for additional information (RAIs) on a limited number of issues. To help develop the RAIs, the Staff recently held two Category 1 public meetings to discuss these issues. The meetings were held on November 19 and 20, 2008, in Newfield, New Jersey. The November 19 meeting addressed Shieldalloy's engineered barrier design, while the November 20 meeting focused on the cost-benefit analysis in Shieldalloy's Environmental Report, Shieldalloy's ALARA analysis and other radiological aspects of the DP review, and a question involving mixed waste. Approximately twelve members of the public and a representative from the New Jersey Department of Environmental Protection attended the meetings. The Staff is presently finalizing its RAIs and expects to issue the RAIs by January 2009.

The dates below reflect the Staff's current best estimates of the issuance dates for documents associated with its technical review of the DP. Because the Staff will soon be transmitting new RAIs to Shieldalloy on engineered barrier design and a limited number of other issues, the timeframe in which Shieldalloy is expected to submit Rev. 1b of its DP has been moved back two months, and the completion date for the Final Safety Evaluation Report has also been moved back two months. The estimates associated with the Staff's environmental review do not require adjustment at this time, and those estimates are the same as in the Ninth Status Report.

- Shieldalloy Submits Rev. 1b of DP
June–July 2009

- Staff Publishes Draft Environmental Impact Statement (EIS)
October 2009
- Staff Holds Public Meeting on Draft EIS
November 2009
- 45-day Public Comment Period on Draft EIS Ends
December 2009
- Staff Completes Final Safety Evaluation Report
December 2009
- Staff Issues Final EIS
July 2010

In accordance with the Board's May 8, 2007 Order, the Staff will submit its next status report no later than February 6, 2009.

Respectfully submitted,

/RA/

Michael J. Clark
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 5th day of December, 2008

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S TENTH STATUS REPORT" 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 5th day of December, 2008.

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