

February 6, 2009

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 ELEVENTH 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 Tenth Status Report on December 5, 2008.

As noted in the Tenth 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. Previously, Shieldalloy had informed the Staff that the complete results of its initial leach rate testing would be available by late January 2009. On January 16, 2009, Shieldalloy submitted a report to the Staff containing the initial leach rate testing results. The Staff is presently performing an acceptance review of that report. If the report is accepted, the Staff will determine whether Shieldalloy's proposed protocol, sample locations and types, sample numbers, and analyses are appropriate for the final round of leach rate tests. After Shieldalloy completes the leach rate testing, it will incorporate the results into its Source Term Document, which Shieldalloy intends

¹ Memorandum and Order (Directing the Filing of Status Reports) (May 8, 2007) (unpublished) at 2.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.*

to submit for NRC review and comment in May–June 2009. After Shieldalloy resolves any Staff comments on the Source Term Document, it will submit Rev 1b of the DP for its Newfield site.

In early December 2008, the Staff's environmental review team sent Shieldalloy supplemental RAIs relevant to the cost-benefit section of the Source Term Document. Shieldalloy provided responses to those RAIs in January 2009, and the environmental review team is presently reviewing those responses.

Since the Tenth Status Report, Shieldalloy has submitted two other significant reports to the Staff: "Focused Radiological Characterization of the Newfield Facility" and "Ground Water Impacts Analysis Based on Subsurface Soil Sampling and Ground Water Monitoring." The Staff has completed its initial reviews of these reports and is in the process of scheduling telephone conferences with Shieldalloy and the Intervenor in this proceeding, the New Jersey Department of Environmental Protection (NJDEP), to discuss the reports.

On January 27, 2009, the Commission issued *Shieldalloy Metallurgical Corp.* (License Amendment Request for Decommissioning of the Newfield, New Jersey Facility), CLI-09-01, 69 NRC __ (slip op.). In its order, the Commission noted that NJDEP had questioned whether a berm that Shieldalloy constructed on the south side of the storage area at the Newfield facility is sufficient to prevent offsite migration of contaminated material. *Id.* (slip op. at 5–6). The Commission stated that "[w]hether additional data are needed regarding the effectiveness of the existing berm to deter potential offsite migration is a matter that the Staff should discuss with Shieldalloy and New Jersey." *Id.* (slip op. at 6). The Staff had a preliminary discussion with Shieldalloy and NJDEP concerning this matter during a teleconference on February 2, 2009. The Staff expects to have additional discussions with Shieldalloy and NJDEP regarding this issue.

In its recent order, the Commission also stated that it expects the Staff to timely and thoroughly address questions related to potential radiological contamination in the Hudson Branch. *Id.* (slip op. at 5). As noted above, the Staff recently received Shieldalloy's report titled

“Focused Radiological Characterization of the Newfield Facility.” Certain information in this report may be relevant to assessing radiological contamination in the Hudson Branch. The Staff expects to hold a teleconference with Shieldalloy and NJDEP in the near future to discuss this issue.

The dates below reflect the Staff’s current best estimates of the release dates for documents associated with its technical review of the DP. These estimates are the same as in the Tenth Status Report.

- Shieldalloy Submits Rev. 1b of DP, Providing Supplemental RAI Responses
June–July 2009
- Staff Publishes Draft Environmental Impact Statement (EIS)
October 2009
- Staff Completes Final Safety Evaluation Report
December 2009
- Staff Holds Public Meeting on Draft EIS
November 2009
- 45-day Public Comment Period on Draft EIS Ends
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 April 10, 2009.

Respectfully submitted,

/RA/

Michael J. Clark
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 6th day of February, 2009

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ELEVENTH 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 6th day of February, 2009.

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