

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 THIRTEENTH 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 Twelfth Status Report on April 10, 2009.

On June 3, 2009, the NRC published notice in the *Federal Register* of New Jersey's proposal to enter into an agreement as authorized by Section 274 of the Atomic Energy Act of 1954.² Under the proposed agreement, the NRC would relinquish, and New Jersey would assume, portions of the NRC's regulatory authority exercised within New Jersey. As a result, New Jersey would assume regulatory authority over persons issued source material licenses under 10 C.F.R. Part 40.³ Shieldalloy, the holder of NRC License SMB-743, is a Part 40 licensee.

¹ Memorandum and Order (Directing the Filing of Status Reports) (May 8, 2007) (unpublished) at 2.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

² *State of New Jersey: NRC Staff Assessment of a Proposed Agreement between the Nuclear Regulatory Commission and the State of New Jersey*, 74 Fed. Reg. 26,739 (June 3, 2009).

³ *Id.* at 26,742.

The *Federal Register* notice explains that the NRC Staff has examined New Jersey's proposed agreement by applying the Commission's policy statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States through Agreement."⁴ As a result of that review, and after considering supporting information submitted by New Jersey, the Staff has concluded that New Jersey's proposal is compatible with the NRC's Agreement State Program and adequate to protect public health and safety with respect to materials covered by the proposed Agreement.⁵

The *Federal Register* notice further explains that the NRC Staff is publishing the proposed agreement with New Jersey for public comment, and that the comment period ends June 26, 2009.⁶ The *Federal Register* notice includes a summary of the proposed agreement.⁷ The notice also includes accession numbers through which the full text of the NRC Draft Staff Assessment of the Agreement, along with all information and documentation submitted by New Jersey in support of its request, can be viewed in the NRC's Agencywide Documents Access and Management System (ADAMS).⁸

While the public comment period is open, the Staff will continue its review of Shieldalloy's DP. The Staff is presently awaiting Shieldalloy's Source Term Document and several other reports and DP sections. The Staff will provide Shieldalloy comments on its Source Term Document, and the Staff expects Shieldalloy to submit Rev. 1b of its DP by approximately August 2009, unless New Jersey becomes an Agreement State in the interim.

In its last status report, the Staff stated that it had arranged for a presentation at NRC headquarters by representatives of the United States Geological Service (USGS) to discuss the

⁴ *Id.* at 26,740.

⁵ *Id.* at 26,741–26,742.

⁶ *Id.* at 26,739.

⁷ *Id.* at 26,742–26,743.

⁸ *Id.* at 26,739.

USGS report "Geochemistry of Radium Isotope Occurrence in Water of the Kirkwood-Cohansey Aquifer System, North Atlantic Coastal Plain." The Staff stated that this presentation, which was on March 19, 2009, "provided valuable information that the Staff will take into account in its evaluation of contamination in the Hudson Branch." This statement was not correct in that the presentation by the USGS representatives addressed potential sources of radium in *groundwater* in the vicinity of Shieldalloy's Newfield site; it did not address contamination in the adjacent Hudson Branch. The Staff regrets any confusion resulting from this misstatement.

The dates below reflect the Staff's current best estimates of the release dates for documents associated with its technical review of the DP. The estimates are the same as in the Twelfth Status Report. Whether the Staff's technical review reaches the stages specified below will depend on the status of New Jersey's request to become an Agreement State.

- Shieldalloy Submits Rev. 1b of DP, Providing Supplemental RAI Responses
August 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 August 7, 2009.

Respectfully submitted,

/RA/

Michael J. Clark
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 5th day of June, 2009

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S THIRTEENTH 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 June, 2009.

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