

## Daily Note

On September 3, New Jersey staff within the Bureau of Environmental Radiation informed NRC that Shieldalloy Metallurgical Corporation filed a civil case in the United States District Court in New Jersey against the State of New Jersey, Department of Environmental Protection, and Mark N. Mauriello, in his capacity as Acting Commissioner of the Department of Environmental Protection of the State of New Jersey. Shieldalloy seeks to require New Jersey to uphold the provisions of a 1997 settlement agreement that resolved NJ's and the United States' claims against Shieldalloy in Bankruptcy Court. Shieldalloy alleges that NJ agreed to Shieldalloy's plan to cap and dispose of radioactive slag onsite since the parties used this disposal method to calculate Shieldalloy's financial assurance for clean-up at their Newfield site. Shieldalloy's lawsuit appears aimed at stopping NJ, once it becomes an Agreement State, from requiring costly offsite disposal of Shieldalloy's existing contamination. NRC is not a party to the lawsuit.

The Commissioners recently voted to approve the New Jersey Agreement State package. The package is currently awaiting the Chairman's signature.

P/46