Torre Taylor

From: Donna Janda
Sent: Wednesday, January 28, 2009 2:21 PM
To: Dennis Sollenberger; Torre Taylor
Subject: FW: 12232008 - Re 12102008 meeting with SMC on NJ becoming Agreement State.pdf
Attachments: 12232008 - Re 12102008 meeting with SMC on NJ becoming Agreement State.pdf

I'm not sure if you're aware of this letter but I received this email last week and should have sent it to you sooner (just realized that you were not on the original email list). John Kinneman is asking if we have any additional information on this. Has ShieldAlloy contacted NRC as NJ suggested they do? Can you ping Jack Hayes to see if he has any updated information? I don't mind asking him just let me know if that's OK with you.

Thanks,
Donna

From: Mark Roberts
Sent: Tuesday, January 20, 2009 9:34 AM
To: Donna Janda; James Kottan
Subject: FW: 12232008 - Re 12102008 meeting with SMC on NJ becoming Agreement State.pdf

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From: John Hayes
Sent: Wednesday, January 14, 2009 11:04 AM
To: Shieldalloy NPEmails; Allen Fetter; Allen Gross; Andrea Kock; Christianne Ridge; Daniel Gillen; Duane Schmidt; Eugene Cobey; John Bradbury; John Hull; Jon Peckenpaugh; Karen Pinkston; Kenneth Kline; Lifeng Guo; Mark Fuhrmann; Mark Roberts; Michael Clark; Phil Reed; Rebecca Tadesse; Robert Johnson (FSME); ted22222@earthlink.net
Subject: 12232008 - Re 12102008 meeting with SMC on NJ becoming Agreement State.pdf

Thought you might be interested in this. Note the letter was dated 12/23/08, postmarked 1/5/09 and I received it no earlier than yesterday, 1/13/09.

G/95

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Department of Environmental Protection
Environmental Regulation
P.O. Box 423
Trenton, New Jersey 08625-0423
Phone (609) 292-2795
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JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

December 23, 2008

Hoy Frakes, President
Shieldalloy Metallurgical Corporation
60790 Southgate Rd.
Cambridge, OH 43725-9414

Dear Mr. Frakes:

I would like to thank you and your staff for meeting with us on December 10, 2008. We appreciate being able to have a frank discussion regarding our impending Agreement with the US Nuclear Regulatory Commission (NRC).

To reiterate, the Department is on schedule to sign an Agreement with the NRC by September 30, 2009 (possibly sooner). After the Agreement is signed, the Department will be the licensing authority for your source material license and the NRC will no longer be the responsible agency to approve or deny your proposed decommissioning plan. As such, Shieldalloy Metallurgical Corporation (SMC) will be required to comply with the New Jersey Radiation Protection Code regarding decommissioning at N.J.A.C. 7:28-12. We explained that your current approach to decommissioning will not comply with our regulations and that the slag pile, as currently characterized, would have to be removed. You reiterated that you believe that the current approach is the safest alternative. You also commented that you cannot change your course of action because of your scheduling commitments to the NRC.

We recommended that you make a request to the NRC to put any further work on the engineered barrier design on hold. As we stated at the meeting, we believe that your work on the characterization of the slag pile, characterization of the site and surrounding areas, dose modeling, and investigating alternative disposal options should continue. You stated that business planning necessitated that you continue with the current plan. Putting a hold on certain aspects of your decommissioning plan for nine months seems like a reasonable compromise to us.

While we did not come to a consensus regarding your current or future actions for decommissioning and terminating your license, we agreed that further meetings would be

beneficial as the date of the Agreement approaches. We look forward to our continued discussions.

Sincerely yours,

Nancy Wittenberg
Assistant Commissioner

c: John Hayes, Sr. Project Manager
US Nuclear Regulatory Commission
Materials Decommissioning Branch
Office of Federal and State Materials and Environmental Management Program
Washington, D.C. 20555-0001

David White, Ph.D., HSE Director
Shieldalloy Metallurgical Corporation
14 West Boulevard, PO Box 768
Newfield, NJ 08344-0768

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Honorable Robert Menendez
United States Senator, New Jersey
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Honorable Frank LoBiondo
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Holly Oak Office Park
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Honorable Joseph Curcio
Mayor, Newfield Borough
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John Hazen, NJDEP Office of Legislative Affairs

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Materials Decommissioning Branch
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