

Clark, Michael

From: Hayes, John *FSME*
Sent: Tuesday, June 09, 2009 8:49 AM
To: 'Jenny Goodman'
Subject: RE: SMC

Jenny,

The feedback I have received from our legal department is no.

Jack

-----Original Message----- *as state*

From: Jenny Goodman [mailto:Jenny.Goodman@dep.state.nj.us]
Sent: Monday, June 08, 2009 1:46 PM
To: Hayes, John
Cc: Patricia Gardner; elwelken@law.dol.lps.state.nj.us
Subject: SMC

Jack,

Is the NRC going to respond to this?

>>> "Travieso-Diaz, Matias F." <*Pillsbury* matias.travieso-diaz@pillsburylaw.com>
>>> 06/08/09 12:58 PM >>>

Dear Board members and parties:

Shieldalloy Metallurgical Corp. believes that a clarification should be made to the Thirteenth Status Report submitted by the NRC Staff on June 5, 2009. A reader of that Status Report may be left with the impression that, should New Jersey's application to become an Agreement State be approved, jurisdiction over SMC's Newfield site will necessarily be transferred to the State and the NRC Staff's review of the proposed Decommissioning Plan for the Newfield site and the above captioned proceeding will terminate. In fact the final Agreement, if approved, may not transfer jurisdiction over the Newfield site to the State but retain it with the Commission, in which case the Staff's review and this proceeding will continue.

Sincerely,

Matias F. Travieso-Diaz | Pillsbury Winthrop Shaw Pittman LLP