

Scott, Catherine

From: Marco, Catherine *Obs*
Sent: Friday, October 09, 2009 2:05 PM
To: Clark, Michael
Subject: Re: Consultation pursuant to 10 CFR 2.323(b)

(b)(5)

Cathy
Sent via BlackBerry

From: Clark, Michael *Obs*
To: Marco, Catherine
Sent: Fri Oct 09 13:23:49 2009
Subject: FW: Consultation pursuant to 10 CFR 2.323(b)

Cathy,

(b)(5)

Mike

From: Clark, Michael *Obs*
Sent: Friday, October 09, 2009 1:08 PM
To: Burns, Stephen; Gray, Joseph; Cordes, John; Jones, Bradley; Klukan, Brett; Olmstead, Joan
Subject: FW: Consultation pursuant to 10 CFR 2.323(b)

(b)(5)

From: Clark, Michael *Obs*
Sent: Friday, October 09, 2009 1:01 PM
To: 'Travieso-Diaz, Matias F.'; reeseand@dol.lps.state.nj.us; kenneth.elwell@dol.lps.state.nj.us; Klukan, Brett
Cc: Silberg, Jay E.; Haemer, Robert B.
Subject: RE: Consultation pursuant to 10 CFR 2.323(b)

The Staff is in no position to consent to a stay of the agreement under which the Commission relinquished, and New Jersey assumed, regulatory authority over Shieldalloy's Newfield site. The Staff will respond, as appropriate, to any motion Shieldalloy files.

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Michael J. Clark
Office of the General Counsel
United States Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852-2738
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P. Pillsbury
From: Travieso-Diaz, Matias F. [mailto:matias.travieso-diaz@pillsburylaw.com]
Sent: Friday, October 09, 2009 9:12 AM
To: reeseand@dol.lps.state.nj.us; kenneth.elwell@dol.lps.state.nj.us; Clark, Michael; Klukan, Brett
Cc: Silberg, Jay E.; Haemer, Robert B.
Subject: Consultation pursuant to 10 CFR 2.323(b)

Dear counsel: Shieldalloy expects to seek judicial review of the NRC decision to transfer regulatory authority over the Newfield site to New Jersey under the just approved Agreement State agreement. We plan to file soon a motion with the Commission asking that the transfer of authority over the Newfield site be stayed pending judicial review. We believe that issuance of such a stay will not prejudice any party since, if the stay is granted, the Newfield facility will remain under the regulatory oversight of the NRC Staff, and there is no doubt that the Staff's oversight is adequate to protect public health and safety during the pendency of the review by the courts. Please advise as soon as possible whether you will agree to such a stay.

Many thanks,

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

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* Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.