

Clark, Michael

From: John Hayes *FSME*
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) (b)(6)
Subject: 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

9-23

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.

Information in this record was deleted in accordance with the Freedom of Information Act.
Exemptions 6
FOIA/PA 2010-0039

J/18



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).

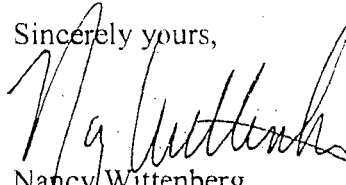
To reiterate, the Department is on schedule to sign an Agreement with the NRC by September 30, 2009 (possibly sooner). After the Agreement is signed, the Department will be the licensing authority for your source material license and the NRC will no longer be the responsible agency to approve or deny 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

Honorable Frank R. Lautenberg
United States Senator, New Jersey
One Port Center
2 Riverside Drive, Suite 505
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Honorable Robert Menendez
United States Senator, New Jersey
208 White Horse Pike, Suite 18
Barrington, NJ 08007

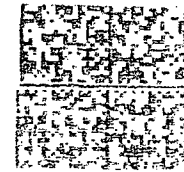
Honorable Frank LoBiondo
United States House of Representatives
2nd Congressional District, New Jersey
5914 Main Street
Mays Landing, NJ 08330-4450

Honorable Fred H. Madden
United States Senator, New Jersey
Holly Oak Office Park
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Honorable Joseph Curcio
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John Hazen, NJDEP Office of Legislative Affairs

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