

**Clark, Michael**

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**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

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## 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

Fax (609) 777-1330

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).

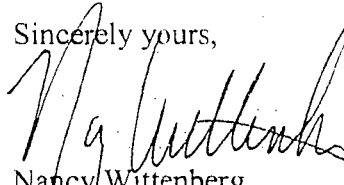
To reiterate, the Department is on schedule to sign an Agreement with the NRC by September 30, 2009 (possibly sooner). After the Agreement is signed, the Department will be the licensing authority for your source material license and the NRC will no longer be the responsible agency to approve or deny 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  
Camden, NJ 08101

Honorable Robert Menendez  
United States Senator, New Jersey  
208 White Horse Pike, Suite 18  
Barrington, NJ 08007

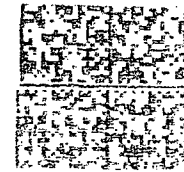
Honorable Frank LoBiondo  
United States House of Representatives  
2<sup>nd</sup> Congressional District, New Jersey  
5914 Main Street  
Mays Landing, NJ 08330-4450

Honorable Fred H. Madden  
United States Senator, New Jersey  
Holly Oak Office Park  
129 Johnson Rd, Suite 1  
Turnersville, NJ 08012

Honorable Joseph Curcio  
Mayor, Newfield Borough  
P.O. Box 856  
Newfield, NJ 08344

John Hazen, NJDEP Office of Legislative Affairs

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