

Sollenberger, Dennis

From: Taylor, Torre *-FSME*
Sent: Tuesday, June 09, 2009 7:57 AM
To: Sollenberger, Dennis
Subject: RE: SMC

very interesting; my question is how did NRC get this? from Jenny? did she get it from Shieldalloy?

-----Original Message-----

From: White, Duncan
Sent: Monday, June 08, 2009 4:08 PM
To: Sollenberger, Dennis
Cc: Taylor, Torre
Subject: Re: SMC

Interesting bit of logic on the part of SMC.

----- Original Message -----

From: Sollenberger, Dennis
To: Hayes, John
Cc: Taylor, Torre; White, Duncan
Sent: Mon Jun 08 15:36:51 2009
Subject: RE: SMC

Jack:

I would respond that:

Although the Commission has not made a final decision on the New Jersey request to become an Agreement State (it is out for public comment at this time), the New Jersey application included source material (SMC is a source material licensee). Therefore, the SMC license would transfer to New Jersey for regulation on the effective date of the Agreement, if approved.

The Commission has previously determined the classes of licensing activities that a State may include in its 274b Agreement (one is source material). They are described in Management Directive 5.8 and the SA-700 procedure which document the standard 274b Agreement and the procedures to review and process such an application for a 274b Agreement, respectively.

Others may have other ideas. I thought I would get the ball rolling with the above proposed response, if we need to respond at this time.

Dennis

-----Original Message-----

From: Hayes, John
Sent: Monday, June 08, 2009 1:54 PM
To: Jenny Goodman
Subject: RE: SMC

Jenny,

M/99

I had not seen this. I forwarded this to our Office of General Counsel. They will render a decision on whether they will respond.

Thanks,

Jack

-----Original Message-----

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." <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