

September 1, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SHIELDALLOY METALLURGICAL CORP.)	Docket No. 40-7102-MLA
)	
(Licensing Amendment Request for)	
Decommissioning of the)	
Newfield, New Jersey Facility))	

NRC STAFF'S STATUS REPORT

In its Order dated October 21, 2009, the Board suspended the NRC Staff's obligation to file bi-monthly status reports regarding its review of Shieldalloy's decommissioning plan (DP).¹ The Board also stated, however, that "the Staff remains obligated to inform the Board promptly of any significant developments relevant to this proceeding."²

In a prior status report, the Staff notified the Board that Shieldalloy had filed a petition for review with the United States Court of Appeals for the District of Columbia Circuit.³ The petition, which identifies the NRC as a respondent, asks that the Court "[d]irect the NRC to revoke its transfer of regulatory authority over the Newfield Facility to the State of New Jersey and resume its regulatory authority over that facility[.]"

Briefing before the Court of Appeals is now complete, and oral argument is scheduled for October 15, 2010 at 9:30 A.M. before Chief Judge Sentelle, Circuit Judge Rogers and Senior

¹ Order (October 21, 2009) (unpublished) at 2. The Board issued its Order after the NRC relinquished, and the State of New Jersey assumed, regulatory authority over Shieldalloy's Newfield site. *Agreement between the United States Nuclear Regulatory Commission and the State of New Jersey for the Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended*, 74 Fed. Reg. 51,882 (October 8, 2009).

² *Id.*

³ "NRC Staff's Status Report" (November 9, 2009) (ADAMS Accession No. ML0931404490). In response to an inquiry from the Board, on June 15, 2010 the Staff filed a subsequent status report confirming that, as of that date, there had been no significant developments related to the administrative proceeding before this Board. "NRC Staff's Status Report" (June 15, 2010) (ADAMS Accession No. ML101670010).

Circuit Judge Williams. The Staff will update the Board on any significant developments following oral argument.

Respectfully submitted,

/RA/

Michael J. Clark
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 1st day of September, 2010

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S STATUS REPORT" in the above captioned proceeding have been served on the following persons by deposit in the United States Mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (*); or by electronic mail as indicated by a double asterisk (**) on this 1st day of September, 2010.

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