

RAS L-22

Docket, Hearing

From: Travieso-Diaz, Matias F. [matias.travieso-diaz@pillsburylaw.com]
Sent: Monday, January 03, 2011 12:04 PM
To: rsnthl@verizon.net; Rosenthal, Alan; Wardwell, Richard; whrcville@embarqmail.com; Docket, Hearing; OCAAMAIL Resource; Cloyd, SherVerne; reeseand@dol.lps.state.nj.us; kenneth.elwell@dol.lps.state.nj.us; Silberg, Jay E.; Haemer, Robert B.; Klukan, Brett; Kirstein, Josh; Clark, Michael
Subject: RE: Shieldalloy Metallurgical Corp., Docket No. 40-7102-MLA
Attachments: NRC 12-2010 letter re xfer of authority.pdf

Dear Board and parties: Attached for your information is a letter received last week by Shieldalloy Metallurgical Corporation from the NRC Staff advising that with the issuance of the D.C. Circuit's mandate, regulatory authority over Shieldalloy's Newfield facility reverts to the NRC and the materials license in effect on September 29, 2009 has been reissued. Please note that, according to the letter, "[a]lthough regulatory authority over Shieldalloy will rest with the NRC as of this date, it is the NRC staff's expectation that further review of the decommissioning plan will not commence until such time as the NRC resolves the remanded matter regarding the transfer of regulatory authority over Shieldalloy."

<<NRC 12-2010 letter re xfer of authority.pdf>>

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

Tel: 202.663.8142 | Fax: 202.663.8007 | Cell: 703.472.6463
2300 "N" Street, NW | Washington, DC 20037-1122

Email: matias.travieso-diaz@pillsburylaw.com
Bio: www.pillsburylaw.com/matias.travieso-diaz

TEMPLATE = SECY 038

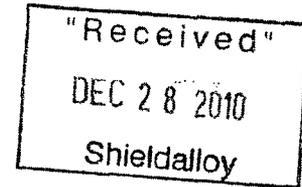
DS 03



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

ORIGINAL

December 22, 2010



Mr. David Smith
Radiation Safety Officer
Shieldalloy Metallurgical Corporation
35 South West Boulevard, P.O. Box 768
Newfield, NJ 08344

SUBJECT: UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT REMAND OF AUTHORITY BACK TO THE U.S. NUCLEAR
REGULATORY COMMISSION FOR DECOMMISSIONING OF THE
SHIELDALLOY METALLURGICAL CORPORATION SITE IN NEWFIELD, NEW
JERSEY

Dear Mr. Smith,

On November 9, 2010, the U.S. Court of Appeals for the District of Columbia Circuit vacated the U.S. Nuclear Regulatory Commission's (NRC's) transfer of regulatory authority for decommissioning of the Shieldalloy Metallurgical Corporation (Shieldalloy) site in Newfield, New Jersey, to the state of New Jersey. The Circuit Court also remanded the matter of the transfer of regulatory authority over Shieldalloy back to the NRC for further proceedings.

In accordance with the Order issued November 9, 2010, by the Circuit Court, the NRC expects that the mandate or certified copy of the Circuit Court's judgment will be issued and effective on January 3, 2011. Once the mandate issues, the regulatory authority for Shieldalloy will revert back to the NRC, and the NRC license (License Number SMB-743) in effect on September 29, 2009, becomes applicable. For your convenience, a copy of License Number SMB-743 is enclosed. Although regulatory authority over Shieldalloy will rest with the NRC as of this date, it is the NRC staff's expectation that further review of the decommissioning plan will not commence until such time as the NRC resolves the remanded matter regarding the transfer of regulatory authority over Shieldalloy.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

D. Smith

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If you have any questions about this matter, please contact Paul Michalak, Branch Chief,
Materials Decommissioning Branch at Paul.Michalak@nrc.gov or 301-415-7612.

Sincerely,



Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
License Amendment No. 9

License Number: SMB-743
Docket No.: 40-7102

cc: SMC distribution list

Shieldalloy Metallurgical Corporation Service List

cc:

David Smith
Environmental Manager
Shieldalloy Metallurgical Corporation
Aluminum Products & Powders Division
14 West Boulevard
P.O. Box 768
Newfield, NJ 08344-0768

Eric Jackson, President
Shieldalloy Metallurgical Corporation
Aluminum Products & Powders Division
14 West Boulevard
P.O. Box 768
Newfield, NJ 08344-0768

Jill Lipoti, Ph.D., Assistant Director
Radiation Protection and Release
Prevention Programs
New Jersey Department of
Environmental Protection
P. O. Box 415
Trenton, NJ 08625-0415

Donna Gaffigan, Case Manager
New Jersey Department of
Environmental Protection
Bureau of Case Management
P.O. Box 028
Trenton, NJ 08625-0028

Trevor Anderson
Emergency and Remedial Response
Division
New Jersey Remediation Branch
280 Broadway 19th Floor
New York, NY 10007-1866

Loretta Williams
P.O. Box 311
Newfield, NJ 08344

Newfield Public Library
Attn: Sue Mounier
115 Catawba Avenue
New Field, NJ 08344

Terry Ragone
P.O. Box 605
Newfield, NJ 08344
Newfield Residents Environmental Group

Marie Miller
Region I

The Honorable Richard Westergaard
Mayor of the Burrough of Newfield
18 Catawba Avenue
Newfield, New Jersey 08344

Gloucester County Board of Chosen
Freeholders
Attn: John H. Fisher, III
P.O. Box 337 Court House
Woodbury, NJ 08096

Cumberland County Board of Chosen
Freeholders
Attn: Ken Mecouch
790 E. Commerce Street
Bridgeton, NJ 08302

Gloucester County Department of
Public Works
Attn: Mayor Richard W. Westergaard
County Office Building
1200 North Delsea Drive
Clayton, NJ 08312

Kenneth C. Koschek
New Jersey Department of
Environmental Protection
P.O. Box 418
Trenton, NJ 08625-0418

Patricia Gardner
New Jersey department of
Environmental Protection
P.O. Box 413
Trenton, NJ 08625-0415

Newfield Public Library
Attn: Sue Mounier
115 Catawba Avenue
Newfield, NJ 08344

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and the applicable parts of Title 10, Code of Federal Regulations, Chapter I, Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 51, 70, and 71, and in reliance on statements and representations heretofore made by the licensee, a licensee is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee			
1.	Shieldalloy Metallurgical Corporation Aluminum Products & Powders Division	3.	License Number SMB-743
2.	35 South West Boulevard P.O. Box 768 Newfield, NJ 08344-0768	4.	Expiration Date October 20, 2002 (Extended)
		5.	Docket or Reference Number 040-07102
6.	Byproduct, Source, and/or Special Nuclear Material:	7.	Chemical and/or Physical Form:

A. Thorium	A. Any	A. 303,050 kilograms
B. Uranium	B. Any	B. 45,000 kilograms

9. Authorized use: Decommissioning activities in accordance with statements, representations and procedures contained in application dated September 15, 1995 and supplements dated November 28, 1995, August 11, September 24, September 26, and November 25, 1997, March 25, 1998, January 28, March 10, March 18, June 1, September 9, September 23, 1999, May 2, May 22, 2000, March 30, and August 27, 2001, August 30, 2002, and November 7, 2002.

CONDITIONS

- 10. Licensed material may be used only at the licensee's existing facilities at West Boulevard, Newfield, New Jersey.
- 11. The Radiation Safety Officer for this license is David R. Smith.
- 12. Notwithstanding the Derived Air Concentrations (DAC) and Annual Limit on Intake (ALI) listed in Appendix B to 10 CFR Part 20, the licensee may use adjusted DAC values for thorium of 1.9 E-11 microcuries (µCi) per milliliter and for uranium of 8.4 E-11 µCi per milliliter and adjusted ALI values for thorium of 0.047 µCi and for uranium of 0.2 µCi.

MATERIALS LICENSE

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number: SMB-743

Docket or Reference Number: 41-7102

Amendment No. 9

13. The licensee shall keep records of the working hours of the worker(s) working in the baghouse area performing baghouse activities such as removing or changing bags, or transferring baghouse dust to trucks for transport. The licensee shall perform dose calculations using the records of the working hours of the workers in the various work places. The licensee shall also sum up the total external and internal doses to determine if the workers' total exposure is less than 10% of the dose limits as specified in 10 CFR Part 20.1201(a). If 10% of the dose limit is exceeded or is expected to be exceeded, the licensee shall conduct worker's radiation monitoring as required by 10 CFR Part 20.1502.
14. If the licensee uses respiratory protection equipment to limit intakes pursuant to 10 CFR 20.1702, the licensee shall perform bioassays to evaluate actual intakes at intervals not to exceed twelve months. Whenever an individual will no longer use respiratory protection equipment, the licensee shall perform a bioassay to evaluate the actual intake during the period of respirator use.
15. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
16. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence as listed in Condition 10 are more restrictive than the regulations.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION



Date: 12/22/2010

Keith J. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov
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12:04:27 -0500

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X-MID: 31811233

X-fn: NRC 12-2010 letter re xfer of authority.pdf

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Received: from [172.16.2.11] by dcmf02.PillsburyWinthrop.com with ESMTP
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dcxims01.PillsburyWinthrop.com with Microsoft SMTPSVC(6.0.3790.4675); Mon, 3
Jan 2011 12:04:11 -0500

X-MimeOLE: Produced By Microsoft Exchange V6.5

Content-Class: urn:content-classes:message

Return-Receipt-To: "Travieso-Diaz, Matias F."

<matias.travieso-diaz@pillsburylaw.com>

MIME-Version: 1.0

Disposition-Notification-To: "Travieso-Diaz, Matias F."

<matias.travieso-diaz@pillsburylaw.com>

Subject: RE: Shieldalloy Metallurgical Corp., Docket No. 40-7102-MLA

Date: Mon, 3 Jan 2011 12:04:09 -0500

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X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

Thread-Topic: RE: Shieldalloy Metallurgical Corp., Docket No.
40-7102-MLA

thread-index: AcuraDz6ygvazQHkQMmW4xXkWa5exw==

From: "Travieso-Diaz, Matias F." <matias.travieso-diaz@pillsburylaw.com>

To: <rsnthl@verizon.net>, "Rosenthal, Alan" <Alan.Rosenthal@nrc.gov>,

"Wardwell, Richard" <Richard.Wardwell@nrc.gov>, <whrcville@embarqmail.com>,

"Docket, Hearing" <Hearing.Docket@nrc.gov>, OCAAMAIL Resource

<OCAAMAIL.Resource@nrc.gov>, "Cloyd, SherVerne" <SherVerne.Cloyd@nrc.gov>,

<reeseand@dol.lps.state.nj.us>, <kenneth.elwell@dol.lps.state.nj.us>,

"Silberg, Jay E." <jay.silberg@pillsburylaw.com>, "Haemer, Robert B."

<robert.haemer@pillsburylaw.com>, "Klukan, Brett" <Brett.Klukan@nrc.gov>,

"Kirstein, Josh" <Josh.Kirstein@nrc.gov>, "Clark, Michael"

<Michael.Clark@nrc.gov>

Return-Path: matias.travieso-diaz@pillsburylaw.com

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