

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Alan S. Rosenthal, Chairman
Dr. Richard E. Wardwell
Dr. Gary S. Arnold

In the Matter of

SHIELDALLOY METALLURGICAL CORP.

(Licensing Amendment Request for
Decommissioning of the Newfield, New Jersey
Facility)

Docket No. 40-7102-MLA

ASLBP No. 07-852-01-MLA-BD01

February 25, 2013

ORDER

(Retaining Jurisdiction over the Proceeding)

In the absence of further judicial review of the recent decision of the Court of Appeals for the District of Columbia Circuit in Shieldalloy Metallurgical Corporation v. Nuclear Regulatory Commission, et al. (D.C. Cir. February 19, 2013), this much seems evident: The Commission will have to decide between (1) a third endeavor to justify its transfer to the State of New Jersey of jurisdiction over the decommissioning of Shieldalloy's Newfield, New Jersey site; or (2) an abandonment of the proposal to effect such a transfer.

This Board will retain its jurisdiction over the pending New Jersey challenge to Shieldalloy's current decommissioning plan for the Newfield site to await further developments.

We will expect the NRC Staff to notify us promptly when a determination is made regarding the course the Commission intends to follow in this matter.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Alan S. Rosenthal, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 25, 2013

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Retaining Jurisdiction over the Proceeding)** have been served upon the following persons by U.S. mail, first class, and NRC internal mail.

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[Original signed by Clara I. Sola]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 25th day of February 2013.