

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.

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

Docket No. 40-7102-MLA

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

March 12, 2015

ORDER

(Terminating Proceeding by Reason of Loss of Jurisdiction over the Subject Matter)

On October 14, 2014, the United States Court of Appeals for the District of Columbia Circuit upheld the NRC's transfer of regulatory authority to the State of New Jersey for the Shieldalloy Metallurgical Corporation's (Shieldalloy) Newfield, New Jersey site.¹ On March 10, 2015, the deadline passed for Shieldalloy to file a petition for a writ of certiorari in the Supreme Court of the United States.² Therefore, the Court of Appeals' ruling is now final and this Licensing Board no longer has the jurisdiction it had retained over the proceeding.³ Accordingly, the Board hereby terminates the proceeding.

¹ Shieldalloy Metallurgical Corp. v. NRC, 768 F.3d 1205, 1211-14 (D.C. Cir. 2014), reh'g denied, slip op. at 1 (D.C. Cir. Dec. 10, 2014).

² See Sup. Ct. R. 13.

³ Licensing Board Order (Retaining Jurisdiction over the Proceeding) (Feb. 25, 2013) at 1 (unpublished).

Pursuant to 10 C.F.R. § 2.311, any petition for review of this order must be filed within twenty-five (25) days after it is served.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Alan S. Rosenthal, Chairman
ADMINISTRATIVE JUDGE

/RA/

Dr. Richard E. Wardwell
ADMINISTRATIVE JUDGE

/RA/

Dr. Gary S. Arnold
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 12, 2015

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Terminating Proceeding by Reason of Loss of Jurisdiction over the Subject Matter) (LBP-15-10)** have been served upon the following persons by U.S. mail, first class, and NRC internal mail.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15 D21
Washington, DC 20555-0001

Alan S. Rosenthal, Chair
Administrative Judge

Michael Clark, Esq.
Brett Klukan, Esq.

Richard E. Wardwell
Administrative Judge

OGC Mail Center

Gary S. Arnold
Administrative Judge

Matthew Zogby, Law Clerk

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Jay E. Silberg, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1128

Docket No. 40-7102-MLA

ORDER (Terminating Proceeding by Reason of Loss of Jurisdiction over the Subject Matter) (LBP-15-10)

Paul Bradway, Radiation Safety Officer
Shieldalloy Metallurgical Corporation
12 West Boulevard
P.O. Box 768
Newfield, NJ 08344-0768

Andrew D. Reese, Esq.
Deputy Attorney General
Environmental Enforcement Section
25 Market Street
P.O. Box 093
Trenton, NJ 08625-0093

[Original signed by Clara Sola]

Clara Sola
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 12th day of March, 2015