

May 2, 2013

MEMORANDUM TO: Patricia Hall, Branch Chief
Information and Data Operations Branch
Operations Division

FROM: Duncan White, Branch Chief **/RA/**
Agreement State Programs Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: TRANSFER OF SHIELDALLOY METALLURGICAL CORPORATION'S
LICENSE TO THE U.S. NUCLEAR REGULATORY COMMISSION,
LICENSE NUMBER SMB-743; DOCKET NUMBER 040-07102

In September 2009, the State of New Jersey entered into an Agreement with the U.S. Nuclear Regulatory Commission (NRC). The effective date of the Agreement was September 30, 2009. At that time, all NRC licenses under the authority of the Agreement were transferred to the State of New Jersey.

Subsequently, Shieldalloy Metallurgical Corporation (Shieldalloy) filed a lawsuit against the agency over the Agreement. The U.S. Court of Appeals for the District of Columbia Circuit remanded the license back to NRC pending further explanation of the technical issues raised by the court (November 9, 2010). The Commission addressed the technical issues raised by the court and reinstated New Jersey's authority to regulate Shieldalloy's site (October 12, 2011). Staff submitted a revised Form 519, "Transfer of Office NRC Records to an Agreement State" to the File Center.

Shieldalloy filed another lawsuit with the U.S. Court of Appeals for the District of Columbia Circuit. The court issued a decision on February 19, 2013, remanding Shieldalloy's license back to the NRC a second time, effective on April 16, 2013.

CONTACT: Torre Taylor, FSME/ASPB
(301) 415-7900

Staff notified Shieldalloy and New Jersey of this transfer by letter dated April 16, 2013. Staff is not requiring New Jersey to send all of the files back to NRC as the files are in the Agencywide Documents Access and Management System and are duplicate copies. Additionally, New Jersey receives copies of all documents related to Shieldalloy as a matter of courtesy. I have enclosed a copy of the letter to Shieldalloy, which includes a copy of the current license.

Please note that this case is under review by the Office of General Counsel and the Commission. There may be further action related to this license.

If you have any questions or would like to discuss this matter in more detail, please contact me at 301-415-2598 or Torre Taylor at 301-415-7900.

Enclosure:

Letter dated April 16, 2013,
to P. Bradway, Shieldalloy

cc:

Tony Conti, Information and Data Operations
Branch/OIS

Kenneth Kalman, Materials
Decommissioning Branch/DWMEP

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