

November 13, 2006.

Kathy Plowitz-Worden,

*Panel Coordinator, Panel Operations,
National Endowment for the Arts.*

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-7102]

Notice of Consideration of Amendment Request for Decommissioning for Shieldalloy Metallurgical Corporation, Newfield, NJ and Opportunity to Request a Hearing

AGENCY: Nuclear Regulatory
Commission.

ACTION: Notice of amendment request
and opportunity to request a hearing.

DATES: A request for a hearing must be
filed by January 16, 2007.

FOR FURTHER INFORMATION CONTACT: Ken
Kalman, Project Manager,
Decommissioning Directorate, Division of
Waste Management and
Environmental Protection, Office of
Federal and State Materials and
Environmental Management Programs,
U.S. Nuclear Regulatory Commission,
Rockville, Maryland 20852. Telephone:
(301) 415-6664 fax number: (301) 415-
5398; or e-mail: klk@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory
Commission (NRC) is considering
issuance of a license amendment to
Source Material License No. SMB-743
issued to Shieldalloy Metallurgical
Corporation (SMC or the licensee), to
authorize the decommissioning of its
Newfield Facility in Newfield, New
Jersey. SMC submitted its revised
Decommissioning Plan (DP) to NRC on
June 30, 2006, and by letter to SMC
dated October 18, 2006, the NRC found
the DP acceptable to begin a detailed
technical review of its adequacy.

II. Background

SMC has been conducting smelting
and alloy production at its Newfield site
since 1940, including past production of
chromium metal, ferrovanadium and
columbium nickel. Ferroalloy
production began in 1955 and ended in
June 1998. The SMC facility processed
pyrochlore, a concentrated ore
containing columbium (niobium), to
produce ferrocolumbium, an additive/
conditioner used in the production of
specialty steel and super alloy
additives. Pyrochlore contains more

than 0.05 percent by weight thorium
and uranium, and this material is
therefore regulated by the NRC as source
material. SMC was licensed by the NRC
to ship, receive, possess, use and store
source material under license SMB-743.
In August 2001, SMC notified the NRC
that it had ceased production activities
using source material. On August 27,
2001, the licensee provided notification
of its intent to decommission the
facility. The license is in timely
renewal, and was amended on
November 4, 2002 to authorize only
decommissioning activities.

SMC submitted its initial DP to the
NRC on October 21, 2005. The DP
proposed the use of a possession only
license for long term control of the site.
The NRC staff rejected the initial DP by
letter dated January 26, 2006. The staff
met with SMC (in a meeting open to the
public) on March 9, 2006, to discuss the
initial DP's deficiencies and a path
forward for development of an
acceptable DP. Pursuant to comments
received at the March 2006 meeting,
SMC submitted its revised DP by letter
dated June 30, 2006.

If the NRC approves the DP, the
approval will be documented in an
amendment to NRC License No. SMB-
743. However, before approving the
proposed amendment, the NRC will
need to make the findings required by
the Atomic Energy Act of 1954, as
amended, and NRC's regulations. These
findings will be documented in a Safety
Evaluation Report and an
Environmental Impact Statement.

III. Opportunity to Request a Hearing

The NRC hereby provides notice that
this is a proceeding on a proposed
license amendment which would
approve SMC's revised DP. In
accordance with the general
requirements in Subpart C of 10 CFR
part 2, as amended on January 14, 2004
(69 FR 2182), any person whose interest
may be affected by this proceeding and
who desires to participate as a party
must file a written request for a hearing
and a specification of the contentions
which the person seeks to have litigated
in the hearing.

In accordance with 10 CFR 2.302(a),
a request for a hearing must be filed
with the Commission either by:

1. First class mail addressed to: Office
of the Secretary, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555-0001, Attention: Rulemakings
and Adjudications;

2. Courier, express mail, and
expedited delivery services: Office of
the Secretary, Sixteenth Floor, One
White Flint North, 11555 Rockville
Pike, Rockville, MD 20852, Attention:

Rulemakings and Adjudications Staff,
between 7:45 a.m. and 4:15 p.m.,
Federal workdays;

3. E-mail addressed to the Office of
the Secretary, U.S. Nuclear Regulatory
Commission, hearingdocket@nrc.gov; or

4. By facsimile transmission
addressed to the Office of the Secretary,
U.S. Nuclear Regulatory Commission,
Washington, DC, Attention:
Rulemakings and Adjudications Staff, at
(301) 415-1101; verification number is
(301) 415-1966.

In accordance with 10 CFR 2.302(b),
all documents offered for filing must be
accompanied by proof of service on all
parties to the proceeding or their
attorneys of record as required by law or
by rule or order of the Commission,
including:

1. The applicant, Shieldalloy
Metallurgical Corporation, 12 West
Boulevard, PO Box 768, Newfield, New
Jersey 08344-0768. Attention: David R.
Smith, Radiation Safety Officer;

2. The NRC staff, by delivery to the
Office of the General Counsel, One
White Flint North, 11555 Rockville
Pike, Rockville, MD 20852, or by mail
addressed to the Office of the General
Counsel, U.S. Nuclear Regulatory
Commission, Washington, DC 20555-
0001. Hearing requests should also be
transmitted to the Office of the General
Counsel, either by means of facsimile
transmission to (301) 415-3725, or by e-
mail to ogcmailcenter@nrc.gov.

The formal requirements for
documents contained in 10 CFR
2.304(b), (c), (d), and (e), must be met.
In accordance with 10 CFR 2.304(f), a
document filed by electronic mail or
facsimile transmission need not comply
with the formal requirements of 10 CFR
2.304(b), (c), and (d), as long as an
original and two (2) copies otherwise
complying with all of the requirements
of 10 CFR 2.304 b), (c), and (d) are
mailed within two (2) days thereafter to
the Secretary, U.S. Nuclear Regulatory
Commission, Washington, DC 20555-
0001, Attention: Rulemakings and
Adjudications Staff.

In accordance with 10 CFR 2.309(b),
a request for a hearing must be filed by
January 16, 2007.

In addition to meeting other
applicable requirements of 10 CFR
2.309, the general requirements
involving a request for a hearing filed by
a person other than an applicant must
state:

1. The name, address, and telephone
number of the requester;

2. The nature of the requester's right
under the Act to be made a party to the
proceeding;

3. The nature and extent of the requester's property, financial or other interest in the proceeding;

4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

In accordance with 10 CFR 2.309 (f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;

2. Provide a brief explanation of the basis for the contention;

3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;

4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;

5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and

6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of SMC's revised DP (including the applicant's environmental report) that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the revised DP fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In addition, in accordance with 10 CFR 2.309(f)(2), contentions must be based on documents or other information available at the time the petition is to be filed, such as the revised DP, supporting safety analysis report, environmental report or other supporting document filed by the licensee, or otherwise available to the petitioner. On issues arising under the National Environmental Policy Act, the requester/petitioner shall file contentions based on the licensee's environmental report. The requester/petitioner may amend those contentions or file new contentions if there are data or conclusions in the NRC draft, or final environmental impact statement, or any supplements relating thereto, that differ

significantly from the data or conclusions in the licensee's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns issues relating to matters discussed or referenced in the Safety Evaluation Report for the proposed action.

2. Environmental—primarily concerns issues relating to matters discussed or referenced in the Environmental Report for the proposed action.

3. Miscellaneous—does not fall into one of the categories outlined above.

If the requester/petitioner believes a contention raises issues that cannot be classified as primarily falling into one of these categories, the requester/petitioner must set forth the contention and supporting bases, in full, separately for each category into which the requester/petitioner asserts the contention belongs with a separate designation for that category.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so in writing within ten days of the date the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

IV. Further Information

Documents related to this action, including the revised DP and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

—Decommissioning Plan dated October 21, 2005: Volume 1 (ML053190220),

Volume 2 (ML053340210) and Volume 3 (ML053330384).

- U.S. Nuclear Regulatory Commission's letter rejecting the Decommissioning Plan dated January 26, 2006 (ML060180551)
- Summary of March 9, 2006 Nuclear Regulatory Commission Meeting with Shieldalloy Metallurgical Corporation (ML061070401)
- Shieldalloy Metallurgical Corporation Supplement to Decommissioning Plan dated June 30, 2006 (ML061980092)
- U.S. Nuclear Regulatory Commission's letter accepting the Decommissioning Plan for technical review dated October 18, 2006 (ML062580126)

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 9th day of November 2006.

For the Nuclear Regulatory Commission.

Rebecca Tadesse,

Branch Chief, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

No FEAR Act

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Review Commission (OSHRC) is publishing this notice under the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is known as the No FEAR Act, to inform current employees, former employees, and applicants for OSHRC employment of the rights and protections available to them under Federal antidiscrimination, whistleblower protection, and retaliation laws.

DATES: November 17, 2006.

FOR FURTHER INFORMATION CONTACT: Angela Roach, EEO Officer,