

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SHIELDALLOY METALLURGICAL CORPORATION)	
)	
)	
Petitioner,)	
)	
v.)	
)	No. 11-1449
U.S. NUCLEAR REGULATORY COMMISSION)	
and the UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

CERTIFIED INDEX OF THE RECORD

I hereby certify that the documents listed and described below constitute the record of the administrative proceeding of the U.S. Nuclear Regulatory Commission, the respondent herein, resulting in the issuance of a memorandum and order in *Shieldalloy Metallurgical Corp.* (Newfield, New Jersey site), CLI-11-12, 74 NRC __ (Oct. 12, 2011) (“Order”). The Order constitutes the decision that is the subject of the Petition for Review in this case. The Order references various supporting documents. All of the supporting documents referenced in the Order are deemed by NRC to constitute part of the record of the agency action under review whether or not they are listed in this Certified Index. Accordingly, the parties have agreed that designations to the Joint Appendix per Rule 30(b)(1), Fed. R. App. P., may

include documents listed in the Certified Index of the Record as well as documents to which they refer.

Respectfully submitted,

/S/

Annette Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 5th day of January 2012

CERTIFIED INDEX OF THE RECORD

SHIELDALLOY METALLURGICAL CORPORATION

v.

U.S. NUCLEAR REGULATORY COMMISSION

Docket No. 11-1449

Wednesday, January 04, 2012

PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
1 SHIELDALLOY	CRITERIA FOR GUIDANCE OF STATES AND NRC IN DISCONTINUANCE OF THE NRC REGULATORY AUTHORITY AND ASSUMPTION THEREOF BY STATE THROUGH AGREEMENT; 46 FR 7540 (1/23/1981), AS AMENDED BY POLICY STATEMENTS AT 46 FR 36969 (7/16/1981) AND 48 FR 33376 (7/21/1983)	1/23/1981	
2 SHIELDALLOY	SECY-97-087, OKLAHOMA AGREEMENT STATE NEGOTIATIONS: STATE REQUESTS THAT MAJOR FACILITIES UNDERGOING SITE DECOMMISSIONING NOT BE RELINQUISHED TO STATE	4/22/1997	HTTP://WWW.NRC.GOV/READING-RM/DOC-COLLECTIONS/COMMISSION/SECY/1997/SECY1997-087/1997-087SCY.HTML

PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
3 SHIELDALLOY	STAFF REQUIREMENTS - SECY-97-087 - OKLAHOMA AGREEMENT STATE NEGOTIATIONS: STATE REQUESTS THAT MAJOR FACILITIES UNDERGOING SITE DECOMMISSIONING NOT BE RELINQUISHED TO STATE	6/19/1997	ML003752408
4 SHIELDALLOY	LICENSE TERMINATION RULE STATEMENT OF CONSIDERATION; RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION, FINAL RULE; 62 FED. REG. 39058 (JULY 21, 1997)	7/21/1997	
5 SHIELDALLOY	STATEMENT OF PRINCIPLES AND POLICY FOR THE AGREEMENT STATE PROGRAM; POLICY STATEMENT ON ADEQUACY AND COMPATIBILITY OF AGREEMENT STATE PROGRAMS; 62 FED. REG. 46517 (SEPT. 3, 1997)	9/3/1997	
6 SHIELDALLOY	ADEQUACY AND COMPATIBILITY OF AGREEMENT STATE PROGRAMS, DIRECTIVE 5.9	2/27/1998	ML041770094

PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
7 SHIELDALLOY	LETTER OF INTENT FROM GOVERNOR CORZINE, NJ	5/23/2006	ML061460176
8 SHIELDALLOY	LETTER FROM J. SCHLUETER, DIRECTOR, OSTP, NRC, TO P. GARDNER, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION	8/9/2006	ML062270525
9 SHIELDALLOY	NUREG-1757, CONSOLIDATED DECOMMISSIONING GUIDANCE	9/1/2006	HTTP://WWW.NRC.GOV/READING-RM/DOC-COLLECTIONS/NUREGS/STAFF/SR1757/
10 SHIELDALLOY	NOTICE OF CONSIDERATION OF AMENDMENT REQUEST FOR DECOMMISSIONING FOR SHIELDALLOY METALLURGICAL CORPORATION, NEWFIELD NJ AND OPPORTUNITY TO REQUEST A HEARING; 71 FED. REG. 66986 (NOV. 17, 2006)	11/17/2006	

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11 SHIELDALLOY	NJ DEPART OF ENVIRONMENTAL PROTECTION, DRAFT RADIATION PROTECTION PROGRAMS RULES	6/7/2007	ML071630325
12 SHIELDALLOY	SA-700, PROCESSING AN AGREEMENT	7/19/2007	HTTP://NRC-STP.ORNL.GOV/PROCEDURES/SA700.PDF AND HTTP://NRC-STP.ORNL.GOV/PROCEDURES/SA700HB.PDF
13 SHIELDALLOY	NRC REVIEW LETTER, S. MOORE, NRC, TO PATRICIA GARDNER, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION;	8/3/2007	HTTP://NRC-STP.ORNL.GOV/RULEMAKING.HTML#NJ
14 SHIELDALLOY	LETTER FROM P. BALDAUF, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO C. MILLER, FSME, NRC, SUBMITTING DRAFT AGREEMENT STATE APPLICATION FOR THE STATE OF NEW JERSEY	9/19/2007	PACKAGE ML: ML073510519

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15 SHIELDALLOY	LETTER FROM C. MILLER, DIRECTOR, FSME, TO P. BALDAUF, ASSISTANT DIRECTOR, RADIATION PROTECTION PROGRAMS, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION	1/11/2008	ML073331064
16 SHIELDALLOY	NJ DEPART OF ENVIRONMENTAL PROTECTION, DRAFT RADIATION PROTECTION PROGRAMS RULES	2/20/2008	ML080570400
17 SHIELDALLOY	NRC REVIEW LETTER, R. LEWIS, NRC, TO PATRICIA GARDNER, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION	3/27/2008	HTTP://NRC-STP.ORNL.GOV/RULEMAKING.HTML#NJ
18 SHIELDALLOY	LEGAL REFERENCES TO 4.1.1, VOL. 1. INCLUDED IN PACKAGE ML090510716	7/21/2008	ML090510711

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19 SHIELDALLOY	LETTER FROM P. GARDNER, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO D. WHITE, FSME, NRC (RESPONDING TO 8/9/2006 NRC STAFF LETTER)	7/30/2008	PACKAGE ML: ML082210446
20 SHIELDALLOY	LEGAL REFERENCES TO 4.1.1, VOL. 2. INCLUDED IN PACKAGE ML090510716	8/12/2008	ML090510712
21 SHIELDALLOY	NRC REVIEW LETTER, R. LEWIS, NRC, TO PATRICIA GARDNER, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION	9/17/2008	HTTP://NRC-STP.ORNL.GOV /RULEMAKING.HTML#NJ
22 SHIELDALLOY	NJ AGREEMENT APPLICATION, VOL 1, SECTIONS 4.1 AND 4.2. INCLUDED IN PACKAGE ML090510716	10/16/2008	ML090510713

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23 SHIELDALLOY	NJ AGREEMENT APPLICATION, VOL. 2, SECTIONS 4.3 AND 4.4. INCLUDED IN PACKAGE ML090510716	10/16/2008	ML090510708
24 SHIELDALLOY	NJ AGREEMENT APPLICATION, VOL. 4, SECTION 4.7. INCLUDED IN PACKAGE ML090510716	10/16/2008	ML090510710
25 SHIELDALLOY	NJ AGREEMENT APPLICATION, VOL. 3, SECTIONS 4.5 AND 4.6. INCLUDED IN PACKAGE ML090510716	10/16/2008	ML090510709
26 SHIELDALLOY	LETTER FROM JON S. CORZINE, GOVERNOR, TO DALE E. KLEIN, CHAIRMAN, U.S. NRC. INCLUDED IN PACKAGE ML090510716	10/16/2008	ML090510713

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27 SHIELDALLOY	SUPPLEMENTAL MATERIAL IN SUPPORT OF NJ AGREEMENT APPLICATION	3/13/2009	ML090770116
28 SHIELDALLOY	NRC REVIEW LETTER, T. REIS, NRC, TO P. BALDAUF, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION	3/13/2009	HTTP://NRC-STP.ORNL.GOV/RULEMAKING.HTML#NJ
29 SHIELDALLOY	CHAIRMAN KLEIN LETTER TO GOVERNOR CORZINE. INCLUDED IN PACKAGE ML090820432	3/19/2009	ML090420437
30 SHIELDALLOY	SECY-09-0065, PROPOSED AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND THE COMMISSION PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED. INCLUDED IN PACKAGE ML090820432	4/23/2009	ML090820038

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31 SHIELDALLOY	SRM FOR SECY-09-0065; MAY 18, 2009	5/18/2009	HTTP://WWW.NRC.GOV/READING-RM/DOC-COLLECTIONS/COMMISSION/SRM/2009/2009-0065SRM.PDF
32 SHIELDALLOY	NRC STAFF'S DRAFT ASSESSMENT OF THE PROPOSED NEW JERSEY PROGRAM FOR REGULATION OF AGREEMENT MATERIALS	5/20/2009	ML091400097
33 SHIELDALLOY	LETTER FROM P. BALDAUF, ASST. DIRECTOR, RADIATION PROTECTION PROGRAMS, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO ROBERT LEWIS, DIRECTOR, DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS, NRC	5/26/2009	ML091560418
34 SHIELDALLOY	STATE OF NEW JERSEY: NRC STAFF ASSESSMENT OF A PROPOSED AGREEMENT BETWEEN THE NUCLEAR REGULATORY COMMISSION AND THE STATE OF NEW JERSEY; 74 FED. REG. 25283; MAY 27, 2009	5/27/2009	

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35 SHIELDALLOY	STATE OF NEW JERSEY: NRC STAFF ASSESSMENT OF A PROPOSED AGREEMENT BETWEEN THE NUCLEAR REGULATORY COMMISSION AND THE STATE OF NEW JERSEY; 74 FED. REG. 26739 (JUNE 3, 2009)	6/3/2009	
36 SHIELDALLOY	COMMENT LETTER FROM ORGANIZATION OF AGREEMENT STATES	6/4/2009	ML091680374
37 SHIELDALLOY	SA-200, COMPATIBILITY CATEGORIES AND HEALTH AND SAFETY IDENTIFICATION FOR NRC REGULATIONS AND OTHER PROGRAM ELEMENTS	6/5/2009	ML091190055
38 SHIELDALLOY	COMMENT LETTER FROM LORETTA WILLIAMS	6/9/2009	ML091680387

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39 SHIELDALLOY	COMMENT LETTER FROM ANONYMOUS	6/10/2009	ML091680375
40 SHIELDALLOY	STATE OF NEW JERSEY: NRC STAFF ASSESSMENT OF A PROPOSED AGREEMENT BETWEEN THE NUCLEAR REGULATORY COMMISSION AND THE STATE OF NEW JERSEY; 74 FED. REG. 27572 (JUNE 10, 2009)	6/10/2009	
41 SHIELDALLOY	COMMENT LETTER FROM JIM LIEBERMAN	6/10/2009	ML091810997
42 SHIELDALLOY	COMMENT LETTER FROM HOY E. FRAKES, JR., PRESIDENT, SHIELDALLOY METALLURGICAL CORP.	6/11/2009	ML091700382 AND ML091680491

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43 SHIELDALLOY	STATE OF NEW JERSEY: NRC STAFF ASSESSMENT OF A PROPOSED AGREEMENT BETWEEN THE NUCLEAR REGULATORY COMMISSION AND THE STATE OF NEW JERSEY; 74 FED. REG. 28728 (JUNE 17, 2009)	6/17/2009	
44 SHIELDALLOY	LETTER FROM R. LEWIS, NRC, TO P. BALDAUF, ASSISTANT DIRECTOR, RADIATION PROTECTION PROGRAMS, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION	6/25/2009	ML091670039
45 SHIELDALLOY	COMMENT LETTER FROM GREGORY R. REINHARD	6/26/2009	ML091900370
46 SHIELDALLOY	REPLACEMENT OF COMMENT C NRC STAFF RESPONSE	8/3/2009	

PLANT NAME	DESCRIPTION	DOCUMENT DATE	ACCESSION NUMBER
47 SHIELDALLOY	AGENDA AND TALKING POINTS FOR 8/13/09 AND 8/17/09 BRIEFINGS RE: FINAL STAFF RECOMMENDATIONS FOR NJ AGREEMENT APPLICATION	8/13/2009	
48 SHIELDALLOY	SECY-09-0114, MEMORANDUM FROM R. W. BORCHARDT, EXECUTIVE DIRECTOR FOR OPERATIONS TO NRC COMMISSIONERS RE: SECTION 274B AGREEMENT WITH THE STATE OF NEW JERSEY	8/18/2009	PACKAGE ML: ML091940200
49 SHIELDALLOY	SRM FOR SECY-09-0114; SEPT 2, 2009	9/2/2009	HTTP://WWW.NRC.GOV/READING-RM/DOC-COLLECTIONS/COMMISSION/SRM/2009/2009-0114SRM.PDF
50 SHIELDALLOY	STATE OF NEW JERSEY; DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY WITHIN THE STATE; NOTICE OF AGREEMENT BETWEEN THE NUCLEAR REGULATORY COMMISSION AND THE STATE OF NEW JERSEY; 74 FED. REG. 51882 (OCT. 8, 2009)	10/8/2009	

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51 SHIELDALLOY	ORDER OF THE SECRETARY	1/3/2011	ML110030957
52 SHIELDALLOY	E-MAIL FROM MATIAS F. TRAVIESO-DIAZ WITH ATTACHED COPY OF LETTER TO SHIELDALLOY FROM NRC STAFF REGARDING D.C. CIRCUIT'S REMAND IMPACT ON TRANSFER OF REGULATORY AUTHORITY	1/3/2011	ML110140305
53 SHIELDALLOY	SHIELDALLOY'S RESPONSE TO THE COMMISSION'S JANUARY 3, 2011 ORDER	2/4/2011	ML110400480
54 SHIELDALLOY	STATE OF NEW JERSEY'S RESPONSE TO THE COMMISSION'S JANUARY 3, 2011 ORDER	2/4/2011	ML110680422

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55 SHIELDALLOY	SHIELDALLOY'S RESPONSE TO NEW JERSEY'S LETTER REGARDING THE COMMISSION'S JANUARY 3, 2011 ORDER	2/11/2011	ML110530178
56 SHIELDALLOY	STATE OF NEW JERSEY'S REPLY TO SHIELDALLOY METALLURGICAL CORP. FEBRUARY 4, 2011 LETTER. (NOTE: INCLUDES ATTACHMENTS A-D) & C.O.S.	2/11/2011	ML110490038
57 SHIELDALLOY	COMMISSION MEMORANDUM AND ORDER (CLI-11-12) - SERVED	10/12/2011	ML112850175