



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

MAR 04 1994

Docket No. 40-7102

Docket File

Mr. Robert W. Hargrove, Chief
Environmental Impacts Branch
U.S. Environmental Protection Agency, Region II
Jacob K. Javits Federal Building
New York, New York 10278-0012

Dear Mr. Hargrove:

This is in response to your letter dated February 4, 1994, in which the U.S. Environmental Protection Agency (EPA) accepts the U.S. Nuclear Regulatory Commission's invitation to serve as a cooperating agency on the preparation of an Environmental Impact Statement (EIS) on the decommissioning of Shieldalloy Metallurgical Corporation (Shieldalloy) facility in Newfield, New Jersey. We look forward to working with the EPA on the development of the EIS.

Your letter raises a number of comments and suggestions on: (1) EPA-NRC coordination on the development of the EIS; (2) scope of the EIS; and (3) EPA's views on the present categorization of slag material under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act (CERCLA/SARA). We address these points individually in this letter.

In regards to EPA-NRC coordination, your letter suggests that EPA can best assist in the preparation of the EIS by participating in interagency meetings to ensure EPA's CERCLA/SARA activities are properly integrated into the EIS evaluation. Your letter also provides specific ideas on the appropriate level of coordination between the two agencies, including sharing of documentation associated with CERCLA/SARA activities, reviewing and commenting on advance drafts of the EIS, as well as other environmental documents. NRC will develop this EIS in accord with the Council on Environmental Quality (CEQ) regulations that implement the National Environmental Policy Act (NEPA). In NRC's view, EPA's suggestions on interagency consultation are consistent with the guidance provided in CEQ regulations. Therefore, we intend to implement these suggestions throughout the preparation of the EIS.

Your letter also provides suggestions on the scope of the EIS. You recommend that the EIS provide a comprehensive evaluation of the on-site methodologies considered. You also suggest that this evaluation consider land use restrictions or other institutional control necessary to ensure long-term protection of public health and the environment, and identify what Federal or State agency, if any, would have custody of the site. In addition, you suggest that the EIS fully evaluate the nature/extent of radioactive contamination on-site. Your letter further suggests that the EIS evaluate the potential migration of contamination via air and ground water pathways,

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Mr. Robert W. Hargrove

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including any offsite contamination in areas contiguous to the Shieldalloy facility. The NRC agrees with these suggestions and anticipates that these areas will be thoroughly evaluated in the EIS.

Finally, your letter indicates that EPA may consider the slag piles a "federally permitted release" such that stabilization of the radioactive material would not be subject to CERCLA/SARA. NRC does not believe this position correctly characterizes the radioactive materials at Shieldalloy's Newfield facility. In NRC's view, this material is presently in storage and should not be considered a federally permitted release. NRC has never authorized disposal of radioactive material at the Newfield facility. The purpose of the EIS is to evaluate alternatives for the final disposition of the radioactive material including the licensee's proposed action of onsite disposal. Therefore, NRC requests that EPA reconsider the classification of this material to allow the possibility of future site remediation under CERCLA/SARA.

The NRC project manager for the preparation of the Shieldalloy Newfield EIS will be Gary Comfort. Mr. Comfort will be contacting Mr. Bergstein in the near future to initiate discussions on NRC-EPA interactions on this project. Should you have any questions on this matter, please contact Mr. Comfort at (301) 504-2667.

Sincerely,



John T. Greeves, Director
Division of Low-Level Waste Management
and Decommissioning
Office of Nuclear Material Safety
and Safeguards

cc:

D. Gaffigan, NJDEPE

J. Romano, Mayor of Vineland

J. Kinneman, NRC Reg. I

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