



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND ENERGY

CHRISTINE TODD WHITMAN  
Governor

ROBERT C. SHINN, JR.  
Commissioner

Gary Comfort  
Mail Stop 6H3  
USNRC  
Washington, DC 20555

MAY 12 1994

Re: Draft Environmental Impact Statement Scoping Process Summary Report for  
the Shieldalloy Metallurgical Corporation Facility in Newfield, NJ

Dear Mr. Comfort:

The New Jersey Department of Environmental Protection and Energy (NJDEPE) is in receipt of the Draft Environmental Impact Statement (EIS) Scoping Process Summary Report for the Shieldalloy Metallurgical Corporation Facility in Newfield, New Jersey (Summary Report) dated March 1994. The purpose of the Summary Report is to identify the issues raised during the scoping process, present the comments and suggestions received, and give responses to the comments. NJDEPE had commented at the public meeting on December 13, 1993 and in writing on January 11, 1994 (enclosed). Upon review of the Draft Summary Report, the NJDEPE finds that the USNRC did not adequately respond to the NJDEPE's comments, as described below.

1. In its response to our comments, the NRC failed to provide any documentation to support its position that the ferrovanadium did not derive its radioactivity from source material and, therefore, it remains unclear which agency has jurisdiction over the material. Without any documentation to the contrary, we do not understand how the NRC could conclude that the material is not under its jurisdiction, and further, that the disposition of this material is outside the scope of the EIS. This is an issue of importance to the NJDEPE because if this material is found to have been contaminated with source material, then NRC would be responsible for the disposition of the material and any remediation costs should Shieldalloy become insolvent. Potentially these costs could be very high.

NJDEPE reiterates its request that NRC gather information on 1) the original radioactive concentration of the vanadium ore, 2) the historical ferrovanadium and ferrocolumbium processes, and 3) the source and cause of the current contamination levels as part of the EIS. Without such information the NRC cannot conclude, in our opinion, that the ferrovanadium is outside the scope of the EIS.

2. The NRC indicates that it "may" consider the ferrovanadium material in the EIS for the purpose of assessing cumulative impacts. However, by limiting the review of the ferrovanadium material in the scope of the EIS to this issue only, the NRC has failed to consider the disposition of this

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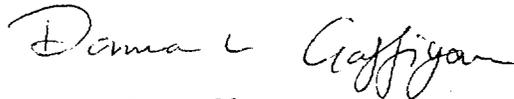
material under the "similar actions" provisions in Section 1508.25(a)3 of the Council of Environmental Quality's NEPA Regulations. In its response to our comments, the NRC did not even acknowledge the "similar actions" issue and therefore, we consider the NRC response to be inadequate. In our opinion the EIS should not be considered complete without a thorough analysis of both the cumulative impacts and disposal options for the ferrovanadium material.

3. The NRC response regarding the inclusion of soil cleanup standards for radioactive contaminants in the scope of the EIS failed to address the central issue expressed in our comments, that is, how will New Jersey Public Law 1993 c.139 be applied to the development of soil cleanup standards for this site. The response provided by the NRC that it is responsible for approving cleanup criteria for materials under its jurisdiction merely stated the obvious and did not answer the question. We continue in our belief that an analysis of the final cleanup standards to be applied to this site are within the scope of the EIS.

NJDEPE is formally requesting that NRC provide further explanation in responses to our comments prior to finalizing the above referenced report.

If you require further information, you may contact me at (609) 633-1455.

Sincerely,



Donna L. Gaffigan, Case Manager  
Bureau of Federal Case Management

Enclosure

c: Robert Stern, Chief, Bureau of Environmental Radiation, NJDEPE  
Robert W. Hargrove, Chief Environmental Impacts Branch, USEPA  
Larry Schmidt, Administrator, Program Coordination



*(Carroll)*

State of New Jersey  
Department of Environmental Protection and Energy  
Division of Responsible Party Site Remediation  
CN 028  
Trenton, NJ 08625-0028

Jeanne M. Fox  
Acting Commissioner

Karl J. Delaney  
Director

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

JAN 11 1994

Dear Secretary:

Re: Decommissioning of Shieldalloy Metallurgical Corporation's Facility in Newfield, NJ: Notice of Intent to Prepare an Environmental Impact Statement and to Conduct a Scoping Process

This is in response to your request for comments regarding the scope of the proposed Environmental Impact Statement (EIS) for the decommissioning of the Shieldalloy Metallurgical Corporation facility in Newfield, NJ.

As described in the Federal Register notice of November 26, 1993, it appears the proposed EIS will address only the two ferrocolumbium slag piles and the baghouse dust pile. Because the NRC licenses the materials in these piles it is appropriate that such materials should be included in the scope of the EIS. However, a rather large volume of ferrovanadium slag is on site that we believe should also be included in the scope of the EIS. From prior NRC and Shieldalloy documents we believe it is probable that the ferrovanadium slag derived its radioactivity from cross contamination with the ferrocolumbium processes which would also place the ferrovanadium slag pile under NRC jurisdiction. As such, alternatives for its disposition would need to receive full treatment in the EIS.

We are aware that NRC disagrees with us over the source of the radioactive contamination in the ferrovanadium slag pile and their jurisdiction in this matter. Therefore to resolve this issue, NRC scoping documents should present a compelling factual argument to the contrary. Information required to resolve this matter would include: 1) documentation of the original radioactive concentration of the vanadium ore, 2) a historical engineering description of the ferrovanadium and ferrocolumbium processes, 3) the source and cause of the current contamination levels.

If it is established that the ferrovanadium slag did not derive its radioactivity from source material, the EIS, in our view, still needs to discuss ongoing Shieldalloy actions and plans for the disposition of this slag under the "cumulative impact" (Section 1508.7) and "similar actions" (Section 1508.25(a)3) provisions of the Council on Environmental Quality's NEPA regulations.

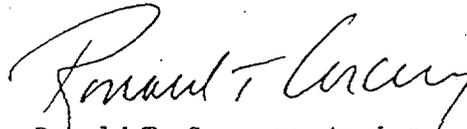
One additional area that we believe needs to be included in the scope of the EIS is the final soil cleanup standards that will be applied to this site. In June, 1993, the New Jersey Legislature passed P.L. 1993, c.139, a

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comprehensive statute to modify the contaminated site remediation program in the state. Among its many provisions, P.L. 1993, c.139 requires that sites be remediated to a level that results in an incremental lifetime cancer risk no greater than one in one million or in the case where natural background levels exceed a one in one million risk, to a regional natural background level. In order to meet our responsibilities under P.L. 1993, c.139, the Bureau of Environmental Radiation has begun preliminary work on establishing soil cleanup levels for both future residential or non-residential uses. Preliminary results indicate that depending on the radionuclide and potential site use scenario, final soil cleanup criteria may be somewhat lower than those previously used at other radiologically contaminated sites under state or federal jurisdictions. We would be happy to brief you on the developing standards and to offer assistance in resolving this matter.

If you have any questions regarding this matter, please call me at (609) 633-1480. Thank you.

Sincerely,



Ronald T. Corcory, Assistant Director  
Responsible Party Cleanup Element

c: John Austin, Chief, Decommissioning and Regulatory Issues Branch  
Richard Sinding, Assistant Commissioner, Policy & Planning Science &  
Technical Program  
Larry Schmidt, Administrator, Program Coordination