

JUL 15 1994

ADDRESSEES: List of Participants (Enclosure 1)

SUBJECT: SUMMARY OF SCOPING PROCESS FOR THE ENVIRONMENTAL IMPACT STATEMENT FOR THE SHIELDALLOY METALLURGICAL CORPORATION, NEWFIELD, NEW JERSEY

In accordance with Part 51 to Title 10 of the Code of Federal Regulations (10 CFR Part 51), the U.S. Nuclear Regulatory Commission has completed the scoping process for the development of an Environmental Impact Statement (EIS) on the Shieldalloy Metallurgical Corporation (SMC) facility in Newfield, New Jersey. A copy of the Summary Report of the scoping process is enclosed for your information.

The scoping process included a public meeting, which was held at the Delsea Regional High School in Franklinville, New Jersey, on December 16, 1993. A transcript of the comments made at this meeting was placed in the NRC's Public Document Room. In addition to the public scoping meeting, the NRC invited interested parties to submit written suggestions and comments on the scope of the EIS by January 15, 1994, for consideration. The Summary Report includes consideration of comments from the public scoping meeting and those submitted in writing. This process has been helpful identifying significant issues and concerns that need to be evaluated in the EIS.

Should substantial changes be made in the proposed actions or if significant new circumstances or information arise at any time prior to the issuance of the draft EIS, the determination or conclusions reached in the summary may be revised (10 CFR 51.29 (c)). In accordance with 10 CFR 51.29(b), a copy of the scoping process summary for the SMC EIS is being provided to each participant as an enclosure to this letter.

Sincerely,

ORIGINAL SIGNED BY
Robert C. Pierson

Robert C. Pierson, Chief
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Enclosure: Summary Report

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**ENVIRONMENTAL IMPACT STATEMENT
SCOPING PROCESS**

SUMMARY REPORT

**SHIELDALLOY METALLURGICAL
CORPORATION FACILITY
NEWFIELD, NEW JERSEY**

JUNE 1994

U.S. NUCLEAR REGULATORY COMMISSION

Rockville, Maryland

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1. INTRODUCTION

Shieldalloy Metallurgical Corporation (SMC) holds a license from the U.S. Nuclear Regulatory Commission to process ores and mineral concentrates containing the radioactive materials uranium, thorium, and their associated decay products (collectively considered source material) at their facility in Newfield, New Jersey. SMC processes ores to produce metal alloys, and as a result, the radioactive materials are segregated from the product metal into high-temperature slag and baghouse dust. Although SMC has no intent to close down the Newfield facility in the foreseeable future and continues to process source material, plans for stabilizing or disposing of the slag and dust need to be established as part of the process for renewing the NRC license.

On November 26, 1993, the NRC published in the *Federal Register* (58 FR 62387) a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the proposed stabilization of the slag piles and to conduct scoping for the EIS. The NOI summarized the NRC's plans to prepare the EIS, provided background information on the facility, described the need for the proposed action, invited written comments on the proposed action, announced a public scoping meeting to be held regarding the project, offered a proposed outline for the EIS, and discussed the alternatives considered. The alternatives identified at that point were (1) on-site stabilization and disposal (the licensee's proposed action), which involves on-site consolidation and capping of the radioactive contamination and would likely include land use restrictions and monitoring; (2) off-site disposal at a licensed low-level waste disposal facility; (3) on-site separation processing with off-site disposal; (4) on-site dilution processing and disposal; and (5) no action.

The EIS for the Newfield facility will be prepared in compliance with the National Environmental Policy Act of 1969 and the implementing regulations promulgated by the Council on Environmental Quality (CEQ). The scoping process for the EIS was held in accordance with 10 CFR Part 51, which contains the NRC requirements for implementing the CEQ regulations. The scoping process included a public scoping meeting held in the Delsea Regional High School in Franklinville, New Jersey, on December 16, 1993. NRC also invited the public and interested agencies and organizations to send written comments no later than January 15, 1994, for consideration in the scoping process.

The scoping process was an opportunity for public participation in identifying the concerns and issues that should be included in the EIS. In addition, the NOI identified several objectives of the scoping process for the EIS, including the following:

- (a) to define the scope of the proposed action and alternatives to be included in the EIS,
- (b) to determine the scope of the EIS and the significant issues to be analyzed in depth, and
- (c) to identify and eliminate from the detailed study, issues which are not significant, are peripheral, or have been evaluated by prior environmental review.

All comments and suggestions received during the scoping meeting, as well as those submitted to the NRC during the comment period, were considered. Oral comments at the scoping meeting were transcribed by a certified court reporter, and the meeting transcript was supplemented by materials submitted by the speakers. The transcript and all written material received were reviewed, and individual comments were identified. Comments were then consolidated and categorized by topic areas.

The Draft EIS (DEIS) will consider all relevant issues raised during the scoping process and will be made available for public comment. The comment period for the DEIS will provide an opportunity for interested agencies, organizations, and individuals to provide additional input into the NRC's environmental review process. Comments received on the DEIS will be considered in the preparation of the Final EIS (FEIS).

Several requirements for an EIS scoping process are also given in NRC regulations (10 CFR 51.29(a)(1-8)). These requirements, listed below, state that the scoping process is used to:

- (1) Define the proposed action which is to be the subject of the statement. The provisions of 40 CFR 1502.4 will be used for this purpose.
- (2) Determine the scope of the statement and identify the significant issues to be analyzed in depth.
- (3) Identify and eliminate from detailed study issues which are peripheral or are not significant or which have been covered by prior environmental review. Discussion of these issues in the statement will be limited to a brief presentation of why they are peripheral or will not have a

significant effect on the quality of the human environment or a reference to their coverage elsewhere.

- (4) Identify any environmental assessments and other EISs which are being or will be prepared that are related to but are not part of the scope of the statement under consideration.
- (5) Identify other environmental review and consultation requirements related to the proposed action so that other required analyses and studies may be prepared concurrently and integrated with the EIS.
- (6) Indicate the relationship between the timing of the preparation of environmental analyses and the Commission's tentative planning and decision-making schedule.
- (7) Identify any cooperating agencies, and as appropriate, allocate assignments for preparation and schedules for completion of the statement to the NRC and any cooperating agencies.
- (8) Describe the means by which the EIS will be prepared, including any contractor assistance to be used.

The NOI published in the *Federal Register* on November 26, 1993, addressed each of these elements. Several of these elements were further explained in the public scoping meeting on December 16, 1993, and in written comments in response to the NOI.

This report summarizes the results of the scoping process, describes the comment status and plans of the NRC related to developing the EIS, and responds to oral and written comments shared with the NRC during the scoping process. This report also answers questions that were asked of the NRC at the scoping meeting on December 16, 1993. Comments or questions about the report should be referred to Mr. Gary C. Comfort, Jr., Licensing Branch, Division of Fuel Cycle Safety and Safeguards, NMSS, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555.

2. SUMMARY OF ISSUES RAISED DURING THE SCOPING PROCESS

On December 16, 1993, in Franklinville, New Jersey, the NRC held a public scoping meeting on the EIS that is being prepared for the SMC facility in Newfield, New Jersey. The comments from this meeting, as well as the written comments received within the comment period, helped NRC define the issues to be addressed or analyzed in the EIS. During the scoping meeting, 22 individuals (listed in Section 5 of this report) offered comments regarding the SMC facility and the proposed action to be evaluated in the EIS. In addition, 29 written statements from individuals and organizations were received during the comment period. Some of these submittals were written statements or summaries of the oral testimony.

The active participation by the public in the scoping process has been an important component of identifying the major issues that the EIS should assess. The individuals at the meeting offered comments and questions on several subjects but primarily emphasized their concerns about the current and potential effects of the slag piles (e.g., nature and extent of the radioactive constituents, leaching of radioactive material into the soil and groundwater, and public exposure to radiation from the slag piles). Comments and questions were placed in the following general subject areas: (1) nature and extent of the existing contamination at the Newfield site, (2) socioeconomics and land use, (3) description of and need for the proposed and alternative actions, (4) human health and safety/risk analysis, (5) technologies and activities associated with the proposed and alternative actions, (6) surface water and groundwater, and (7) cost of the proposed and alternative actions. Specific, verbatim comments and preliminary responses to those comments are given in Section 3. In addition, some comments raised issues that are beyond the scope of the EIS.

Issues were raised related to the nature and extent of the existing contamination. Several commentors were concerned that the radioactive materials in the slag piles may have migrated off site, causing contamination of the area's environmental resources (e.g., surface and groundwater). One commentor noted that available data suggest that the piles have not raised the level of radioactivity in the groundwater. Two commentors suggested that the ferro-vanadium slag piles should also be included in the EIS. In general, commentors wanted to see the EIS characterize all existing

contamination at the Newfield site, determine source(s), and describe effects on environmental resources.

Socioeconomic impacts of the proposed action were seen as being both positive and negative. Commentors were concerned about the loss of jobs from the closing of the SMC facility. In addition, some commentors were concerned about (1) the viability of the area as an industrial site if the radioactive material is left on site and (2) the economic impacts of each alternative on nearby industries and properties. Similarly, other commentors questioned the land use impacts of the alternatives, noting that several factors (e.g., SMC's bankruptcy, cost of off-site disposal) could influence land use decisions at the site. Two commentors asked about the condition of the site after the proposed or an alternative action is completed; that is, what cleanup criteria would apply and what could the site be used for afterwards. Finally, a few commentors asked about the future restrictions on land use and the role of the Borough of Newfield in determining or influencing land use decisions.

Several commentors discussed the cost of the proposed and alternative actions. Most commentors wanted to know who would pay for disposal operations, what would happen if SMC did not have the assets to cap or transport the slag piles, and what other sources of money are available for funding the proposed or alternative actions. One commentor questioned the high cost figures that have been reported for disposing of the slag piles.

Some speakers expressed concern about the specific activities that would be involved with the proposed and alternative actions and requested details about the effectiveness of the proposed action. Commentors asked where the slag could be moved, what monitoring would be performed, and who would be legally responsible for the site if SMC cannot emerge from bankruptcy. One commentor asked for assurances that the proposed action would prevent leaching of contaminants, and another asked if the EIS is evaluating a cleanup that must occur after operations have ceased or a decommissioning that is part of continuing operations. A commentor provided proposed changes for the *Federal Register* NOI and suggested alternative actions. The primary concerns expressed by commentors were environmental monitoring and responsibility for the site.

Human health and safety issues were also frequently mentioned. Several speakers said they believe that the presence of the slag piles represents a continuing risk to human health. They were primarily

concerned about the potential effects of the radioactive materials on human health. Two commentors discussed the risk of capping the slag piles versus the risk of transporting the material to a disposal facility, with one saying that transportation risks cause off-site transport to be a less desirable alternative. Other commentors suggested that human health studies be performed regarding facility operations and radiation. In terms of human health, one commentor expressed support for the alternative that would best protect residents and workers from adverse impacts. Two commentors asked about the transport methods and the routes to be taken if the material is removed from the site. Another comment noted that any decommissioning method has risk, but on-site disposal risk, in the commentor's opinion, is lower than the risk associated with the other alternatives.

The technologies and activities associated with disposal operations were mentioned by a few commentors. One commentor asked if other, potentially preferable technologies (e.g., contaminant reprocessing and heat fusing) could be used. Another speaker asked if the amount of radon gas to be emitted can be determined. One speaker wanted to know about any liners that would be used if the piles were capped. Another speaker asked if train cars rather than trucks could be used to transport the slag and dust.

Three commentors specifically mentioned the impacts of the slag piles on the area surface water and groundwater. They questioned the effects of the slag piles on surface and groundwater even if the piles are capped, and one commentor indicated that groundwater contamination may have already occurred. One commentor asked if there have been any studies to determine the extent of any off-site migration of contaminants through groundwater. Another commentor noted the potential for contaminating the aquifer and thereby affecting others beyond Newfield and Vineland.

Twenty-five comments were determined to be outside the scope of the EIS. These comments are placed in the Other Issues category (see Section 3.8) because they contain statements or opinions that do not directly pertain to the project or its potential impacts on the environment.

The transcript of a town meeting held on January 4, 1994, in Newfield, New Jersey, was provided to the NRC. The comments made at that meeting were summarized by an attorney for the Borough of Newfield. The summary and detailed comments have been considered. No new scoping issues were

identified. The transcript contents have not been made a formal part of this document. The summary comments with responses are presented in Chapter 3.

3. SCOPING COMMENTS AND RESPONSES TO COMMENTS

This section presents the comments from individuals at the scoping meeting and from individuals, organizations, and agencies that submitted written comments. The comments are organized by subject areas. Within each subject area, related comments are grouped and presented together before a response is given.

The number in brackets following the comment, which corresponds to the numbers given in the list of commentors (Sect. 4), indicates the individual speaker. If a speaker at the public meeting could not be identified by the transcriber, then "[UC-O]" (for "unidentified commentor-oral") is used. "[UC-W]" (for "unidentified commentor-written") is given after the comment if a written comment could not be attributed to a source (e.g., an unsigned letter).

Brackets are used within a comment to indicate that an editorial change has occurred. For example, "[T]here" indicates that a lower-case "t" appears in the transcript or letter but has been changed to upper-case in the excerpted comment. In addition, brackets can indicate that a word or phrase has been added to the comment; and they can be used to clarify or explain a comment that would otherwise not be clear.

3.1 NATURE AND EXTENT OF EXISTING CONTAMINATION

- Comment: The one report that I believe was a fact sheet that Shieldalloy turned in said that they did find the radiation in water around the area. Maybe I have misread the—I don't even have the report right here. So that shows to me, if it is not coming by air, then it has to be leaching. [3]
- Comment: I have a number of questions, but this in particular is directed at Mr. Eves, who made the statement that there is no evidence that the radionuclides have migrated off site, and I was somewhat perplexed by that and I was wondering if you were aware of either the Oak Ridge [Associated Universities] study as well as the EPA [Environmental Protection Agency] evaluation of the Oak Ridge study which in fact and indeed found that there has been significant migration off-site of the radioactive materials into the community. My understanding is there is evidence of migration and more than just Hudson's Branch. Are you making the statement that the only evidence that you are aware of off-site migration of radioactive materials is into the Hudson's Branch? [10]
- Comment: What I am suggesting is, and this is a request, or a suggestion, is that there ought to be independent testing done not by the licensee, but a independent analysis of what the off-site migration has been, both into soil and water and air. There has been evidence of radionuclides in residential wells. There is data to that effect that has been generated. I think there needs to be some independent study of that issue. I don't—if there has been leaching at all over the time, then there is indication that there would continue to be leaching over more time. So, I would wonder how one would come up with an Environmental Impact Statement without looking at what the environmental impact has been to date on the community. [10]

Comment: How far down the [Hudson's] Branch did you find the radioactive material? [14]

Comment: I work at Shieldalloy. I am an Environmental Manager. As part of our quarterly [monitoring], we do analysis of both chemical and radiological constituents. We have analysis from a few years' worth of data for both gross alpha and gross beta. If the gross alpha and gross beta exceed screening levels, we do isotopic analysis. I heard the reference to radiological parameters that have leached out of the material. We have no evidence of any [wells] with groundwater exceeding the drinking water standards. There is reference to radium and other radionuclides that are naturally occurring in the ground water. We have results that are consistent with background radium and background numbers in our monitoring wells. [22]

Comment: Will the NRC initiate an aggressive study on the water, ground and air for any radiation? [47, 48, 49, 50, 51 (from a form letter)]

Response: All information from previous studies will be incorporated into the EIS, as appropriate. Current operations and conditions will be discussed to the extent that they are relevant to assessing the impacts of the alternatives. Past activities and release of contaminated material from the site will also be considered in terms of identifying the scope of waste stabilization activities, assessing the alternatives, and characterizing the affected environment. Any data necessary for this evaluation, but not available in current documentation, will be collected by SMC. Throughout the EIS investigation, NRC may do independent checks of all submitted data.

Comment: We talk about ferro-columbium and the high concentrations of Thorium-232 and some other things in them, but we have a concern about the ferro-vanadium piles. Some of our tests, at least as far as I could find in the files, show that on ferro-vanadium, we have about between 15 and, say, 39 picoCuries per gram of Thorium-232. It is our understanding that initially the ferro-vanadium was not radioactive. Something has gotten into those piles. We don't know where from. NRC, we understand that you regulate source material and these levels are obviously below that. However, there is some conflicting information as to how these piles were contaminated, whether they did come in with a certain level of radiation, whether because they were perhaps processed in some of the same kettles with the other materials that radioactivity was—source material was mixed with this previously non-radioactive material and thereby contaminating it. We would like to see as part of the environmental impact statement that these piles be evaluated, one, to see where, in fact, the radiation came from and whether it is source material or not, and if it is a source material, we would strongly—we would, I guess, take the position that the NRC should, since licensed material was in fact contaminated material, that they would take responsibility for that because these figures, as far as volumes go, are pretty high, but it is our estimate there is upwards of 200,000 yards of this material on the site. With the Federal Register Notice, I read only that three piles were going to be considered, two of those are ferro-columbium, and one is the baghouse pile. We would strongly recommend that the ferro-vanadium be considered in the Environmental Impact Statement to see where the radiation came from. [11]

Comment: . . . a rather large volume of ferro-vanadium 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 probably that the ferro-vanadium slag derived its radioactivity from cross-contamination with the ferro-columbium processes which would also place the ferro-vanadium 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 ferro-vanadium slag pile and their jurisdiction is 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 ferro-vanadium and ferro-columbium processes, (3) the source and cause of the current contamination levels.

If it is established that the ferro-vanadium 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) provision of the Council on Environmental Quality's NEPA regulations. [29]

Response: *Although the ferro-vanadium slag does contain thorium and uranium, it is not regulated by NRC because its concentration in the slag is below 0.05 percent by weight, which is the definition of source material in 10 CFR Part 40. SMC's data show that these radioactive constituents are a result of the source ore used in the ferro-vanadium process, rather than from cross-contamination from the ferro-columbium process. In the past, some ferro-columbium slag has been intermingled with the ferro-vanadium slag; however, SMC is actively seeking out the stray ferro-columbium slag pieces and returning them to the proper piles. Because SMC is currently selling the ferro-vanadium slag off site for use in the steel industry, NRC does not expect the ferro-vanadium slag to be present on site at the time of decommissioning, and therefore, does not consider the ferro-vanadium ore to be a "similar action." However, radiation emitted from the ferro-vanadium slag still remaining on site does contribute to the environment at the SMC facility and will be considered in the EIS for the purpose of assessing cumulative impacts of the site in its current state.*

3.2 SOCIOECONOMICS AND LAND USE

3.2.1 Socioeconomics

- Comment: New Jersey's business community, which has been hard hit by the financial impact of regulation from all levels of government, requests that the Federal Government give full consideration to the economic impact of decommissioning alternatives in the development of its Environmental Impact Statement (EIS). The selection of costly off-site disposal options will cause an extreme economic hardship to the corporation and its employees, as well as presenting an unacceptable comparative risk to the general population. [23]
- Comment: If Shieldalloy is allowed to stabilize and dispose of the slag piles on site. . . what would be the impact on the future economic development of the Industrial Park? What would be the impact on privately owned property near the plant if the radiation was found outside of Shieldalloy's property? Would private owners be able to sell their land for industrial, commercial, or residential use? . . . In preparing the Environmental Impact Statement please take into account the impact on the residents of Newfield in the long run. [31]
- Comment: Comment was made by citizens not only as to the health and safety of citizens, but also the effect that this site has upon the financial values of the properties of the Borough of Newfield. This is a legitimate and proper concern, because the type of publicity generated by the scoping process hearing and what has appeared in the newspapers thereafter, would indicate that there is a radioactive site in Newfield, New Jersey, which may or does pose a possible risk to the citizens, with concern as to how to properly decommission that site, if business operations at Shieldalloy should cease. [32]
- Comment: If the plant closes not only will the tax burden be increased on Newfield citizens, but what happens to the 220 employees if they can't find another job? [39]
- Comment: There are other businesses in Newfield . . . that would be effected. The Shieldalloy employees patronize these establishments. I wonder the economical effect on them and if they can afford to lose that business. [39]
- Comment: But all we want is for Shieldalloy to stay open and have people's job[s]. To keep my job. [2]
- Comment: [T]he corporation has been very, very good at times, bad at times, good neighbor/bad neighbor to the community. It employs people in the community, it employs people around the community. It pays a fair share of our taxes in the Borough of Newfield. We certainly don't want to see them abandon the site. We certainly want to protect the citizens. . . who live in the Borough of Newfield. [9]
- Comment: 210 jobs. Okay, we talking about [210 jobs]. [21]

- Comment: The mayor has told us that [cleanup costs] will close the company and our taxes will go up *again*. [33]
- Comment: I have read the facts presented to use by the company. I believe that the small risk the slag [poses to our] health and that of others is much too small when facing the loss of jobs, loss of taxes, and other impacts on the community. . . I also believe that on site capping will be the best solution for all of us. [35]
- Comment: I would hope that in your considerations that you give some thought to some of the points that I would like to make: (1) 230 jobs in Shieldalloy not to mention other "jobs" connected and related and depending upon the plants successful operations. . . (2) Consumer products produced by Shieldalloy "Made In The USA" made with PRIDE by Americans for Americans! The ores from the mines processed by Shieldalloy according to our customer [specifications] to be used in their operations to turn out a end product that our lifestyles demand. [37]
- Comment: Shieldalloy is the only producer of ferro-columbium in the U.S. The apparent negative result of this operation is the slag & baghouse dust that is slightly radioactive. [37]
- Comment: . . . [I]f they close, they will just move to a different country and we will have to depend on a foreign country for these products. Too many American companies have already done this and we wonder where are the jobs? [39]
- Comment: We pay exorbitant property taxes for our modest home in Malaga, which is only a few miles west from the Shieldalloy plant. When we bought our home 9 years ago, we had no idea we would be living on the doorstep of a toxic dump. [43]
- Response: The direct, indirect, and cumulative socioeconomic impacts related to the proposed action and alternatives will be evaluated and compared in the EIS.*
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- Comment: What do you mean [by] decommissioning? Does that mean that the company would go out of business [at] a certain point, or eventually going to—go out of business in this town? [1]
- Comment: I think a lot of people will have this question probably also, because the viability of your company is basically what is going to get us more money for the capping process because in order to continue, you are going to have to perform properly or you are not going to get a new license. If you don't get a new license, you don't continue. [16]
- Comment: What effect, if any, does Shieldalloy, or Mike Finn's position that they will abandon—that Shieldalloy will abandon the site if, in fact, the NRC does not agree to the plan, have on the NRC's approving the plan? [10]
- Response: The NRC's primary charter is to ensure the health and safety of the public and environment. NRC uses the term decommissioning as an orderly process wherein a*
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licensee decides to terminate whatever activity that they are currently engaged in that required authorization from the NRC to use radioactive material. This does not mean that the licensee itself would go out of business. The licensee could stop their radioactive material operations, complete decommissioning at the site, and continue non-radiological operations at the site. Although NRC's primary consideration will be in ensuing the public's health and safety, the EIS will evaluate the potential of each alternative to affect SMC's continuing existence and thereby its socioeconomic effects on the local community.

3.2.2 Land Use

Comment: What if [another company came in and did not do the same kind of work]? How many companies do this kind of work? [1]

Response: *Only a few companies in the United States have operations similar to those in which SMC is engaged. SMC is the only domestic processor of ferro-columbium for the steel industry. If another company took over the site prior to decommissioning, they would be required to apply for a license from the NRC. If a company took over the land after decommissioning, the new company would have to follow any restrictions resulting from the decommissioning, as well as all applicable laws. The EIS will consider future land use and potential loss of an industry as part of the evaluation of the proposed and alternative actions.*

Comment: In the worst-case scenario, say they [SMC and Metallurg] file Chapter 7 and they decide that it stays on-site. In other words, it would have to be enclosed there, on-site, so the radiation would not leak into the atmosphere or into the ground. Would it be possible for another company to move there? I mean, would that ground be—I mean, would that area be restricted from any use whatsoever in the way of industrial use? [1]

Comment: [I]f Shieldalloy should go to Chapter 7, what future use could there be for that land, and the only use would be with the light industry. No other industry could move into that, is that true? [4]

Comment: If they do encapsulate the material on-site, there will always be a restriction on that land. Is that true? [4]

Comment: You believe that you are only going to be able to restrict that little part where the slag piles are? Once you get into those buildings you don't think they'll be restricting the whole area? [4]

Comment: If the NRC names Newfield as a permanent nuclear waste site the 67 acres of Shieldalloy property will not be able to be sold to another business. [31]

Comment: If it can be contained let it sit where it is. No one else will want the property. [34]

Response: The EIS will consider a range of institutional controls that could be used to restrict site access, maintain, and/or monitor the site, particularly if on-site disposal were permitted. The intent of such restrictions would be to minimize any risk to the health and safety of the public and environment. A restriction may not necessarily prevent future use of the property and may allow the property to be compatible for other uses.

Comment: I have been in Newfield since 1939, and prior to Metallurgical going in there, that was the Newfield Glass Company and they had that big tank there and the pipe and the tanks went in there to melt the glass, and I understand that Shieldalloy has utilized that. Now, somewhere along the line, this chromium process moved in there and this other stuff moved in there, and I don't recall the borough council ever having anything to say about that. We are stuck with this now, as near as I can see. I just want to know why the local government—could we, with our zoning and this and that, keep that from ever being used for this again? [15]

Comment: Now, the one gentleman said that in the event that this company went to Chapter 7 and abandoned this site, that perhaps—this is a regulated, a licensed process—perhaps sometime in the future another company might want to come in there and proceed with the same process that Shieldalloy is doing now. Now, what my question is, is who regulates who comes in there and who doesn't? Is this going to stay in the scope of the NRC or does the borough council have anything to say about the future use of that plant. Will the Borough be invited to comment on that, have any say whatsoever, or is it just anybody that the NRC wants, they say okay, you go ahead, you go back in and you continue with this process. . . Their views will be listened to, but there will be no—we will have no control whatsoever. Do I understand that right? Will they consider the wants of the local government and the people? Will that have any effect whatsoever on their determination of what will go in there in the future, if anything? [15]

Comment: One of the questions asked with respect to the matter was whether there was anything to stop the accumulation of any further material at the site. [32]

Comment: I don't really think that the people in this town want another company like Shieldalloy to be doing this type of work that causes this kind of pollution. [1]

Comment: As a citizen I was not asked what should be done with the waste. I think the people of the town should decide. [24]

Comment: No mention, in any meeting or discussion I have attended, asked what condition will the site be left in after whatever manner the are[a] is transformed so future people may use it or only look at it: (a) example if material is trucked away—assume future surface will be same as past surface—could it be just weeks, regular grass to be mowed or like a golf driving range. (b) example if piles were topped and top spread a little—rather rough and just capped with some fill—like a bike driving trail. (c) example in the future—recycle all material in a safe manner and cover with good fill and have a good grass plot for, say, mini golf course. [UC-W]

Response: The mission of the NRC is to ensure protection of the public's health and safety and the environment. State and local governments can restrict activities of the site, subject to their own laws, to the extent that those restrictions address other aspects of the process, such as economic or non-radiological safety. In addition, NRC procedures allow members of the public and local government to participate in any decisions the NRC makes regarding the use of radioactive material at the site. In fact, as part of this scoping process, NRC invited other federal and state agencies to participate as cooperating agencies in the development of the EIS. Such participation provides a mechanism for these other agencies to consider related impacts associated with the site. After decommissioning of the site, local governments retain zoning authority for future use, as long as the authority does not conflict with any restrictions or other local, state, or federal laws that may have precedence (e.g., if a deed restriction through this decommissioning action states that the land may only be zoned industrial, the local government would have the authority to set the level of industry that would use the site, but would not be authorized to rezone it as residential). When the draft EIS is published, NRC will invite public comment on the content of the draft EIS, including the viability of any proposed restrictions on the future use of the site.

Comment: 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 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 in establishing soil cleanup levels for both future residential or nonresidential 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. [29]

Response: NRC is responsible for approving cleanup criteria and assuring that the cleanup criteria are met. The analyses of final cleanup standards to be applied to this site are within the scope of the EIS, but only to the extent that the cleanup standards may exceed or be different than currently accepted NRC cleanup standards. The licensee may request that NRC's generic criteria or their own criteria be approved for use at this site. SMC will be required to comply with applicable federal, state, and local regulations governing any other toxic or hazardous properties of materials that may be disposed of as required by 10 CFR 20.2007. The EIS will address the proposed action's and each alternative's ability to meet NRC and other governmental agency regulations. However, NRC's responsibility is limited to the enforcement of NRC regulations. It is not NRC's intent to enforce regulations or laws that fall under the jurisdiction of the State of New Jersey or other governmental agencies.

3.3 DESCRIPTION OF AND NEED FOR THE PROPOSED AND ALTERNATIVE ACTIONS

3.3.1 Disposal Alternatives

- Comment: The method proposed in the conceptual decommissioning plan, stabilization and covering with an engineered cover, is the alternative that poses the least amount of risk to the general public. [7]
- Comment: [T]he lowest risk remediation method is stabilization and capping in place. [7]
- Comment: [S]tabilization and capping in place will allow Shieldalloy to protect jobs and continue to be a viable member of the community. [7]
- Comment: I don't really want to—I believe that this would be a low priority site on the NRC's list if it was abandoned. It might be many, many years before the NRC could afford to start cleaning it up, if we abandoned it. So for that reason once more we are recommending on-site disposal. [8]
- Comment: We strongly urge you to have Shieldalloy Corporation to follow your policy of transporting slag to federally approved facilities. We feel this would be in the best interest of the families in the area. [26]
- Comment: I am in favor of the company remaining in town and continuing to provide jobs and much [needed] revenue to our community. However, they must cap the slag piles with clay, revegetate and continue to monitor the situation. [27]
- Comment: In my opinion the only safe alternative for Newfield residents is to ship the radioactive slag to the licensed nuclear disposal waste site in Utah. [31]
- Comment: Capping the waste is *no* solution, it must be removed from the site. [43]
- Comment: As a resident of Newfield, New Jersey, I am in favor of . . . carting off site the 1.2 million cubic yards of radioactive waste at the Shieldalloy plant in our town. [33, 44, 45, 46 (from a form letter)]
- Response: The EIS will evaluate the proposed action and each alternative thoroughly.*
-

Comment: If they [SMC] cap it and leave it, like they would leave it on-site, can you guarantee me that there's no way that [it] can leach into the water? [3]

Comment: It seems that the study is based on if the site is to be decommissioned, is the environmental impact study and it seems most of the questions I hear and myself the same, if the plant was to operate for the next 15 or 20 years, would there be any changes made by your study as far as what is done with this material and the slag while they were still under operation or is it pretty much a cleanup when the plant ceases to do this procedure? [5]

- Comment: If they are allowed to "CAP" these slag piles and continue operating, WHERE WILL ALL THE NEW SLAG GO? [40]
- Comment: Shieldalloy should be forced to take responsibility for their actions of yesterday to prevent the tragedies of tomorrow. [43]
- Comment: If Shieldalloy is allowed to cap the slag piles and then continue operations, what will be done with this slag? [47, 48, 49, 50, 51 (from a form letter)]
- Comment: [T]hey also talked about the cracks and the dust that hasn't formed into the glass, that leaching, that coming down. [3]
- Comment: [Y]ou said glass does not leach. That is not true. [4]
- Response: The licensee has conducted a study on the leachability of the slag; the results indicate that the potential for leaching of thorium and uranium is limited. The EIS will assess the potential release and transport of contaminants from the slag to the local environment for each alternative. The EIS will examine the effects of an extended period of operation before disposal occurs as part of the cumulative impacts. As long as the plant continues to operate with NRC-regulated materials, it will be subject to NRC licensing procedures. NRC is currently developing a separate environmental assessment (EA) for the renewal of the operating license which will evaluate the continued accumulation of slag on the site from operations prior to final decommissioning. If the EA indicates any threats to the public and the environment from further accumulation of slag, the licensee will be required to dispose of the additional material off site or cease operations.*
-

- Comment: How many sites—this stuff, the slag is going to be moved to another site and disposed off-site. How many facilities are there around the country, and how many mainly in New Jersey? [1]
- Response: There are currently three operating low-level waste disposal facilities that take commercial waste in the United States. They are located in the states of South Carolina, Utah, and Washington. In the near future, the Utah site will be the only one having a current license to take this waste. There is no site in New Jersey to take this material. This information will be considered in the EIS during the evaluation of alternatives to on-site disposal.*
- Comment: [Y]ou talked about a number of options, one of them being off-site disposal of the waste. But it sounds to me now that we are really not talking about that as being a viable option because the position that Shieldalloy has taken is: "Look, either we are going to have to find a way to dispose—to leave it on-site, or we are going to abandon the site," which it seems. . . from the NRC's perspective would not be satisfactory with respect to the health and safety concern of the community. [10]
-

Response: Off-site disposal at a licensed facility remains a viable option despite SMC's claims that they may be forced to liquidate. Although the evaluation of alternatives in the EIS includes cost-benefit analyses, the ability for the licensee to pay for the alternative or proposed action found to be most desirable will not be a factor in the analyses.

Comment: Were you aware of the fact that they were selling this stuff out there years ago? . . . I'm talking about tractor trailer, 18-wheelers type coming out where they were selling the slag and getting rid of it. That is not one of the options that you are going to release to them again? [3]

Comment: Are you going to allow them to sell this again so that they can use it for different buildings for putting footage—for fill? [3]

Response: Although the sale of the source material for further processing will be considered as an alternative in the EIS, the domestic sale of the source material to other than a licensed user is not an acceptable alternative.

Comment: When they refer to on-site, I want on-site either to be stated that it is the on-site facility that is right there at the main buildings, or is it on-site when they mean property owned by them because they own property all over the area now that they've been forced to buy. [3]

Response: SMC has indicated in its conceptual decommissioning plan that if they are permitted to dispose of the source material on site, the disposal area will be limited to the portion of the site currently known as the Slag Storage Yard. The EIS will fully evaluate the adequateness of this location.

3.3.2 Monitoring

Comment: It sounds like it is a foregone conclusion on the part of the company that if you cannot clean this stuff on site, you are going to monitor it. You can't afford to move it off-site, true? My assumption is this, that we will be monitoring wells, piles, that we will be air monitoring—Some type of air monitoring. Assume even though you get the okay to encapsulate on-site, your business plans do not work out and you still must go to Chapter 7. Who monitors this site until the year 2020 or whatever the year may be? . . . You don't know. In other words, even if you get the okay to do what you want to do and your business plans do not become what you need them to do, we are still stuck with the monitoring, or who is? [4]

Comment: If Shieldalloy files Chapter 7, who will be responsible for the clean-up of this radioactive material? [47, 48, 49, 50, 51 (from a form letter)]

Comment: My concern is, whose responsibility obviously would it be if, in fact, Shieldalloy left the site. [9]

- Comment: Who would monitor the site if Shieldalloy goes out of business? Would Newfield be responsible to use the Borough police department to keep children and others away from the site? Would the Borough become liable for a civil lawsuit if a child goes on to the property and comes in contact with the slag, and the parent believes the child's health is affected by the exposure to the material? [31]
- Comment: A basic question now exists. . . as to what would be the ultimate responsibility, should Shieldalloy elect to abandon the site? There is no indication at the present time that it is their intent to do so, but a suggestion made that if the decommissioning process is too costly the only thing that makes sense for the Company to do is to walk away from its responsibility. The Borough of Newfield, therefore, is concerned with respect to the alternatives that are available to it, as well as all who are affected by this site, which are the citizens of Newfield, as well as all the Governmental Agencies and Institutions that have any type of jurisdiction or contact with this site. If Shieldalloy were to abandon the site, what would the responsibility be with respect to the Borough of Newfield, the County of Gloucester, and the State of New Jersey, as well as the Federal Government? [32]
- Comment: A number of citizens have asked questions concerning the responsibility of the Borough, its police force, and government officials in protecting the citizens, especially children, by keeping them away from the site. This is a question that deserves consideration, and a response, especially if the worst case scenario takes place, that being the abandonment of the site by Shieldalloy if it finds the plan proposed for decommissioning by the Nuclear Regulatory Commission is unacceptable to the company. [32]
- Response: If SMC liquidates under Chapter 7, it is possible that either the U.S. Environmental Protection Agency (EPA) or the U.S. Department of Energy (DOE) would assume responsibility. In either case, there would be institutional controls set up to provide for the necessary monitoring to ensure that the material remains in place and there is continuing protection of the local citizens, as well as the environment in general. In addition, NRC retains its authority for this material and would continue to perform monitoring to confirm whatever measurements were taken or, at the very least, review monitoring data collected by the agency responsible for oversight.*
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- Comment: [I]f you leave it on site now, we have gone through this before with the chromium where we were told as residents of the area that the chromium was in lined lagoons, it was safe. Now we all know that is not true. They were not lined lagoons. How can anybody in this room that is a resident, and I don't mean this to be facetious, trust what you say to us? [3]
- Comment: Concern by numerous citizens related to the fact as to whether they could trust comments made by Shieldalloy, having in the past felt that Shieldalloy had not been totally candid with its disclosure to the Borough of Newfield, its citizens and other local State and Government Agencies. The question therefore is asked, as to what facts and circumstances exist, to ensure the Borough and its citizens that the

comments, statements and facts as disclosed by Shieldalloy, are accurate and correct. [32]

Response: NRC periodically performs monitoring to compare a licensee's measurements and reviews submitted monitoring data. The EIS will evaluate all proposed containment measures, and inspections will be made to assure that SMC completes their commitments. If the preferred alternative allows material to remain on site, post-decommissioning monitoring will be required to assure that the material remains contained.

Comment: Will a monitoring system be installed if they are allowed to CAP this slag? Who will monitor this system? [40]

Comment: If these slag piles are allowed to be capped, who will monitor them? [47, 48, 49, 50, 51 (from a form letter)]

Response: The responsible party for long-term monitoring will be addressed in the EIS but may not be decided until decommissioning occurs. It is expected that the licensee would be required to provide funding to cover decommissioning costs, plus an escrow fund from which indefinite monitoring could be done through interest charges alone. Whether federal, state, or local government or future landowners would be responsible for long-term monitoring, the escrow fund would be expected to cover their expenses.

Comment: Some information would be helpful, which would include, what is the proposed date for decommissioning for Shieldalloy? Further, what steps are presently underway, not only by the company, but also, the Federal Government to police and monitor the site? Could Shieldalloy successfully avoid responsibility for decommissioning or cleanup of the site, if that is the appropriate term, by walking away from its problem? Are there any plans to conduct a further Oak Ridge [Associated Universities] Study. . . at the site? [32]

Response: SMC has announced that it has no intention to discontinue operations at the site unless regulatory concerns or bankruptcy liquidation force the discontinuation. The facility is fenced and monitored by SMC with NRC oversight for activities regarding radioactive materials. No changes in the oversight are planned at this time. Should SMC enter Chapter 7 of the U.S. Bankruptcy Code, the Federal Government will attempt to prevent SMC from abandoning the facility or their responsibility to clean the site.

Oak Ridge Institute for Science and Education (formerly known as Oak Ridge Associated Universities) is a contractor the NRC often uses to complete confirmatory surveys of a licensee's survey results. NRC plans to do confirmatory surveys to verify that the licensee has completed all agreed-upon actions under any of the alternatives decided upon.

3.4 HEALTH AND SAFETY/RISK ANALYSIS

3.4.1 Health and Safety

- Comment: I personally have been around with a [G]eiger counter at the fenceline. What happens if a piece—you have a whole bunch of small stone, I'm talking small. What happens if a kid picked that up and put it in his mouth at the fenceline. I mean it could get to the fenceline. What happens if that is digested? The kid wants to pick a pebble up and shine it up and puts it in his mouth. He shines it, what happens? . . . I am talking about internal exposure. . . if it is digested. [4]
- Comment: In 1993, the NRC said, "The site poses no immediate threat to public health and safety." This is because if the piles were never decommissioned, never covered or hauled away, the exposures to members of the off-site public would not exceed any regulatory limits published by the NRC. [7]
- Comment: The Borough Government, as well as the citizens of Newfield, have expressed, through their comments, concerns with respect to health and safety related to the use and storage of materials at this facility. [32]
- Comment: An in-depth study on the health hazards this radiation will cause the area residents [should be conducted]. [40]
- Comment: What are the effects of background radiation to the area? [40]
- Comment: Does the NRC intend to do any studies on the health risks this radiation will cause the area residents? [47, 48, 49, 50, 51 (from a form letter)]
- Comment: Our concern here is when you do your survey, we want a very in-depth, aggressive, however you want to say it, report done. [3]
- Comment: [T]here is no appreciable exposure to the public at this time. [7]
- Comment: We are also talking about the health of the people, also the welfare of the people in the neighborhood for many years. It is a new day today. It is not yesterday, 30 years ago, 40 years ago. [21]
- Comment: The company has met all applicable standards for the safe handling of radioactive materials. [23]
- Comment: To date outside open air ground storage of this slag material & baghouse dust has been NRC's acceptable practice. . . I have (with employer provided safety equipment & safety training) worked in, around, and with the raw materials, the finish[ed] product, the slag & the baghouse dust for 33 years without any known health problems. [37]

- Comment: If there is so much radiation around the premises why is [there] no foliage damage, people have beautiful lawns, the farmers plant the fields right next to the slag piles. [41]
- Comment: The company does not dispose of the large radioactive waste pile located at the rear of the plant. We soon will have the condition of Love Canal in Niagara Falls, if that keeps on going. Cancer will be prevalent and the town will die. [42]
- Comment: We send our only child [to school] on Church Street in Newfield. . . Can you imagine the horror that we felt when we learned that many residents of Church street have died of various cancers? [43]
- Comment: We need to consider not only the children of this planet but the many generations of unborn sentient beings that may exist in future galaxies of our universe. Fourteen billion years is a terribly long time for radioactive waste to decay. If it is not cleaned up when our sun goes nova it may cause all kinds of poisons to be hurled into the universe and destroy everything in its path. [43] [Attached to the letter is a newspaper article, "Shieldalloy Proposes That Newfield Be Named A Permanent Nuclear Wastesite."]
- Response: Short- and long-term effects on worker and public health and safety will be addressed in the EIS for the proposed action and each of the considered alternatives. Risk assessments (dose assessments) for each alternative will be evaluated in the EIS. In addition, risk assessments for any non-radiological contaminants involved with the alternatives will be performed.*
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- Comment: I live on Rena Street right in back of the plant. My house is turning orange and many, many more up the street. Could you tell me what it is? I had Mr. Okioki out there years and years ago. It is all orange and all up the street. And I called them many times in the middle of the night that they used to let this whatever come out. If you want to come and see the houses up on Rena Street, they are all orange. [13]
- Comment: I would like to invite both of you to my home on Ohio Avenue to see the brown that is on there and on my car, and inside my home on the window sills. When I had my television repaired, the repairman said if my body looks like the inside of my television, I'm in pretty bad shape. My plants are black in the summer. So, I would like you to come down there. I am the only house on the street. [18]
- Comment: I am not here specifically to defend Shieldalloy but it seems like at the last public meeting we had, not related to the NRC issues, the issue of darkening of the houses has come up. At our last public meeting, we had someone from [the New Jersey Department of Environmental Protection and Energy (NJDEPE)] air program who monitors the air emissions from Shieldalloy. It was his opinion that since they no longer use some of their processes, some of the grandfathered emissions are no longer used any more, that there should not be any more discoloration of the houses. Another thing that he brought up was that they only respond if there are citizen's

complaints specifically to the DEP hotline for the air people to come out and look. [19]

Comment: There are still small particles on my car every day. I wash the car every other day or so to get them off. [18]

Comment: How can I privately get my ground tested because this year was the worst year with my flowers. Everything was black. They were black. It looked like they had just rotted. [18]

Comment: I live right near the pile. If they say that there is no contamination, they are crazy because at night from the shivering you can't sleep. That pollution comes in your window. My house is black. . . What are they going to do about that? . . . I went to Shieldalloy when Mr. Smith was there, and Mr. Marshall was there at the meeting, and they said they were going to come over to my house and they were going to do something about it. They didn't do one darned thing. Another thing is the pollution comes right through—I am maybe a block away from Shieldalloy because my dad's field is right near Shieldalloy, and my father couldn't even farm because everything was dead from the chemicals. If they [say there are] no chemicals, they are crazy. If they say there is no radium, they are crazy. It is terrible. [12]

Comment: Sometimes at night there is a pink cloud that hangs over the area and I believe it is from the contaminated rocks and the dust that blows off of them. [24]

Comment: A friend of ours moved out because his white house was green every morning. He lived close to Shieldalloy and blamed it on the radioactive waste. We would often have our windshields covered with it. [25]

Response: *The EIS will evaluate potential releases (including non-radiological materials) and their effects during and as a result of decommissioning activities for the proposed and alternative actions. Although the possibility of past particulate contamination on local residences will not be considered as part of the EIS, this issue has been forwarded to the New Jersey Department of Environmental Protection and Energy for further review.*

Comment: [T]here has been radioactive material there. The reason I am saying this is I worked in there more than anybody else in that shop. I can still run 100 yards in 12 seconds, and take care of business; no problems. [2]

Comment: You're talking about on-site. I've heard a couple of time you say people that will possibly live here. We have people living near that fence line now. . . They are exposed to this now, have been exposed to this for years. [3]

Comment: So many people in my family have already died from cancer. I just had a sister six months ago die of cancer. It is all from Shieldalloy. We had three of them on our street, two last year. A girl, Holly Leshy, and my sister died within six months. [12]

- Comment: Sometimes my family has difficulty breathing and nose bleeds. I am also upset at the fact that many people in this town have cancer or have died from cancer. [24]
- Comment: People are dying from cancer, and we are wondering if their waste has anything to do with it. . . Imagine [radioactive material] getting in your lungs [25]
- Comment: What happens with the baghouses where the dust is actually formed or created? You say it gets put under a tarp and trapped. Now all of us have had the question of, what happens while it is traveling to the pile, but what happens when these bags go down, what happens to the air? There are so many farms located immediately around that facility that people literally grow their food for the winter. We do a lot of canning and freezing. What happens to that food if these dust particles get on it? What happens? . . . What happens when their baghouse goes down? [3]
- Comment: I know of about 10 cases [of cancer] within this area and believe that studies should be done on the air and ground surrounding the Shieldalloy plant. [24]
- Comment: Have any studies been done, or efforts made to ascertain whether this site has had a direct effect, in any fashion, upon the health of the citizens of the Borough of Newfield. . . At this time, and because of statements made by Shieldalloy, that the waste accumulated at its site is basically safe, are there any studies or plans for such studies to confirm this fact. What answer is there for the citizens with respect to questions concerning the health and safety, and sufficient facts and documentation the claim by Shieldalloy that there is no danger from the accumulated slag byproduct of its business. [32]
- Comment: Have any studies been done to ascertain whether this site has had a direct effect upon the health of the citizens of the Borough of Newfield? It should be noted that a number of years ago, an attempt was made to have a cluster study performed as to the incidents of cancer. Statements have been made by Shieldalloy that the waste accumulation at its site is basically safe. Please provide the documentation to support the claim made by Shieldalloy that there is no danger from the accumulating slag of its business operation. If a report does not exist, Mayor and Council of the Borough of Newfield request the Gloucester County Health Department to conduct a study and forward a copy of the results. [36, from a letter to the Gloucester County Health Department with a copy to NRC]
- Comment: A high impact study on the water, air, and ground pollution from this radiation [should be conducted]. There has been low levels of radiation found in our wells, and we do not live near the fence line. My house is almost one mile from this plant. [40]
- Comment: Why [are] there no birth defects—abnormalities in all the children being born around the area? [41]
- Response: *An evaluation of impacts to public health and safety from past exposures to radioactive material is outside the scope of this EIS. However, this EIS will evaluate potential impacts to public health and safety associated with the implementation of the proposed action and alternatives relating to the future disposition of NRC regulated*

materials. The NRC is also preparing a separate EA in response to SMC's request for license renewal, which will evaluate exposures from present operations.

3.4.2 Risk Analysis

- Comment: If you are planning on moving this material out of there, if they decide not to encapsulate it and move it to Utah, what would be the process of moving it? Truck, train? How would you do it? Would it go through Franklin Township, for one, and what is the half-life of these particular contaminants? [UC-O]
- Comment: Any method of decommissioning involves some risk. For a practical evaluation of a remediation technique, there must be two components of risk that must be evaluated. One is the risk of performing the remediation and the other is the risk remaining after the remediation is complete. These two components must be added together to come up with a total risk for a given project. When the risk of constructing and installing a cap for the piles is calculated and compared to the risks associated with the construction and transportation efforts necessary to move the material off site, the risks associated with the off-site transfer are much higher. This is due to the hazards associated with excavation and moving material over local roads and highways. In this case, it would take more than 3,400 tractor-trailers to remove the materials, and the risk of death and injury to the public go up because of this. [7]
- Comment: I'm sure you have some idea of whether they are trucked or trained or however, you know, and what I am thinking of is going through Franklin Township I want to make sure that if they go down Route 40 and there is a spill that, you know—I'm with Emergency Management. That is why I asked. [14]
- Comment: We desperately need an investigation into this by experts in that field. If that radioactive dump is of any danger to us, then it should be moved. If it is more dangerous to move it, then it should be capped. [25]
- Response: *Impacts to the health and safety of workers and the public from transportation of radioactive material will be evaluated in the EIS for the proposed and each alternative action.*
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3.5 TECHNOLOGIES AND ACTIVITIES ASSOCIATED WITH THE PROPOSED AND ALTERNATIVE ACTIONS

- Comment: You also talked about having it capped and then lined. Are these going to be lined, and I don't mean to be facetious, but like the chromium pools were lined? [3]
- Comment: Is there a way to determine how much radon gas would be put out during the decomposition process, the quantity of material there, if that would be of help? [UC-O]
- Comment: Have you ever considered an alternative on-site disposal? I know of a process—you reprocess the contaminants, fuse it in a furnace, bring it up to about 2750. That should bring it back out again in a very glassine state similar to a [P]yrex or a hard ceramic. Would that reduce the leaching and eliminate the toxicity? [6]
- Comment: I have done pilot work in the past and I have worked for 25 years in the furnaces, incinerators and so on and so forth. Now I have done some pilot work on sludge and I have reduced it to a nugget and it's practically, it is nontoxic. Now if that same process you could put a pilot plant or pilot furnace, a small one, right there, and do a study on it. [6]
- Comment: I am just saying that—I mean you took it out of the ground and everything like that. It didn't make it more poisonous or more radioactive in concentration or anything like that. Why can't you just dump it where you got it, or something like that, back to Canada? [20]
- Comment: If removing the slag by truck is a health risk because of particles escaping into the air, why can't it be placed into train box cars? This facility has train tracks running onto their property. [40]
- Comment: I offer the challenge that funds be [appropriated] for research & development of a product or products of the "waste" instead of committing funds to disposal of the "waste" that concerns us all. . . . I propose that the material be left as it is with a mandate to Shieldalloy & timetable set whereby a consumer product be made from the "waste"! "TRASH TO CASH"! [37]
- Response: Potential mitigating measures for the proposed and alternative actions will be presented and discussed in the EIS. The EIS will also evaluate any possible commercial uses for the contaminated material.*
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3.6 SURFACE WATER AND GROUNDWATER

Comment: How safe—if you cap this—all right, fine. You're going to stop it from going into the environment. We are no longer going to have it in our air. But what is that going to do our water? [3]

Comment: You are saying that with the water, they have a report on one of the ones that they have from the reports that are here where it has already been proven that it is in the groundwater. [3]

Comment: Also, are there any plans for doing any comprehensive testing in both groundwater soil—not in both, but in groundwater soil and air off-site of the migration of the radioactive materials to determine whether there has been migration or what the environmental impact has been off-site to date? [10]

Comment: Have you done drinking water tests around the subject property? Does anyone have the answer to that question? [21]

Comment: Please be aware that this company, which is already located on sandy soil, sits on top of the Cohansey aquifer. Should this pollution leach into this aquifer all of New Jersey will have a problem not just the residents of Vineland and Newfield. [40]

Comment: We were never told that the ground water was contaminated. We were informed through the newspapers that the groundwater has been contaminated. [42]

Response: The direct, indirect, and cumulative impacts to surface water and groundwater from any radioactive and non-radioactive contaminants leached from possible on-site disposal areas will be evaluated in the EIS for the proposed and alternative actions.

Comment: So you have done absolutely no study whatsoever to this point as to what this radiation is doing to our groundwater, or ground or our air? So for 40 years they have been allowed to have this stuff there without the NRC—you've done nothing? [3]

Response: The licensee has run tests and demonstrated to the NRC that the leaching potential of the slag is very low. The licensee operates a monitoring program on site that NRC reviews. NRC conducts on-site inspections of the facility. The EIS will evaluate the future potential for interaction of the radioactive material with the surface water, groundwater, ground, and air.

Comment: If people will look back over the past 30 or 40 years, 90% of the waste comes from North Jersey. It didn't come from Shieldalloy, was a chicken farm when it first started out. There wasn't any chrome there then. Then, from the '50s through the '60s, they found the chromium was going to be bad. Shieldalloy tried to clean it up. They did the best they could under the regulations that the government set down. [2]

- Comment: Right now there's contaminated chromium as far as West and—I mean there is a flow of contamination. I forget how big it is, but it's very big and I think you are going to find the same type of contamination from the sludge. [4]
- Comment: We live within two miles of Shieldalloy Corporation in Newfield, N.J. In July, 1987, our water was found to have contaminants and at that time we were asked to change to Vineland City Water. Our wells were no longer able to be used for any purpose. [26]
- Comment: And who's to say if it was Shieldalloy who caused the water's contamination? There are other known polluters in the area. I didn't see them making any effort to clean up their act. [27]
- Comment: We simply cannot use our water, the yellow color ruins our clothing when we wash. [33]
- Comment: Before Shieldalloy moved here, we had no problems with our water like we are having now. [25]
- Comment: The company now is bringing the chromium back. You are bringing them back, you are putting them through something like a deionizer or a reverse osmosis deionizer, whatever. I want to know, number one, after the chromium is purified according to you, does it meet the Clean Drinking Water Act when it is discharged back into the Hudson Branch? [4]
- Comment: Yes the land around the company is polluted with uranium and thorium, but they claim it is harmless to us. I believe them. [27]
- Response: There is presently no evidence that any of the chemical contamination produced by current and past operations at SMC is related to either the processing of the niobium ore or storage of the waste materials as slag or dust. Should evaluation of the proposed and alternative actions show evidence that chemical contamination in the groundwater results from NRC-regulated materials, any current groundwater contamination would be evaluated as part of the cumulative impacts for this EIS.*
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3.7 COST OF THE PROPOSED AND ALTERNATIVE ACTIONS

- Comment: . . . we urge you to carefully examine the scientific and economic evidence that has been prepared by the independent consultants and support the least cost alternative. [23]
- Comment: Not insignificantly, [the on-site disposal alternative] is also second to lowest in cost. As a company trying to develop a reorganization plan under Chapter 11 of the Bankruptcy Code, the financial impact of any remediation plan can't be ignored. [7]
- Comment: The development of an economically viable EIS is important to the ongoing operation of this South Jersey facility which employs 228 people. [23]
- Comment: I don't believe the company should pay \$350 million to have the slag heaps transported clear across the country. That could only cause additional problems. [27]
- Response: *A cost/benefit analysis will be conducted to compare the proposed and alternative actions.*
-

- Comment: I don't understand why it is going to cost so much to get rid of this slag which was some place in the first place. I mean, it was there. People were living there or around there. It came through by trucks and things like that. Why does it cost hundreds of millions of dollars to dispose of it? [20]
- Comment: I wanted to tell the meeting that if it cost \$250 million or \$150 million or \$100 million dollars, Shieldalloy and Metallurg just will not be able to do it. If it is done at all, it will be done by the taxpayer. Shieldalloy would then abandon the site, and I believe that the site would remain abandoned because anyone who bought the site, who wanted to continue working on the site would still have the liability for the slag that was there. So for that reason we have to reject in our own minds carting the material off site and try and work with a cheaper method entirely satisfactory and we believe ultimately safer method of capping the piles and continuing the existence of Shieldalloy as an employer in the area. [8]
- Response: *It is not clear what the cost of disposal will be. The costs estimated by the licensee will be verified as part of the preparation of the cost/benefit and socioeconomic analyses.*
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3.8 OTHER ISSUES

3.8.1 Out Of Scope Comments

The purpose of an environmental impact statement is to provide information on the environmental impacts associated with a proposed action. Scoping is the mechanism for identifying issues, impacts, facts, and alternatives that should be considered in the EIS. Not all issues, impacts, facts, or alternatives are relevant to a decision about a particular proposed action. Comments that present opinions or mention issues, impacts, facts, or alternatives that are not appropriate or relevant to the proposed action are considered to be "out of scope". This section contains comments that are considered to be "out of scope."

Comment: If this company is not granted their license who will be responsible for this radioactive waste? [40]

Response: *If SMC's operating license is not renewed, SMC is still responsible for the decommissioning of the site. SMC would instead be issued a possession-only license during the term of decommissioning. Because the issue regarding the renewal of license will not affect the outcome of this evaluation, this comment is considered outside the scope of the EIS.*

Comment: What about the nuclear power plants? Would they be used to store this type of radiation? [1]

Response: *No; the slag contains naturally-occurring radioactive material in a form and quantity that nuclear power plants are not licensed to store. Therefore, this alternative would be beyond the scope of the EIS.*

Comment: Since it is evident that operations at the site continue, a number of citizens have raised the issue of regardless as to what may happen concerning a decommissioning plan, is there a way of ensuring and protecting the people that are in the area. This has to do with the monitoring of the site, with respect to radiation levels, and its effect with regard to the air, airborne particles, the effect upon the water, and, the environment. [32]

Comment: The cost of disposal of waste materials is part of doing business. If Shieldalloy is unwilling or unable to afford to properly dispose of the waste they manufacture, then they should go into another kind of business that is less costly to operate and does not produce this kind of waste. [31]

Response: *These comments address the continuing operation of the SMC facility and is therefore beyond the scope of the EIS. The licensee conducts monitoring with NRC oversight. NRC is currently developing an EA to evaluate these issues in response to SMC's request for license renewal. Upon completion, this EA will be published in the Federal Register.*

- Comment: When you said that Shieldalloy, if you are forced to close, say if it was \$100 million to take this off, that the taxpayer would have to take over the payment. . . My understanding was, when you originally signed an agreement with the NRC—I might be incorrect in this, the NRC might want to correct me on this one—didn't you have to put up money up front? . . . I realize it is not \$100 million. . . So the monies that are put aside for Shieldalloy, not only for the radiation but for the water contamination also, is that being affected by Chapter 11? So that money is separate? . . . So that if the company, God forbid, does go Chapter 7, there is some monies available for the continuation of the cleaning, not only of the radiation but the water? . . . But not enough to cover the removal of it. [3]
- Comment: I think everybody ought to know this. What amount of money was placed in escrow at what time previously? For this site. . . And at what time was that put in? What date? . . . So that is not more than a million dollars at this point for cleanup? . . . You did not place a sum of money; you basically just had a bond with somebody? [16]
- Comment: [Does Shieldalloy have sufficient assets, even in bankruptcy,] to move the slag out of Newfield to another site? [14]
- Comment: I believe that Shieldalloy wants to abandon the Newfield plant and leave the clean up to Newfield taxpayers. I believe that the NRC should reject the option that Shieldalloy has proposed and force the company to properly dispose of the radioactive waste and ship it off site to the licensed nuclear waste site in Utah. [31]
- Response: *In 1987, NRC began requiring licensee's to provide financial assurance for the decommissioning of these types of facilities. The minimum amount initially required was \$750,000, which SMC provided. Upon completion of this review, SMC will be required to increase the amount of financial assurance to satisfy the expected costs for the approved alternative. SMC has also committed other amounts of financial assurance to the State of New Jersey for cleanup of non-radiological contamination. Because the ability of the SMC to pay for the costs of the preferred alternative will not be a factor in the analyses, these comments are considered beyond the scope of the EIS.*

Comment: Part of your [SMC's] Chapter 11, is that due to fines that the NRC and DEP and other agencies are putting onto you or is that just because of bad business practices or lack of business? Are there basically business reason why you are doing a Chapter 11? . . . All right, because one of our concerns would be that the Government would put you out of business and, in turn, it would be the Government that would end up paying for it. . . I think especially the residents of Newfield don't want to have to foot that bill. So we do want to see you stay in business and not go away. I think that is one of our major concerns at this time. [17]

Response: *Fines have not been a significant factor in the bankruptcy of SMC. The company has stated that one of the major factors has been competition from international industries engaged in similar activities. Because the ability of the SMC to pay for the costs of*

the preferred alternative will not be a factor in the analyses, these comments are considered beyond the scope of the EIS.

Comment: If one of the—if the alternative is reached by the NRC that this be taken off-site, and Shieldalloy claims they don't have the assets to do that, can they apply to Superfund to help? Does this come under Superfund or not? [14]

Comment: [D]oes the Superfund have—say, for instance, Shieldalloy goes into Chapter 7 and they move out of town. They abandon the place. Like one of the officials said, it is the responsibility now of the taxpayer. Can Newfield Borough apply to Superfund, or does this come under Superfund at all? I heard that it didn't. [14]

Response: *The SMC site is currently listed on the National Priorities List (NPL). It is Number 46 in Group 1. That is, there are only 45 sites which are considered of a higher priority, apart from certain exceptions for individual states. It is unlikely that the site will be abandoned because under current bankruptcy law (and since the site is listed on the NPL), EPA can prevent the abandonment of the site. Because the ability of the SMC to pay for the costs of the preferred alternative will not be a factor in the analyses, these comments are considered beyond the scope of the EIS.*

Comment: They are under Chapter 11 at this point in time. They have 120 days to come up with a plan to reorganize monetarily. Will the NRC be able to decide what method of disposal will be acceptable in that time frame. . . If in fact they are asking for renewal of their license, you are then deciding how much money for them to put in escrow. Will that be decided in 120 days? [16]

Response: *The method of disposal will not be decided within the 120-day reorganization period. Because this 120-day limit will have no effect on the development of the EIS, this comment is not considered to be within the scope of the EIS.*

Comment: Is the NRC willing to go with them at that point in time when you are going to court to represent the NRC as being unable to represent that number? [16]

Response: *The United States Government is represented in the bankruptcy by the U.S. Attorney for the Southern District of New York and by attorneys in the Department of Justice. NRC has jurisdiction to go into the Courts of Appeal for cases involving its rules and licenses but has no authority to participate in the bankruptcy proceeding. The federal government's position is dictated by the Department of Justice and the U.S. Attorney's Office. Because the federal government's method of representation in Bankruptcy Court will not affect this evaluation, this comment is not considered to be within the scope of the EIS.*

Comment: Is there a continuing viable market for your product? [16]

Response: There is a market for the product, but the company is facing significant challenges from its overseas competitors. [SMC's response.] The business challenges facing SMC are beyond the scope of the EIS.

Comment: [W]ho is actually going to be conducting the Environmental Impact Statement? Is it the NRC or is it going to be contracted out? So just so that we are real clear, the NRC that contracts with Oak Ridge to do the study, which is essentially paid for by Shieldalloy? [10]

Response: Through an interagency agreement with the DOE, NRC has contracted with ORNL to assist NRC in the preparation of the EIS. The costs for preparation of the EIS must be reimbursed to the NRC by the licensee. Because NRC has the final responsibility and decision authority regarding issues and evaluations developed in the EIS, the decision to use a contractor is not considered to be within the scope of the EIS.

Comment: A concern voiced by a number of citizens was with respect to not being made aware of the status of ongoing matters concerning Shieldalloy, the involvement of the NRC, and decommissioning process and meetings. The request is therefore made, of the Nuclear Regulatory Commission, that sufficient and proper notice be provided, above and beyond that as required under the law, which merely may be the publication in the *Federal Register* of appropriate notice of a planned meeting. [32]

Comment: The elected officials of the Borough of Newfield, as well as its citizens, are extremely concerned in the ongoing process before the Nuclear Regulatory Commission. . . It is the request of the Borough of Newfield that it be provided the option to remain in contact and address appropriate comments concerning matters involved in this decommissioning. [32]

Response: The public scoping meeting was announced through both the Federal Register and a variety of news media. Local governments and known interested parties were mailed copies of the Notice. The NRC will continue to inform the public about public meetings in the same ways. Information on day-to-day communications regarding SMC may be found at local public document rooms located in Salem, and Pennsville, New Jersey. The public and local governments may always transmit comments to the NRC at any time, but it is most useful if they wait for formal comment periods (the next planned one will come after the release of the draft EIS) where the NRC will be better able to commit its resources to responding to the comments. Because NRC's method of interaction with the public should not affect the outcome of the EIS, its evaluation is considered outside the scope of the EIS.

Comment: [W]here does that [ore] come from? You bring it—how is it brought into Newfield? By train? . . . The niobium ore? How is it brought in? So whatever way—if you want to dispose of it off site — I mean, I assume all you do is remove some of what you want out of it, like the metal being—you take it away, and whatever is left is left.

I mean, you really haven't appreciably changed the concentration much by taking out some of the niobium. I mean, you have taken away a little bit of it, you say to me. So you have changed the concentration somewhat but not significantly. [20]

Comment: [I]n effect, I mean, as far as the radionuclides, you have actually decreased their concentration [in the processes that produce the slag]? But wouldn't they? I mean, the NRC actually would take an interest because there are controlled substances involved here to go along with the niobium. [20]

Comment: I mean, but Shieldalloy doesn't do anything, you know, to change that concentration or anything like that. It is like, "Why does it become" [licensable material]? [T]his fellow just said that they probably reduced the concentration. The only thing is that bring it into New Jersey. [20]

Comment: I am just saying that—I mean you took it out of the ground and everything like that. It didn't make it more poisonous or more radioactive in concentration or anything like that. Why can't you just dump it where you got it, or something like that, back to Canada? But the only other thing, it seems to me that they then bring it into New Jersey that we as New Jerseyites—and I am a Newfield resident—would care about stuff. They bring it here. Then they don't take it away. I mean, it is like it just comes in and doesn't go away. Also, they powder it over there. I guess that is in the course of preparing to smelt it, or something like it, they might make a little powder. I mean, it comes in as what, dirt? What does it come in as? It is like rock and dirt? [20]

Comment: What would be the problem with—you know, for instance, suppose Shieldalloy got the ore shipped down and then didn't do anything with it. Just didn't do anything with it, just shipped it back and dumped it. I mean, it wouldn't make any difference. I mean, nobody would care, theoretically. [20]

Response: *The ore called pyrochlore (a source of niobium) is similar to a heavy black sand when it arrives at the SMC facility. In 10 CFR Part 40, source material is defined as "ores which contain by weight one twentieth of one percent (0.05%) or more of: (i) Uranium, (ii) thorium or (iii) any combination thereof." Although 10 CFR 40.13(b) states "Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material provided, that, except as authorized in a specific license, such person shall not refine or process such ore," SMC receives refined ore with greater than 0.05 percent by weight of uranium and thorium and, therefore, is required to possess a license.*

Comment: Some of the pollutants did not even come from the plant. . . Why weren't other companies investigated and made to pay for the damage they also helped to create? [39]

Comment: Another thing that has always entered my mind when Shieldalloy comes up: (A) What about the brick dust, concrete elements that go into the ground? (B) What about the two junk yards a few feet from Shieldalloy? All the . . . oils, gasoline, transmission fluids, etc from old cars? (C) What about the tractor and trailer business in town? All the spills. (D) The print & picture developing places. (E) The glass industries—they are all in the same category, are they not? (F) The farmer that sprayed the fields 3 years ago—the people had to be evacuated for several hours. (G) What about all the people that put acids in their septic tanks in Newfield? (H) A few miles down from the plant—the fireworks place—is gun powder good for people? [41]

Response: *The EIS will address the radioactivity being emitted by the licensed material and any chemicals shown to be coming from that material. Assessing the extent of other pollutants and assigning blame to and exacting reparations from any other pollution source in the area are the responsibilities of local, state, and other federal agencies and, therefore, is considered to be outside the scope of this EIS.*

Comment: Shieldalloy's processing of non-radioactive material in the facilities on the site has resulted in chemical contamination in the ground water, (primarily chromium). This has caused the site to be a high priority listing on the Superfund Priorities List. The chromium contamination has resulted in lawsuits against Shieldalloy by residents of Newfield and North Vineland for contamination of water wells. [31]

Response: *The status of legal actions will not impact any evaluations in the EIS. This comment is considered to be outside the scope of the EIS.*

3.8.2 Comments Noted

Comments in this section are being acknowledged but the comment offers an opinion or idea that has no direct bearing on the EIS.

Comment: It seems to me there has been a lot of discrepancy placed on Shieldalloy about radioactivity and waste. [2]

Comment: [T]hey were in our shop today, and I saw them when they walked over the shop. They have an adverse condition about Shieldalloy due to media. I really don't like that because I know better. [2]

Comment: But all of sudden somebody is going to say—the NRC Commission has 15 or 20 people there today. It is not so because no matter what we make or decisions here today, they are not going to clean it up because they're not going to move it. They'll put a concrete slab over it and let it sit there. [2]

Comment: I don't want it in my neighborhood, but I can't really see it driving down the st. either. [3]

Comment: I think most of the people in Newfield don't want to see you leave and go away because that is going to create a bigger problem for us in Newfield. So if it seems like you are being beat up a little, you know, we don't want you to go away. We just want some answers and things to work out smooth. [17]

Comment: . . . please take your invisible death, place it on a rocketship and blast it off—destination the sun. . . When are you androids going to free this planet from nuclear insanity? Are there no lessons to be learned from Chernobyl? Americans do not want to be participants or casualties in your New Jersey experiment and your immature, crafty politics. New Jersians are no fools. I am sure if you were a responsible organization you could find money in the "superfund." [28]

Comment: I would greatly appreciate it if your office would carefully review Ms. [Loretta] Williams' letter and make every reasonable effort to insure that her comments and suggestions receive every appropriate consideration. [30] [Attached to the letter from Congressman Hughes is a copy of the letter sent to him by Ms. Williams, and attached to that letter are copies of her letters to NRC and to Vice President Al Gore.]

Comment: A number of citizens have participated in a response to a questionnaire prepared by a group of citizens interested in the scoping process and eventual plans for decommissioning of the site. A copy of correspondence addressed to May and Council. . . is enclosed, together with the Newfield Residents Survey Questionnaire, and a form letter for interested citizens to use to send comments to your attention. As of the date of our last regularly scheduled council meeting, seventy-seven (77) letters were collected, with sixty-one (61) of the citizens responding to carting the waste off site. This would indicate, with regard to the sampling of citizens involved, that 80% of the citizens of Newfield want the problem removed from the site, and from the Borough of Newfield. [32]

- Comment: Please don't think everyone is afraid of Shieldalloy. [34]
- Comment: Sell the public the "benefits of Shieldalloy's successful business operations"! Soothe their fears & anxiety's with a plan that benettis them as well is reasonable & acceptable with Shieldalloy & the NRC. [37]
- Comment: I feel that we should try to work with Shieldalloy to keep this company a productive American company. I feel that proposal that Shieldalloy gave you is in the best interest of the company, especially in light of the financial condition they are experiencing. I feel if the problem is dealt with correctly the fears that some have can be allayed. I really believe the company wants to do the best it can to alleviate the problem. [39]
- Comment: Shieldalloy Metallurgical Corporation (SMC) is submitting written comments regarding NRC's Public Notice and our recommendations for modification to the subject scope. It is requested that NRC and its contractor utilize these enclosed comments and recommendations for the development of the Environmental Impact Statement (EIS). [Attached to the letter are SMC's "Comments to Nuclear Regulatory Commission Notice [7950-01], Decommissioning of Shieldalloy Metallurgical Corporation's Facility in Newfield, New Jersey: Notice of Intent to Prepare and Environmental Impact Statement and to Conduct a Scoping Process," which includes the following comments:]

References

- (1) Metallurg, Inc., Shieldalloy Metallurgical Corporation Conceptual Decommissioning Plan for Newfield, New Jersey Facility, IT Corporation/Nuclear Science Report No. IT/NS-93-104, April 7, 1993.

Page 1, Summary, line 7: Delete "Shieldalloy concentrated".

Page 1, Summary, line 8: After "radioactive material" insert "contained in the ore is segregated during the process into high temperature slag and baghouse dust and is separated from the metal alloy.

Page 1, Summary, line 10-13: Delete sentence beginning with "Although Shieldalloy. . ." and replace with the following:

On December 15, 1992, the USNRC requested that Shieldalloy provide a conceptual decommissioning plan as part of the June 1992 renewal application. Reference 1 was intended to provide that information. It contains a description of the decommissioning objective, a conceptual plan for decommissioning the site, and assessment of the long-term risk associated with the decommissioning alternative and estimated cost for achieving the decommissioning objective.

Page 4, Need for Proposed Action, 1st paragraph, 2nd line: After "(License No. SMB-743)" insert "to process, possess and store".

Page 4, Need for Proposed Action, 1st paragraph, line 6: Modify the sentence to read: The radioactive material had been segregated by the smelting process into slag and baghouse dust.

Page 5, 1st full paragraph, line 2: Change the sentence to read: Separated from the alloy and report to slag and baghouse dust.

Page 5, 1st full paragraph: General Comment - The quantities and volumes of slag and baghouse dust which are discussed in this paragraph are being continually added to since Newfield is currently an operating facility. The volume of material which will require in-situ decommissioning at the time SMC discontinues production and requests termination of the license is currently unknown. SMC has projected that it could continue production and generation of slag for the next two to three hundred years and still have capacity for additional slag and materials storage without increasing radiological exposure to the general public or the employees above today's levels.

Page 6, 3rd full paragraph: SMC questions whether relicensing a current operation which is required to have a conceptual decommissioning plan constitutes an approval of decommissioning and is therefore a major federal action or whether a major federal action will only take place at the time that the licensee discontinues its operation of processing source material and submits a decommissioning plan to implement a termination of the license.

Page 12, line 2: Change to read: . . . consolidate and stabilize into a single area that would be covered and graded.

Page 12, (b), line 5: SMC is unaware of any facility within New Jersey or within 50 kilometers of Newfield which is licensed to receive and dispose of low-level radioactive waste similar to SMC slag and baghouse dust.

Page 13, Alternative 3: Same comment as above.

Page 14: Insert after 1st line additional paragraphs "f" and "g" as follows:

- (f) Alternative 6 - On-site Stabilization and Dilution of Licensed Material with RCRA regulated materials (metal hydroxide sludges).
- (g) Alternative 7 - Develop commercial use and market for slag to be utilized by an NRC licensed facility, or an exemption for licensing requirements when slag is utilized for the specific purpose of steel making slag conditioners, or export. [38]

Response: Comments noted.

4. SUMMARY AND CONCLUSIONS

The public scoping process has been helpful to the NRC in identifying concerns and issues that warrant consideration as part of the EIS NRC is preparing on the stabilization of radioactive wastes at SMC's facility near Newfield, New Jersey. SMC's proposed action (*in situ* disposal) and alternatives to the proposed action will be evaluated in the EIS. The tentative EIS outline, given in Appendix A, shows the topics that will be examined. This outline represents the current understanding of the issues to be evaluated in the EIS. It is not intended to limit either the content or the final organization of the EIS, but rather to point out a preliminary understanding of topics needing development and evaluation. Possible new alternatives were identified in the scoping process (possible commercial uses of the slag domestically and abroad), and other comments may result in changes to specific details of the alternatives.

Other EAs or EISs that are being prepared or will be prepared that relate to, but are not part of, this EIS include (1) NRC's EA for the evaluation of the renewal application of SMC's Newfield, New Jersey, source material license, SMB-743; (2) NRC's EIS for stabilizing radioactive waste at SMC's facility located near Cambridge, Ohio; and (3) NRC's Generic EIS for Radiological Criteria for Decommissioning Nuclear Facilities. NRC also has an ongoing inspection and environmental monitoring program for the SMC site. In addition, the State of New Jersey Department of Environmental Protection and Energy is overseeing a remedial investigation at the SMC site. The remedial investigation is (1) investigating the physical characteristics of the Newfield site, (2) determining the nature and extent of both hazardous and radiological contamination resulting from SMC operations, and (3) characterizing environmental impacts and potential health risks.

To begin preparation of the EIS, the NRC will gather existing environmental information from the licensee and governmental agencies. This information, including the environmental studies mentioned above, will be evaluated to determine if it is adequate and of sufficient quality and quantity to proceed with an evaluation of the impacts of the proposed and alternative actions. If the existing data are not sufficient, the licensee will be required to conduct additional studies. Assuming the adequacy of existing data or that any supplemental data gathering or assessment does not impede development of the EIS, a draft EIS is scheduled to be issued for public comment in mid-1995. This date has been delayed compared with the October 1994 date discussed in the NOI and public meeting. The public

comment period will be 90 days to allow the public the opportunity to address either the adequacy of the statement or the merits of the alternatives discussed or both. The NRC will evaluate the comments received on the draft EIS and prepare a final EIS that is scheduled to be issued in early 1996. If after evaluating public comments it is determined that additional studies are required, the issue date for the final EIS may be delayed. The comments and corresponding responses will be issued as an appendix to the final EIS. ORNL will assist the NRC staff in preparing the EIS.

EPA Region 2 has agreed to participate in the preparation of the EIS. EPA will review NRC draft documents before they are issued and will work with NRC to identify and assess issues and site conditions that may impact the proposed or alternative actions under consideration in the EIS. Additionally, EPA will inform the NRC of any current or proposed regulations or other agency actions that may have a bearing on the proposed or alternative actions at the SMC site.

5. LIST OF COMMENTORS AND AFFILIATIONS

Commentor Number	Commentor's Name	Commentor's Affiliation (If Any)
<i>COMMENTATORS at the public meeting</i>		
1	Loretta Williams	
2	Samuel Vinegar	Senior Officer, Local 2327, UAW, Shieldalloy Corporation
3	Pati Madden	STOP
4	Moynihan	
5	Ed Melon	
6	Collini	
7	Scott Eves	Vice President for Environmental Services, Shieldalloy Corporation
8	Michael Finn	Vice President, Shieldalloy Corporation, and Corporate Secretary, Metallurgy, Inc. (parent company of Shieldalloy)
9	Everett Marshall	Mayor, Newfield, New Jersey
10	Esther Berezofsky	Attorney at Law
11	Fred Sickels	New Jersey Department of Environmental Protection
12	Mary Gorgo	
13	Gatto	
14	Billings	
15	Blandino	
16	Sheeler	
17	Bill Quigley	Borough Council of Newfield, New Jersey
18	Antoinette Barsotti	
19	Donna Gaffigan	New Jersey Department of Environmental Protection and Energy
20	Jarema	
21	Edward Silver	

List of Commentors and Affiliations (*continued*)

Commentor Number	Commentor's Name	Commentor's Affiliation (If Any)
22	Jim Valenti	Environmental Management, Shieldalloy Corporation
<i>Commentors submitting written comments</i>		
23	Jim Sinclair	First Vice President, New Jersey Business and Industry Association
24	Penny Hallett	
25	Dorothy Renshaw Louis Renshaw	
26	Mr. and Mrs. Otto Zaak	
27	Nancy Newman	
28	Edward G. Hudiak	
29	Ronald T. Corcory	Assistant Director, Division of Responsible Party Site Remediation, Department of Environmental Protection and Energy, State of New Jersey
30	William J. Hughes	Member of Congress (U.S. House of Representatives)
31	Loretta Williams [same as no. 1 but submitted additional comments in writing]	
32	Gerald R. Spall	Law Offices of Gruccio, Pepper, Giovinazzi, DeSanto & Farnoly, P.A.
33	Martha Langley	
34	Hazel Moore	
35	S. Rosario Gomez	Employee, Shieldalloy Metallurgical Corporation
36	Everett E. Marshall III [same as no. 9 but submitted additional comments in writing]	Mayor, Borough of Newfield
37	Frederick A. Langley	Employee, Shieldalloy Metallurgical Corporation

List of Commentors and Affiliations (continued)

Commentor Number	Commentor's Name	Commentor's Affiliation (If Any)
38	David R. Smith	Director of Environmental Services, Shieldalloy Metallurgical Corporation
39	Robin Ramsen	
40	James L. and Patricia Madden [P. Madden is the same as no. 3 but submitted additional comments in writing]	
41	An unsigned letter	
42	Maya Fleischner	
43	Nancy and Trevor Jones	
44	R. Fierick	
45	John Fierick	
46	Mr. & Mrs. J. Genna	
47	James Marcacci	
48	Ms. Marcacci	
49	Debbie DuVilla	
50	Mrs. R. Gelsi	
51	R. Gelsi	

APPENDIX A**ENVIRONMENTAL IMPACT STATEMENT PROPOSED OUTLINE
FOR SHIELDALLOY METALLURGICAL CORPORATION'S
NEWFIELD, NEW JERSEY, FACILITY****Abstract****Executive Summary****Fact Sheet****Table of Contents****1. Introduction**

- 1.1 Background
- 1.2 Purpose and Need for Proposed Action
- 1.3 Description of Proposed Action
- 1.4 Approach in Preparation of the Draft EIS
- 1.5 Structure of the Draft EIS

2. Alternatives Including the Proposed Action

- 2.1 Factors Considered in Evaluating Alternatives
- 2.2 Alternatives
- 2.3 Regulatory Compliance

3. Affected Environment

- 3.1 Introduction
- 3.2 Description of the Newfield Facility
- 3.3 Land Use
- 3.4 Geology/Seismicity
- 3.5 Meteorology and Hydrology
- 3.6 Ecology
- 3.7 Radiological Characteristics
- 3.8 Chemical Characteristics
- 3.9 Socioeconomic Characteristics
- 3.10 Cultural Resources
- 3.11 Other Environmental Features

4. Decommissioning Alternatives Analyzed and Method of Approach for the Analysis

- 4.1 General Information on Approach and Method of Analysis
- 4.2 Alternatives Considered.
 - (a) Alternative 1, *On-site Stabilization and Disposal* (Licensee's Proposed Action)

- (b) Alternative 2, *Off-site Disposal*
 - (c) Alternative 3, *On-site Separation Processing with Off-site Disposal*
 - (d) Alternative 4, *On-site Dilution Processing and Disposal*
 - (e) Alternative 5, *Commercial Opportunities*
 - (f) Alternative 6, *No Action*
- 4.3 Method of Analysis of Alternatives
- (a) Define a range of alternative decommissioning approaches;
 - (b) Evaluate the alternative decommissioning approaches with respect to (1) the projected* incremental impact to workers, public, and the environment, both radiological and non-radiological, resulting from each alternative and (2) the costs associated with each alternative. Evaluations of impacts and costs are contained in Sections 5 and 6 below;
 - (c) Perform a comparative evaluation of the decommissioning approaches based on the impacts and costs of each alternative from 4.3(b)
5. Environmental Consequences, Monitoring, and Mitigation
- 5.1 Construction and Remediation Consequences
 - 5.2 Monitoring Programs
 - 5.3 Mitigation Measures
 - 5.4 Unavoidable Adverse Environmental Impacts
 - 5.5 Relationship Between Short-Term Uses of the Environment and Long-Term Productivity
 - 5.6 Irreversible and Irretrievable Commitments of Resources
6. Costs and Benefits Associated with Decommissioning Alternatives
- 6.1 General
 - 6.2 Quantifiable Socioeconomic Impacts
 - 6.3 The Benefit-Cost Summary
 - 6.4 Staff Assessment
7. List of Preparers
8. List of Agencies, Organizations, and Persons Receiving Copies of the Draft EIS
9. References

Appendix A—Reserved for Comments on DEIS

Appendix B—Results of Scoping Process

*Incremental Impact is the projected impact on workers, the public, and the environment resulting from the implementation of a particular alternative. Cumulative impact is the impact on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions.
