

40-7102



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

Jeanne M. Fox
Acting Commissioner

Karl J. Delaney
Director

JAN 11 1994

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

Dear Secretary:

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

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

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

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

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

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

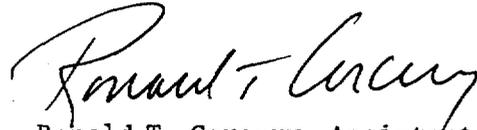
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comprehensive statute to modify the contaminated site remediation program in the state. Among its many provisions, P.L. 1993, c.139 requires that sites be remediated to a level that results in an incremental lifetime cancer risk no greater than one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

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

Sincerely,



Ronald T. Corcory, Assistant Director
Responsible Party Cleanup Element

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