JAN 13 1994

Ms. Terry Foxragone
P.O. Box 605
Newfield, New Jersey 08344

Dear Ms. Foxragone:

SUBJECT: TRANSCRIPT FROM PUBLIC SCOPING MEETING ON SHIELDALLOY (NEWFIELD)

Enclosed is the transcript of the public scoping meeting held on December 16, 1993, concerning the Shieldalloy Metallurgical Corporation facility located in Newfield, New Jersey. The transcript package also includes the fact sheet handouts from the meeting and a copy of the federal register notice announcing the meeting.

It was a pleasure talking to you. If you have any further questions, please feel free to call me at (301) 504-2667.

Sincerely,

Original Signed By:

Gary C. Comfort, Jr.
Licensing Section 2
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Enclosure:
Transcript of 12/16/93 Scoping Mtg

Distribution: w/encl

Docket 40-7102	PDR	NRC File Center	FCSS R/F
FCLB R/F	FCLS2 R/F	NMSS R/F	Region I
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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING ON THE

SCOPE OF THE ENVIRONMENTAL IMPACT STATEMENT

ON SHIELDALLOY METALLURGICAL CORPORATION'S

FACILITY IN NEWFIELD, NEW JERSEY

***

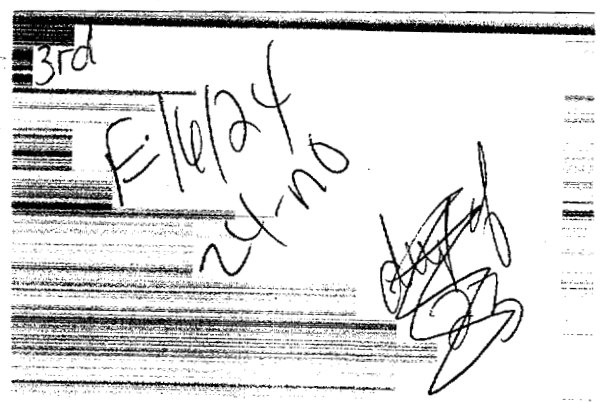
Auditorium

Delsea Regional High School

Blackwoodtown Road

Franklinville, New Jersey

Thursday, December 16, 1993



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PROCEEDINGS

[7:05 p.m.]

MR. WEBER: Good evening, ladies and gentlemen. I'd like to welcome you to NRC's scoping meeting tonight. Can everyone hear me? Okay.

I appreciate your coming out. This is an important first step for the Nuclear Regulatory Commission. As many of you are aware, we are at the onset of developing what we refer to as an Environmental Impact Statement for the Shieldalloy Metallurgical Corporation's facility in nearby Newfield, New Jersey.

As I mentioned, this is the first start of that process so hopefully tonight we will be able to exchange some information. The Agency will be able to share with you some of the background information to make sure that you have some of that perspective. We will be able to listen to the concerns of the local community.

To set the stage, the Shieldalloy Metallurgical Corporation has proposed, at least at a conceptual level, to stabilize its radioactive wastes that presently exist at that site in Newfield, New Jersey. It is because of that that the Commission has decided to prepare an Environmental Impact Statement.

You will be hearing from me a little bit later on about what exactly what NRC means when we refer to an EIS,

and what is the process, what are the opportunities for public input to that.

Gary Comfort, who will also be speaking a little bit later on will share with you some of the facts about the site, how much waste is there, what are the concentrations of radioactive materials in that waste, how did it get there and things of this nature.

I would like to begin by introducing the people who are here tonight from the Nuclear Regulatory Commission. My name is Michael Webber. I am a Section Leader in NRC's Decommissioning and Low-Level Waste Division out of NRC Headquarters in Rockville, Maryland. That is just outside of Washington, D.C.

With me at the table is Gary Comfort. Gary is the Project Manager. He is in the Fuel Cycle Safety and Safeguards Division. Francis Cameron, or Chip Cameron, will be our Facilitator. I will introduce him in a little bit. He is also from the NRC.

In the audience we have several individuals in addition to ourselves who are from the Headquarters Offices. We have Bob Pierson, Robert Fonner, and Chad Glenn. From our Region I Office in fairly nearby King-of-Prussia we have Duncan White, and in the back of the room, Marie Miller. She is back there by the door.

Perhaps throughout this evening, if you have

questions or if you have comments that beg an answer from the NRC, you will hear from us in that answer.

Before we pass it to Chip, I would just like to tell you a little bit about the information, the documents that were on the back table when you first came in. NRC has back there a copy of the scoping notice, which describes the process and some of the background for preparing the Environmental Impact Statement.

We also have a copy of what we refer to as the Action Plan for ensuring timely decommissioning of site decommissioning management plan sites. These are sites that are licensed by the NRC or that were never licensed by the NRC, but require some sort of removal or decommissioning of the radioactive materials on site.

They pose special challenges either because of the large volumes or ground water contamination that may be associated with the facilities. It is for that reason that they get on NRC's SDMP's list. The Shieldalloy facility in nearby Newfield is one of those facilities. It is one of 50 facilities.

Other documents that are out there is a background pamphlet on radiation and radiation protection. There is a users guide for what we call our Public Document Room. I would point out that if you read that and you have an interest in looking at some of the information that is

available, there is a facility within about 30 miles from here where you can tie into that Public Document Room by computer. There are people there that can help you use that system. You will be able to access a lot of additional background information that the NRC has in its file on this facility.

We also have a brief summary of the site. It goes over some of the same information that Gary Comfort will be going over in a minute. I believe Shieldalloy Metallurgical Corporation has also placed on that same table a brief two-page statement of their position on this facility.

So you are certainly more than welcome to pick up that material. If you have questions about the NRC material, give Gary a call. His name and telephone number is in that scoping notice, or I believe there is a contact on the end of the licensee's fact sheet.

Without further ado, I would like to turn it over to Chip Cameron who will facilitate our meeting this evening.

Thanks.

MR. CAMERON: Thanks a lot, Mike. I would like to add my welcome to all of you tonight.

As Mike mentioned, I am going to serve as the Facilitator for the meeting tonight and in that role, try to make sure that everybody who wants to gets an opportunity to

express their opinions or ask questions to try to keep us on track in terms of schedule and to help us to meet the objectives for this meeting.

There are three primary objectives here. One is for all of us to try to increase our understanding of the physical, the environmental, the economic aspects of the Shieldalloy site here in Newfield.

Secondly, we want to encourage communication on the issues from all of our parties who may be potentially affected by the decommissioning of the site, and not just communication between the NRC and the audience, but communication among all of you out there.

Thirdly, we want to receive comments on what the scope of the proposed Environmental Impact Statement should be. Mike Weber is going to be going into that in a little bit more detail.

I would emphasize that this is only the first of several opportunities for public involvement in the decision-making process on this site. Again, Mike is going to detail some of those steps that are going to be further down the line.

This is not a decision-making meeting. We are not here to arrive at a decision. We convened this meeting to hear your comments on our proposed approach for evaluating what decision should be made in terms of the decommissioning

at the Shieldalloy site.

In terms of the format for tonight, we have divided the agenda up into several segments. One segment is going to be some brief explanatory statements from the NRC staff on the site and on the process that we are going to be going through. There will be an opportunity after those NRC presentations for anybody to ask clarifying questions about some of the information presented.

The second major segment of the agenda is to give everyone who wants to a chance to make a formal statement in regard to their concerns about the site. In order to keep this more or less coherent and to make sure that every interest gets a chance to express their opinions, we have divided it up into several interests.

First of all, we are going hear from the Company. Then we are going to hear from any elected officials or local government agency representatives who are here. We are next going to turn to environmental and citizen organizations.

The next category would be labor, site employees. After that would be any representatives from state and federal agencies who want to say anything at that point, local business interest, and then citizens at large.

After all of those presentations are done, we are going to turn it open for questions to any of the people who

made presentations and comments on what they have said. There are a few ground rules that I would go over with everybody before asking you if you have any questions on the agenda.

If you want to speak -- I think I talked to a number of you as you came in -- if you want to speak during the formal part of the presentations, there are sign-up sheets back there by interest. Please sign up so that I will know who wants to talk under the interest that most closely matches yours.

In terms of ground rules, I would just ask everybody to listen when someone else is talking and to not interrupt them, and to basically respect their point of view in that regard. I don't think we need to see any personal attacks on anybody, whatever your perspective is. I would just ask you to respect each other's time. Try to be brief and to the point.

I think that we have a small enough number of people in attendance tonight to get the questions answered that people have and to give people a chance to express their opinions.

But again we are going to have to budget our time. If you are going to make a formal presentation, I would like you to try to keep it to five minutes tonight. Then we will see how the time is going. We can revisit some things.

Are there any questions on the agenda for tonight?

[No response.]

MR. CAMERON: Okay. Well, I know that we are looking forward to hearing from all of you tonight. What I will do now is ask Gary Comfort at the NRC staff to give us some background on the Newfield site. Gary?

MR. COMFORT: Thank you and good evening.

As has been mentioned before, I am Gary Comfort. My phone number is in the scoping meeting notice. Anybody would like to can feel free to call and ask any questions that they didn't get answered tonight. We will try to do what we can for you.

I am a Nuclear Process Engineer at the Nuclear Regulatory Commission in the Fuel Cycle Licensing Branch. NRC is involved with Shieldalloy because they hold an NRC license which authorizes them to possess and to process ore that contains uranium and thorium under their Source Material License, SMB-743.

This facility has imported and processed niobium ore to produce ferro-columbium alloy since the 1950s. The niobium itself is not radioactive, but the ore that it is associated with has trace amounts of uranium and thorium.

This radioactive material is basically concentrated into a high-temperature slag which is like a glass-like rock. It looks like almost an ordinary stone.

It is stored on-site.

The facility is still continuing operation and is still continuing to process the material and create slag. The plant has no plans to immediately decommission until they finish doing their process operations at this point.

This facility is located in Newfield, New Jersey, basically at the intersection of West Boulevard and Weymouth Road. Along the southern portion of the site, there is a small stream that is called Hudson's Branch.

The main portion of concern here is what is called the source material storage yard which is back in the corner shaded. In this slag yard, there are basically three different piles that are licensed by the NRC.

The first one is called the standard ratio pile. This is the largest of the three piles and has about 46,000 tons of material on it. This material covers about 17,000 cubic meters of area.

Another pile that is under NRC license is the high-ratio pile. This pile is much smaller, only has about 3,200 tons of material which covers about 1,000 cubic meters.

The terms "high ratio" and "standard ratio" don't relate to the radioactive constituents. It is the licensee's terms for when they process the ore and how they processed it.

The third pile is actually not a slag pile, but it is from their baghouse filters. It is a very fine particulate dust, which they store out there. When they store it out there, usually when the water goes onto it, it solidifies it enough that it stabilizes it somewhat on site. They have also taken some other actions, or are continuing to take actions to keep that on-site.

Basically the process is occurring in Building 111 over here. After they remove the slag it is then transported by truck into the slag yard.

In this process, the basic representation of it is that the ore comes into the facility. It is melted and then it is separated into a slag form, and then the alloy which is used by the steel industries and other industries.

During this melt process, as the material -- they pour it into crucibles in which the material then separates into a metal portion and then a slag portion. The radioactive constitute stay in the slag portion.

Because the licensee is continuing to produce material, the amount of material in the slag, or the source material storage yard, is going to continue to grow. The proposal is to continue to store the material into the source material storage yard until they eventually do stop producing. Then they will decommission the site as a whole.

At this time if the licensee were to stop

production and go ahead and decommission and leave what they have on-site right now, they would have about 34,000 cubic meters of material to dispose of on-site.

This includes the high ratio, the standard ratio, the baghouse pile, and then any other contamination from the buildings, from the site, and from anything off-site that they detect, would go into this storage yard for the final decommissioning under their proposal.

At the current process rates on a high side, they expect to generate basically around 1,200 cubic meters more of slag and baghouse dust per year. So basically if you carry that out in about 25 years they would probably double the amount of slag that they have on-site right now.

One of the elements of concern is the Thorium 232 that is in the slag. This basically shows the representation of the decay chain. When an isotope decays, it goes into another product which may -- or into another isotope which then could continue to decay until it gets to a stable form.

NRC, in its review, is going to look not just at the mother product which is the Thorium 232. It would look at each one of the daughter products and how that will affect the environment at the site.

The uranium decay chain is also shown here. Shieldalloy on the site has the three piles of various

concentrations and that is why they are separated into different piles. They have gone through different processes, or there is the baghouse dust.

This slide is basically trying to show a representation of the various concentrations as compared to some other guidelines. Also it is called background. Background is basically what would exist in the environment had Shieldalloy never existed at this site, never produced or stored anything at the site.

The NRC guidelines are, in this case, for each of the isotopes -- Thorium 232, Uranium 238, and Radium 226 -- are 5 picocuries per gram for unrestricted release. This under the Branch technical position that we have for on-site storage or disposition of uranium and thorium.

As can be seen, the three piles have much higher concentrations. The highest pile, the standard ratio pile, has an average concentration of about 500 picocuries per gram Thorium 232, about 200 picocuries per gram of U-238, and about 100 picocuries of radium. Each of the high ratio pile has a little bit less, and the baghouse pile has considerably less.

Another way to look at the concentrations on site is through the exposures. Again, the background here is showing what would be at the site should Shieldalloy never gone onto the site and been there at all. The highest

concentration pile was the standard ratio pile. If you are on top of that, you are going to get about a dose of 3,000 micro R per hour.

Now, this very rapidly decreases as you approach the fence line. This pile is not considerably far from the fence line. At the fence line it runs around 200 micro R per hour.

This compares to an NRC dose limit for operating facilities of about 2,000 micro R per hour if somebody were standing the fence line just on a casual basis. If somebody were at the fence line, as a continuous living there, that dose limit would be less. The decommissioning guidelines, though, that NRC has is about 10 micro R per hour.

What Shieldalloy is proposing to do under their proposal is cover this material and stabilize it such that somebody living on that site would receive no more than the 10 micro R per hour above background that is allowed under our decommissioning requirements.

Now Mike is going to discuss the rest of the NEPA process for you.

MR. WEBER: Gary used the acronym "NEPA." NEPA stands for the National Environmental Policy Act. It was a piece of legislation enacted by Congress back in the late 1960s. It created the framework under which the NRC and other federal agencies evaluate the impacts of different

actions before those actions are taken. I am going to describe what that process is in general terms.

First of all, what is an Environmental Impact Statement? I will review that. What alternatives will be considered by the NRC?

In this section I will emphasize both the licensee's proposed action, which is to stabilize or dispose of the material on-site, versus alternatives to that action. We tried to come up with a range of alternatives that would reasonably bound the types of actions that may be taken with the waste that is presently there.

What impacts will the NRC evaluate as part of its evaluation? Then the last two points will include: What is the schedule that we are developing the Environmental Impact Statement on? Where will there be additional opportunities for public input into that process?

In general terms, an Environmental Impact Statement evaluates the environmental effects of a proposed NRC action. In this case it would be a decision on whether to approve on-site disposal of the licensee's waste.

These slides, by the way -- I see some of you marking down -- there are copies of these available at the back of the room.

Secondly, it would identify alternative actions and estimate the potential effects of those actions. That

is to provide a common framework in which to compare the alternatives, to evaluate one versus another, versus the whole range of alternatives. Is there one alternative that is clearly preferable from the standpoint of environmental impact or the lack thereof? Other things are also considered such as cost or social impacts.

Third, assisting the NRC in reaching a decision. It is a decision-aiding document. That is the very reason why Congress requires the federal agencies to prepare this sort of statement.

Then not to mention the least is that we are required by law and we are also required by our own regulations in 10 CFR Part 51, to, in circumstances, prepare an Environmental Impact Statement.

The scoping process that we have embarked on, and we recently noticed back in November in the document called the Federal Register, is the very beginning of the preparation of an Environmental Impact Statement. This public meeting here tonight is certainly a key component of that.

We decided to have a public meeting because we thought it would be a good opportunity to solicit input from the local community, the various interests that might have concerns or view or suggestions on what the NRC should consider as part of the development of that Environmental

Impact Statement.

Basically you can summarize the scoping process into a single question and that is: Is the NRC on the right track? Are we considering the right alternatives? Are we considering an appropriate range of impacts of those alternatives? Are there other issues or concerns that you believe the NRC should consider as part of the development of the Environmental Impact Statement?

These are the sorts of things that we would hope to get out of the scoping process and in part out of the scoping meeting tonight. But this is by no means your only option for providing us with that input.

In addition to tonight's meeting, there is certainly the opportunity to convey comments in writing by mailing them to the NRC as laid out in that scoping notice before January 15, 1994.

We will also be looking at other issues throughout the scoping processing. There may be issues or comments or concerns that are raised that after the NRC evaluates those issues determines they really fall outside of the scope of the document.

To make that part of the public record and provide an opportunity for you to see how we have decided they fall outside of the scope, we will prepare a summary document at the end of the scoping process and specifically provide an

explanation for why certain comments or certain issues and concerns we believe should rightfully fall outside the scope of the document.

What are the alternatives that we have identified? They are described, conceptually at least, in that Scoping Notice that is available here tonight, and was sent to some of you in advance of the meeting through the mail.

First of all, there is the licensee's proposed action of on-site disposal. This is really the action which stimulated the NRC to prepare an environmental impact statement.

As Gary pointed out, the concentrations that are involved in the thorium slag are somewhat above or considerably above the levels that NRC has previously found acceptable as part of a decommissioning action or as part of on-site disposal of radioactive waste.

Also, on-site disposal, the waste, would at least envision that there would be long-term controls placed on that land which would prevent other uses of that land. That may have impacts associated with it, and that is something else that we want to evaluate as part of the EIS development.

Other alternatives -- and I will go into these in more detail on the coming slides -- include off-site disposal. Instead of disposing of material on-site, remove

it from the site, and reduce the levels of contamination to acceptable levels at the Newfield site, transferring the material to another licensed disposal facility.

A third alternative might be some on-site processing, which might be useful in reducing the volume or the hazardous characteristics of the waste before it was taken off-site, and perhaps some waste would be disposed of on-site as part of that alternative.

A fourth alternative would be on-site dilution. Reducing the concentration of the uranium and the thorium and the other radionuclides that are present in the waste by bringing in relatively clean material.

A fifth action, and I emphasize that this is for comparison purposes. We routinely include in an environmental impact statement the so-called no-action alternative. Now, a lot of people get concerned when they hear that expression. Again, I would emphasize that the purpose of that is to provide a baseline or a common reference point against which to compare all the other impacts of the alternatives. It is a common framework that we can use to make the comparative decisions that we have to as we go through the EIS process.

To go through these in a little more detail. Again, they are conceptual. In part, what we would like to hear from you, either tonight or through your written

comments if you choose to send them in, is are there themes or variations that you would have us emphasize in developing the specifics that would implement these different alternatives.

For example, when we discuss on-site stabilization, I depict here one potential configuration where some sort of multi-layered cover would be placed above the radioactive waste, and this cover would be designed to do several things.

For example, perhaps minimizing infiltration into the waste so that you could protect ground water or against potential leeching of the radioactive materials. It would be designed perhaps to minimize any long-term erosion. It could be designed to minimize gaseous releases of radioactive materials from the pile or wind erosion, these sort of things. All those would be taken into consideration in coming up with the more detailed information in the alternatives.

Another alternative is the off-site disposal alternative. In this case, there would be removal of at least the large volume of material that is presently at the site or some fraction of it, and that material would then be transported off the site and disposed of at another location.

That location may be near Newfield; it may be

somewhere within the State of New Jersey; it might be somewhere outside the State of New Jersey. These are all potential sub-alternatives that could be considered as part of the development of the environmental impact statement.

I have shown on there the map of the United States. The arrow leading to the State of Texas is only for illustrative purposes. By no means are we implying that the State of Texas should be the potential recipient of the waste from the Newfield site.

A slightly different alternative would include some sort of on-site processing. As I mentioned earlier, this might be used to reduce the volume or the hazardous characteristics of the waste.

Some of the waste that would be concentrated then would be taken off the site and disposed of at a licensed disposal facility. Perhaps other waste would be disposed of right at the site, but it would meet NRC's existing guidelines for decommissioning.

In other words, the concentrations would be expected to be somewhat lower. Again, the arrow leading to the State of Texas is just for illustrative purposes.

Another alternative would be that of doing processing on-site, but it would be for the purposes of diluting the waste.

In this case, the concentration of the waste would

be reduced and, thus, potentially, the risk for the radiological dose to potential future residents at that site might be further reduced. Something else that the NRC would consider. These are all conceptual.

The last action that is identified in the scoping notice is that of the no-action alternative. In this case, for comparative purposes, we would assume that nothing is done with respect to the existing waste, or not anything substantial.

We would look at what are the long-term ramifications of that, what are the impacts on the environment, and are there compliance problems with that. Would that violate other regulatory programs, requirements, or legislation.

I show here a capital dome. There are certainly other agencies that are involved at the Newfield facility. For example, the Federal Environmental Protection Agency and the New Jersey Department of Environmental Protection and Energy are both involved because they have, similar to the NRC, oversight responsibilities for some of the activities at the site, which many of you are probably already familiar with. In this case, some consideration would be given under the no-action alternative to how these other programs might impact the site.

I should also point out at this junction that we

are and have proposed to a number of these agencies that we cooperate in the development of the environmental impact statement, and the agencies are currently considering the merits of that and whether they should chose to do that cooperation.

There are benefits to that by sharing information, by improved efficiency in governmental function and by acting in a joint fashion to some extent. These will be considered both through the EIS process and then separate from that as the agencies continue to cooperate and consult with one another.

That is the discussion of the alternatives. We next turn to the impacts. I show the impacts in a single slide. These, again, are for illustrative purposes.

The scoping notice that is available describes the types of impacts that the NRC has identified that it presently intends to address in the environmental impact statement. Some of those are illustrated in this slide.

For example, if on-site disposal is evaluated, as it will be in our present plan to conduct the EIS, we would be looking at potential future exposures of radiation to people who might live at the site in some point in the future.

We would also look at the long-term erosion potential and what negative or positive effects may accrue

from that. We look at potential ground water contamination or surface water contamination, evaluating some of the impacts of this on-site disposal alternative.

There would also be other impacts or other types of impacts evaluated. Cost is certainly something that comes into play because many of these activities involve quite a bit of money to pay for their implementation.

For example, off-site disposal is expected, at least at the present waste disposal charges, to cost a considerable amount, and that would have to be reflected in evaluating the alternatives.

There would be other alternatives. For example, risks from transportation accidents. If the waste is to be removed form the site, it has to go either by rail or by truck usually, and there are risks associated with that. Just simply transportation risks driving trucks down the roads, and things of that weight.

Other impacts would be social impacts on the community that may accrue or differ from one alternative to the other. These are the type of things that the NRC would be evaluating as part of the development of the environmental impact statement.

With that background, let me turn briefly to the schedule that the NRC is presently intending to complete the environmental impact statement on. As I mentioned earlier,

we would be completing a scoping summary document, and I have on here February; it might be March, but anyway, that is the time frame that we are looking for in completing that.

What we intend to do there is take the comments that come through orally tonight as well as any written comments that may come in during the comment period and summarize those, provide responses as to whether we feel they fall within or without the scope of the document.

We will probably also merge the scoping summary for this environmental impact statement with the scoping summary of another environmental impact statement, and that is an EIS we are preparing for the sister facility of the Shieldalloy Metallurgical Corporation in Cambridge, Ohio.

We had a public meeting essentially identical to this meeting we are having here tonight in Byesville, Ohio, which is near the Cambridge facility, on Monday evening of this week. We had a similar turnout, and we heard views and concerns expressed by local communities on a variety of issues.

With all that, we would agree on the scope of the document. We would then set about the analyses that we need to do to support that document. We would plan to publish a draft environmental impact statement in October of '94, and then publish a final environmental impact statement in June

of '95. That is specific for the facility here in Newfield. There would be a separate environmental impact statement for the facility in Cambridge, Ohio.

I put one caution on the bottom of the slide, and that is, as noted in the scoping notice, that the process -- the schedule may be revised by the NRC in response to new information.

For example, some of you are aware that Shieldalloy Metallurgical Corporation filed for protection under Chapter 11 of the Bankruptcy Code in the beginning of September. Depending on the resolution of that matter, that may impact the NRC licensing and environmental impact statement development process.

With all that, where is your opportunity for input? Well, tonight's meeting is one first example, one first opportunity for you to have input into this process either by providing oral comments or by providing written comments to us tonight. Either way is fine. We do not place any greater emphasis on oral comment or written comments. What we need is your comments. So if we get it, we can include it and consider it as far as scoping.

There is also, as I mentioned earlier, the opportunity to submit written comments. Send them in writing to the address noted in the Federal Register notice by January 15, 1994. There will be an opportunity to

comment on the scoping summary document. We intend to circulate that to people who attend here tonight, as well as other individuals that may express an interest over the next several months.

Then, certainly, there are formal comment opportunity on the draft environmental impact statement that would be published and distributed widely. We would be requesting comments on that document within 90 days, so you would have roughly three months to review the document and tell us what your views are on things we may have omitted or things that you think were right on.

Finally, there will be an opportunity, once we complete, the environmental impact statement to comment on the decommissioning plan. We would expect that after we would complete the environmental impact statement that we would then move to the next phase of the decommissioning process whereby the licensee Shieldalloy would submit a more detailed plan than the kind of conceptual alternatives we have been discussing today about exactly how that corporation plans to dispose of the waste.

Certainly, as Gary mentioned earlier, there is the continuing opportunity for individuals to contact the project manager, to write things to the project manager. We are public servants, so, in part, we are here to answer your questions and provide information that you may have interest

about.

I would just like to say two things and then turn it back to Chip to take the comments or begin the formal process. One is that the meeting tonight is being transcribed. There will be a public transcript available to you if you are interested in that.

Secondly, I would like to thank the school system here, the Delsea Regional High School for allowing us to use their facilities here tonight. We certainly have a need for that when we have this kind of a turnout. We just thank the school system for making this facility available to us.

Anything else?

[No response.]

I'll turn it back to Chip.

MR. CAMERON: Thanks, Mike. I think we should take some time to allow you to ask some clarifying questions of Mike and Gary. The reporter has told me that he thinks he can hear most of you if you ask questions from your seat, rather than coming down to the mike, but we may have to ask some of you in the back who have questions to come down to the mike.

I would just remind you that there is a sign-up sheet out there for further information if you want to get copies, for example, of the scoping summary that Mike Weber mentioned. Before you leave tonight, give us your address

if you would like to be kept on the mailing list for further information about what is happening with Newfield.

Does anybody have a question? Yes, ma'am?

MS. WILLIAMS: Loretta Williams. I have a couple of questions. 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?

MR. WEBER: I think I can answer the first question. I am not sure I can answer the question about the State of New Jersey. But your question is how many site are available?

MS. WILLIAMS: Are available for this stuff to be moved, this slag. They had a proposal, the second one, I think, was off-site disposal.

MR. WEBER: Right.

MS. WILLIAMS: They were going to dispose of this at another site, a disposal site for low-level radiation. How many facilities are there around the country that would handle this?

MR. WEBER: There are currently three operating low-level waste disposal facilities that take commercial waste in the United States. They are located in South Carolina, Utah and Washington State.

The access to at least two of those facilities

will be restricted severely as of next year sometime. So that would leave, at this point, the facility in Utah as the only facility that I am aware of that would be currently licensed to take this waste.

Now, that is not to mean that other facilities could not also come in and seek a license and go through the licensing process, and receive authorization by either the NRC or by what we call our agreement state agencies.

In terms of how many site there are in the State of New Jersey that have similar waste, was that the second question?

MS. WILLIAMS: That would dispose of this.

MR. WEBER: I am not aware of any in the state that would current dispose of this material.

MS. WILLIAMS: What about the nuclear power plants? Would they be used to store this type of radiation?

MR. WEBER: No. First of all, the typical nuclear power plant would not generate this type of material because this is naturally occurring radioactive material that has been concentrated in the process, uranium and thorium.

Secondly, every radioactive waste disposal facility that I am aware of -- every nuclear power plant that I am aware of has not taken waste from off-site from another generator, for example. There are some complications with doing that.

In many cases, a nuclear power plant committed to the local community when they began building the facility that they would, at some point, decommission that facility and remove whatever material they would bring to the site.

MS. WILLIAMS: What do you mean decommissioning? Does that mean that the company would go out of business as a certain point, or eventually going to -- go out of business in this town?

MR. WEBER: NRC uses the term "decommissioning" as an order process where a licensee decides to terminate whatever activity that they are currently engaged in that required authorization from the NRC to use the radioactive material.

That doesn't mean the company itself would go out of business. There is a potential that they would simply stop doing what they've been doing with the radioactive material, and continue doing whatever else they may want to do.

MS. WILLIAMS: But isn't this part of their business -- that is, part of the waste materials from the alloys that they produced?

MR. WEBER: Part of their operation at the Newfield facility generates this waste on an ongoing basis But they do have other activities on that site that are not associated with this radioactive waste.

MR. CAMERON: I think that when we get to either the second question and answer session or when the company comes up to make their presentation, they might address exactly those aspects that you are interested in.

MS. WILLIAMS: I have one more question of the NRC. In the worst case scenario, say they 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?

MR. WEBER: There is an entire range of alternatives there. For example, a company might want to move to that site and continue the kind of operations that Shieldalloy currently is engaged in. In that case, the license would be transferred after NRC reviewed and approved that new company receiving that authority.

MS. WILLIAMS: What if they don't? How many companies do this kind of work?

MR. WEBER: There are a handful of companies that I am aware of in the United States that do similar activities like Shieldalloy is engaged in.

MS. WILLIAMS: 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.

MR. CAMERON: I would just ask you to save that for the comment section, and just keep this for clarifying. But thank you.

The gentleman in the back.

MR. VINEGAR: Good evening. My name is Samuel Vinegar. I am the Senior Office of Local 2327 UAW, Vineland, New Jersey. I work at Shieldalloy Corporation. I have been there for 30 years.

It seems to me there has been a lot of discrepancy placed on Shieldalloy about radioactivity and waste.

If people will look back over the past 30 or 40 years, 90 percent 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.

MR. CAMERON: Sir, can I interrupt you for a second?

MR. VINEGAR: Yes.

MR. CAMERON: If you do not have a question right

now for the NRC people, could I ask you to come back down when we have the -- wait for about 15 minutes and come back down and make your statement because I know that we want to hear it, but we want to try to save this part just for clarifying questions.

MR. VINEGAR: The reason why I am saying this is it seems like -- they 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. I would like to express myself while I am here, and I can go.

As far as Shieldalloy is concerned, Shieldalloy, period -- there 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.

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.

But all we want is for Shieldalloy to stay open and have people's job. To keep my job. Thank you.

MR. CAMERON: Thank you.

We have another question right up front here.

MS. MADDEN: My name is Pati Madden. On one of the things that you showed where you said they were going to take the slag off-site. And you said possibly in the near area. Are you going to allow them to sell this again so that they can use it for different buildings for putting footage -- for fill? That's what I am trying to say.

MR. WEBER: This is licensed material, so the concept there is that it would be sent to a licensed disposal facility.

MS. MADDEN: Were you aware of the fact that they were selling this stuff out there years ago?

MR. WEBER: I'm not aware of that, but I do know we were at the site today and they showed us where some slag had been used adjacent to the site, but on their property.

MS. MADDEN: No. 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?

MR. WEBER: Yes.

MS. MADDEN: All right. 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?

MR. WEBER: Again, the concepts that we put up

there are really that. They are just conceptual illustrations. We haven't set on whether a liner would even be necessary or whether that should even be part of the environmental impact statement.

We would like your comments on whether you believe that alternative should include a liner because of your concerns.

MS. MADDEN: 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?

MR. WEBER: That's why we have to prepare the environmental impact statement.

MS. MADDEN: So you have done absolutely no study whatsoever to this point as to what this radiation is doing to our ground water, or ground or our air?

MR. WEBER: No.

MS. MADDEN: So for 40 years they have been allowed to have this stuff there without the NRC -- you've done nothing?

MR. WEBER: No, we haven't done nothing. We have the ability to license this facility. We have evaluated the leeching potential, for example, of the slag. The licensee had to run some tests, submitted that information to us, showed that the leech potential of the slag was very low

They have a monitoring program presently on-site. We review that. We recently inspected the facility.

So it is not like we haven't done anything. What I am talking about here are what are the long-term impacts of allow the disposal of that waste on-site as one alternative versus impact that might be associated with other alternatives for the disposal of that waste.

Those kind of analyses we have not yet done because we are in the beginning of this process. And that is exactly the kind of information you look at as part of the environmental impact statement.

MS. MADDEN: 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.

MR. WEBER: Right.

MS. MADDEN: Okay. That are exposed to this now, have been exposed to this for year. Our concern here is when you do your survey, we want a very in-depth, aggressive, however you want to say it, report done.

I spoke to someone before the meeting started. 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.

These are real concerns that we have. 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 ground water.

MR. WEBER: What has been proven is in the ground water?

MR. CAMERON: Can we save this for your formal talk --

MS. MADDEN: Sure.

MR. CAMERON: -- so that we can get some other clarifying questions here?

MS. MADDEN: Sure.

MR. CAMERON: And then wrap this particular portion up, if you don't mind.

MS. MADDEN: No problem.

MR. CAMERON: The gentleman right there in the red shirt?

MR. MOYNIHAN: If they do encapsulate the material on-site, there will always be a restriction on that land. Is that true?

MR. WALKER: That's at least conceptually what we have been looking at as far as an alternative.

MR. MOYNIHAN: Mrs. Williams was asking that if 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?

MR. WALKER: No. It depends on what kind of land restriction was placed on that property.

MR. MOYNIHAN: 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? 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.

Another question: The dust from the baghouse, is that a scrubbing type baghouse or a precipitator type? What is that?

MR. WALKER: My understanding and Gary or Duncan, you may want to correct me, but it's fabric bags that are within that baghouse.

MR. MOYNIHAN: It's just a plain baghouse.

MR. WALKER: Right.

MR. MOYNIHAN: Going through the filters. In other words the dust bag is transported from the baghouse to the site where it is stored, the small pile.

MR. WALKER: That's right.

MR. MOYNIHAN: At that time it's still the dust,

is that right?

MR. WALKER: That's my understanding.

MR. MOYNIHAN: You said when it gets damp it gets hard. What happens when it gets dry?

MR. WALKER: It stays hard. It forms a crust over it.

MR. MOYNIHAN: In other words there is no surface dryness that can go to the atmosphere?

MR. CAMERON: Gary, if you are going to answer, why don't you get up to the mike so that we can get it on the transcript.

MR. COMFORT: Basically on the site the dust is put into a pile. As they put it down, they wet it down immediately at that point so that the dust is not --

MR. MOYNIHAN: Have you ever seen them do that?

MR. COMFORT: I have seen the residue after they have done it.

MR. MOYNIHAN: My concern is during transportation from the baghouse -- I mean a normal baghouse, all the dust is not in the bags. You know, what's happening to our transportation here? What's happening before they do wet it down and it dries?

MR. COMFORT: Okay. There have been changes recently in procedures over the last couple of years. I have been at the site back in 1990 and it's changed a little bit

on how you would work with the stuff now.

Under current operating, they'll basically put the dust into a truck, cover the truck, carry it over to the site. Then they'll dump it onto the pile, immediately wetting it down and which actually I had been at an inspection of February of this year where I did see them.

MR. MOYNIHAN: Still dust though?

MR. COMFORT: Yes, it's still dust at that point but it is under a tarp and then they will put it, cover it over and then if you go into the site right now you would see, even though they haven't just put water on it, that there is a crusty material over it.

Now there are breaks in the crust and they are working currently with us. They had been trying to use a process where they put I think it was a material called gunnite on it, which is like a cement material. Now that they found some problems with settling causes it to still expose dust that might migrate to the air, so they are working further to do more.

MR. MOYNIHAN: There is a potential problem?

MR. COMFORT: There is the potential right now, yes, and that is one of the things that will be studied.

MR. MOYNIHAN: You had some figures -- I personally have been around with a geiger 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?

MR. COMFORT: Basically I am not aware of, I am not familiar with the digestive process of this material.

MR. MOYNIHAN: You're talking about exposure.

MR. COMFORT: Right.

MR. MOYNIHAN: So I am talking about internal exposure.

MR. COMFORT: Right. You know, that will be studies but I am not aware of the internal exposure -- I mean the internal digestive process. If it isn't digested, it will just come out in the stool basically as a whole piece in which there will basically be no effect at all to the kid in that time period --

MR. MOYNIHAN: But if it is digested?

MR. COMFORT: Like I'm saying if it isn't digested, if it stays as a whole.

If it does there may be some other effects.

MR. CAMERON: Okay. Let's go to some other questions and I just want to remind everybody that there are questions that the NRC Staff does not have answers for or

satisfactory answers for right now, the importance of your questions is so that we are alerted to those very concerns that you have so the importance is in the question, too, as well as the answer here tonight.

MR. MELON: My name is Ed Melon, and it seems that most of the concerns from what I have heard --

MR. CAMERON: Can you come forward to the mike, Ed? I don't think they can hear you, and I would just ask you -- let's save this for clarifying questions to the NRC Staff. I know everybody has a lot of concerns. Let's get those out there during the next period. Go ahead, Ed.

MR. MELON: Thank you. Kind of a progressive question. 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?

MR. COMFORT: First of all, NRC is continually looking for information that may change or be new to them that they didn't know about, so if we determine things that are new, we will act upon it, immediately if necessary, in our next review if it is not necessary but it will be acted

upon.

In this case we are currently doing a renewal review at the same time in which there is an environmental assessment being done of the operating process of this, which is hopefully going to be out some time I'd say in early Spring. Again, a lot of that is going to depend upon this process, what kind of information comes into it, and environmental impact statements is a much more thorough, in-depth process. A lot of the issues are similar.

They are storing the slag out there right now in an exposed form. You know, the EIS will evaluate, you know, the "no change" alternative, you know, just walk away.

We will take lessons learned from that and perhaps, you know, create new license conditions, force them to do other things, but we are continually learning. This process is not only just for when they decide to decommission but the information will be used as we do renewals every five years and our studies on it.

MR. MELON: That's a little better comfort factor, thank you.

UNIDENTIFIED SPEAKER: I forget my high school chemistry here: Ra-228 and Rn-220, could you --

MR. WALKER: Ra-228 is Radium-228, and Rn-220 is Radon-220.

UNIDENTIFIED SPEAKER: Radon is a process of the

decomposition. It's gaseous, right?

MR. WALKER: Right, that's correct.

UNIDENTIFIED SPEAKER: Is there a way to determine how much radon gases would be put out during the decomposition process, the quantity of material there, if that would be of help?

MR. WALKER: Yes, that's what we are going to have to look at as part of the EIS, as part of the dose assessments.

MR. CAMERON: The woman in the back.

UNIDENTIFIED SPEAKER: If you are planning on moving --

MR. CAMERON: I think you are going to have to come up. I'm sorry.

UNIDENTIFIED SPEAKER: 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?

MR. WALKER: Okay. One clarification and then I'll answer the questions.

We are not planning on doing anything at this point. What we are doing is looking at what the alternatives are. The company has come to us and said we

propose to dispose of this material on site, so we are going to evaluate that as well as these other alternatives.

Now one of your questions was what is the half-life of the materials involved.

The Thorium-232, which was one of the radionuclides or the radio materials Gary mentioned, has a half-life of 14 billion years, which means it is -- billion with a "b" -- it's essentially radioactive forever.

Now many of the other radionuclides involved in that decay chain, those two decay chains he showed, have significantly shorter half-lives but even so, since the parent material is going to be around for a long time, we would expect those decay products also to be around for a long time.

In terms of your question about what mode of transportation would be used, we haven't gotten to that level of detail yet in terms of refining the alternatives.

UNIDENTIFIED SPEAKER: Well, 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.

MR. WALKER: Right.

MR. CAMERON: Okay, thank you. Let's take one

more question and to the presentations and then we'll get back to some questions later on after we go through the presentations.

I guess I would ask you to state your name for the Reporter. This gentleman right here, why don't you ask a question.

MR. COLLINI: I want to ask a question --

MR. CAMERON: Could you state your name too?

MR. COLLINI: My name is Collini. Have you ever considered an alternative onsite 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 pyrex or a hard ceramic. Would that reduce the leeching and eliminate the toxicity?

MR. COMFORT: Okay, we haven't done any kind of evaluation like that. The licensee hasn't proposed anything like that. From what I understand from the process, the slag that was actually created in using that kind of method and that would have to be a study and that could possibly be an alternative as to how they are going to stabilize the material on site during this decommissioning.

For current actions and operating conditions, that hasn't been evaluated either, you know, as to a way to make it more stable on the site. You know, that's one of those

things that we will at least consider looking at in our environmental assessment in the process of renewing the license.

MR. COLLINI: 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.

MR. COMFORT: Okay, Mr. Collini, that may be a good thing to talk to these people about after the meeting, too.

MR. COLLINI: Well, I thought I'd --

MR. COMFORT: -- no, but it's good that you suggested it.

MR. CAMERON: I know there is a lot of questions out there. What I would like you to do is be a little bit patient. We are going to get to all of your questions. What I would like to do now, though, is to make sure that we get some of the formal statements on the record and those may answer some of your questions but more likely they will even create more questions perhaps.

What I would like to do is to go through this category-by-category, and the first category we have is to

hear from the company, and then we are going to hear from local officials, and then citizens, and environmental groups, and then we are going to go on from there.

Mr. Scott Eves wants to make a statement, and then I believe Mr. Michael Finn is going to say a few words. Can you come down and introduce yourself and we will take it from there.

We are going to have a question period for any of the people that are talking now after we go through the presentations, so keep that in mind.

MR. EVES: Hi, I am Scott Eves, and I am Vice President for Environmental Services for Shieldalloy Corporation. In 1952, Shieldalloy bought an old glass manufacturing facility in Newfield and converted it to a metals manufacturing plant.

In the mid-1960s, the first heat or melt of ferro-columbium using pyrochlore as a raw material was cast. It has been manufactured there on that site since that time. Shieldalloy is the only U.S. manufacturer of ferro-columbium. Ferro-columbium is manufactured from pyrochlore which is a mildly radioactive ore and the manufacturing operation results in the generation of a low level radioactive slag and baghouse dust. These materials have been sitting on the site for almost 30 years. 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 offsite public would not exceed any regulatory limits published by the NRC.

For the decommissioning of the site protection of the public is a primary concern to Shieldalloy. Before we can discuss the different levels of exposure, it is important to understand the criteria used to determine these levels. The standards that are used to determine the level of maximum possible risk to members of the public require that a certain number of assumptions are made, some of these assumptions are: A family builds a house on top of the slag pile and moves into it. They never leave the top of the pile for their entire life. They drink water only from the nearest aquifer. They eat vegetables grown only on top of the pile. They drink milk from cows that graze only on top of the pile. They eat meat from livestock that grazed only on top of the pile. They eat fish that live in ponds on top of the pile.

This farm family scenario is one that is used to determine maximum possible risk for decommissioning purposes. For the piles of slag at Shieldalloy, if they were left in their current condition, uncapped, and a person stayed on top of the pile for 70 years -- I am sorry, for 24 hours a day, 365 days a year, they would get less radiation

exposure than someone that smokes half a pack of cigarettes a day.

However, the NRC has determined that even this level's exposure too high to leave as is, and is requiring that a decommissioning plan be developed. 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 offsite, the risks associated with the offsite 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.

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. Not insignificantly, it 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.

Some major points I would like to leave you with is that there is no appreciable exposure to the public at this time; that the lowest risk remediation method is stabilization and capping in place; and that stabilization and capping in place will allow Shieldalloy to protect jobs and continue to be a viable member of the community.

MR. CAMERON: I think what we will do is, we will give everybody a shot at saying their formal comments and concerns, and then we will come back and open it up for questions. I believe Mr. Finn from Shieldalloy has some things that he wants to put before the audience in terms of financial conditions, things like that, whatever you have in mind.

MR. FINN: My name is Michael Finn and I am a Vice President of Shieldalloy and I am also the Corporate Secretary of Metallurg, Inc., which is the parent company in New York.

I want to talk a little about the way the bankruptcy of Shieldalloy and of its parent company Metallurg affects this situation. On September 2 both

companies went to the court and asked for the court's protection under Chapter 11, and the effect of that is that the creditors, the people we owe money to, have to hold back and cannot be repaid for a period of time, and we are given a short period of time, initially 120 days, in which to go back to the court with a business plan, and we say our liabilities are such-and-such, if we put this plan into effect the people we owe money to, the creditors, will be in a better position at the end of the day than if we are just closed down immediately.

It is this stage we are now at of producing the business plan. Shieldalloy has liabilities which are unquantified to the Nuclear Regulatory Commission, to New Jersey Department of Environmental Protection, to the Ohio EPA and to the Federal EPA. There are things which need correcting on all the sites, both of the sites, and we cannot or have not yet put an amount on those. So until we do, we cannot complete this business plan. With that in mind, we have been to see the authorities and the NRC understood exactly what we were saying and it is partly because of that, I think, that this meeting and a similar meeting in Ohio have been called.

At the Ohio meeting, we in our fact sheet -- incidentally, I hope you will all go away with the fact sheet which is on the table at the back -- the fact sheet

said that to cart the material off to Utah would cost in the region of $350 million, and people in the audience questioned that figure and said that they could do it for $250, remarks of that sort.

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 offsite 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.

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 onsite disposal.

MR. CAMERON: Thank you, Mr. Finn. I am sure there will be some questions for you later on and I thank

you for bringing those economic realities to light. I guess I would only say that the scoping meeting that is being conducted right now and the examination of alternatives is an NRC decisionmaking document and that decision is going to be based on the statutory responsibilities that the NRC has.

We have the Mayor of Newfield with us tonight, Everett Marshall, who I believe wants to come up and make a short statement.

Mayor Marshall, do you still want to say something?

MAYOR MARSHALL: I am certainly happy with Mr. Finn's comments. He answered one of the questions that I had. My concern is, whose responsibility obviously would it be if, in fact, Shieldalloy left the site. He has answered that quite bluntly.

One of the problems that I have being a native of Newfield for some 44 years, there are some people who are sitting in the audience that have been there longer than I have, is that the 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 we have who live in the Borough of Newfield.

Whatever is done and, ultimately the NRC will make that determination, you will have a written comment from the Borough Government of the Borough of Newfield by the 15th of January. We are here, we have several council people here, we have our solicitor here. We are on a fact-finding mission ourselves. We have gotten some of those facts whether we liked them or disliked them. We will comment on them by the 15th of January.

MR. CAMERON: Thank you very much, Mayor Marshall.

Now we are going to go to environmental and citizen groups and I believe it is Patty Madden who is going to address the audience at this point.

Am I correct in pronouncing your name, Patty?

MS. MADDEN: As far as the draft is concerned, I misunderstood you. I would like to present the questions that the environment groups have.

MR. CAMERON: Sure.

MS. MADDEN: First of all, most of you here know who I am. I also represent a group called STOP that most of the people in the Newfield area belong to. It is a TAG grant that was granted to the residents of this area where we could review reports that have been done on Shieldalloy, and I misunderstood your question when you said speak with the environmental -- I thought you meant I had environmental questions from that group. But that is one of the things

that we do, we are here for that purpose, and that is not only with the radiation but also with the water pollution that the TAG grant has been trying to get reports from the DEP and Shieldalloy that we have been reviewing to make sure that what they are saying verifies what the report is saying.

When it comes back to comments, I would like to come back.

MR. CAMERON: Good. Thank you very much for identifying the group, too.

Esther Berezofsky, do you want to say anything at this point in terms of concerns or the group that you represent, or do you want to wait until questions?

MS. BEREZOFSKY: I prefer to wait until the question period.

MR. CAMERON: Okay, thank you.

I think we have already heard from the gentleman who was up earlier in terms of site employees labor, and I don't believe there is anybody else here who signed up in that particular category. I believe that from the New Jersey Department of Environmental Protection and Energy, Fred Sickels is here as well as other people, and Fred is going to make a statement at this point.

MR. SICKELS: My name is Fred Sickels. I am with the New Jersey Department of Environmental Protection in the

Radiation Protection Programs. I really have only one comment on the scope of the EIS, and it gets back a jurisdictional issue that the NRC and the DEP have sort of wrestled over for a while, and it has to do with the ferro-vanadium piles.

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.

Also, I am just basically here to state the position of my office, but I would like to just say that we will also offer written comments by January 15th.

Thank you.

MR. CAMERON: Thank you very much.

I know that there are going to be a lot of people who are going to be making comments and asking questions. In terms of citizens at large, we had one person who signed up, and I would like to go to her now if she still wants to speak.

Mary, would you like to come up and speak?

MS. GORGO: I would like to say that 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. I showed you the picture of my house, did I show you the picture of my house?

MR. CAMERON: Yes, I saw it.

MS. GORGO: 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 no chemicals, they are crazy. If they say there is no radium, they are crazy. It is terrible.

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.

UNIDENTIFIED SPEAKER: We can't hear back here.

MR. CAMERON: We are going to have to make sure

that the people can hear back there. Again, I think that the transcript caught Mary's comments, and it will be available if anybody is interested in reading it.

Mary, you may want to comment later on and amplify on some of your remarks.

What I would like to do is open it up now and to try to keep it somewhat organized. I think there are probably plenty of questions that people have for the company or messages or concerns that they might want to express. So why don't we start off with any questions that people might have for the company.

There was one question from earlier in terms of what types of non-nuclear activities might be able to be conducted at the facilities, so keep that one in mind, Scott, and I would ask, can we start off with a question for the company, Patty?

We are going to have to, not perhaps for the transcriber but for the people in the audience, to make sure you either speak up or come down here and talk into the microphone, okay.

MS. MADDEN: This is for Mr. Finn. 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.

MR. FINN: Yes.

MS. MADDEN: 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?

MR. FINN: Yes, we did, but it was nothing like $100 million.

MS. MADDEN: I realize it is not $100 million.

MR. FINN: It was a more modest sum and it wouldn't cover the cost of moving the stuff offsite.

MS. MADDEN: 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?

MR. FINN: No.

MS. MADDEN: So that money is separate?

MR. FINN: I think I can say that, right, yes, it is separate.

MS. MADDEN: 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?

MR. FINN: Yes.

MS. MADDEN: But not enough to cover the removal of it.

MR. FINN: To Utah, no.

MS. MADDEN: I really don't think anybody wants to

see this -- I don't know. It is hard to say. I don't want it in my neighborhood, but I can't really see it driving down the street either.

My next question is, if you leave it onsite -- 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 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?

MR. FINN: I think if you look at the fact sheet, I am not a scientist but one of the statements there is that the slag is in glass-like form, and glass to the man in the street, to use really something that doesn't leech but just remains there.

MS. MADDEN: But they also talked about the cracks and the dust that hasn't formed into the glass, that leeching, that coming down.

MR. FINN: I really can't answer technical questions of that sort.

MS. MADDEN: I think this is one of the questions that we have that we would like to see addressed. 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 leeching.

MR. FINN: I really -- it wouldn't be proper for me to answer that because I don't have the technical knowledge.

MS. MADDEN: Would someone from the NRC be able to answer that?

MR. CAMERON: Does anybody over there have any information on it?

MR. WEBER: The SDMP summary sheet that you have, it is a two-page document, it does mention that there was offsite contamination found. It was found in the stream that is adjacent to the facility.

MR. FINN: I think she was specifically thinking about the groundwater.

MS. MADDEN: I was talking about the radiation that was found in the water, yes.

MR. WEBER: Gary, do you want to elaborate on that?

MR. COMFORT: Part of this is from what I was mentioning before. Shieldalloy has in the past -- the lime pile has had problems of migration. We haven't detected or seen any kind of show that it is through the groundwater at all, but there have been actual physical signs, back in 1990 where I originally went to the site the first time, that you

could see where the lime dust pile, through runoff of rain, had dragged the pile off the site.

Shieldalloy is now, because of both that inspection and now because of our renewal process, we are requiring them to do something to prevent any further migration. They are putting up berms around the side of the piles. They are trying to put the cover on. At first they were using gunnite, now they are talking about putting some kind of perhaps other material type cover to hold it that the dust won't permeate. NRC will evaluate those and look at those as part of both the renewal and part of the technology they may use for the EIS for the final decommissioning.

Again, this is all -- for the decommissioning portion, we are looking at all the alternatives. Could be with the slag which is a very glass-like material, the reports that we have seen are that it doesn't leech at all, and glass has been used in other technologies for solidifying of high-level waste. Not all glass is going to hold radioactive material. Usually the glass used in high-level waste is done through a very specific formulating proces that is specific to the waste.

The studies, as I said, that they have done so far show that there is not much leeching out of it. The biggest problem with the migration offsite is from the dust pile,

and one of the alternatives may be to leave the material of the slag onsite and to remove the dust pile slag or the dust pile residue of the dust because there is problems with migration, if they can't come up with a way to prevent it from migrating offsite that is acceptable from our review, then that may be one of the alternatives.

MS. MADDEN: 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 travelling 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? I know you don't have the answers for me. You said you wanted our questions, these are some of our questions. What happens?

What happens when their baghouse goes down?

MR. COMFORT: That portion of the question I won't address in this form. I will take them as questions because they are actually more particular to the continuing operation, as I said, we are doing an environmental assessment on that, and that is one of the questions that we have been continually developing in this report and that we

are requesting the licensee -- actually, we are getting ready to request the licensee for more information about it before we do issue it because we are evaluating, what are the emissions, what is the problem when the baghouse filter breaks, what is the process.

We know a little bit about it, that they have a flow control alarm which will trigger off and they will shut down after that process and change out the bags and check out all the other bags to make sure that they won't continue. Their bags supposedly last about three to five years, but you are going to run problems after that three-to five-year process.

They have been operating for quite a long time, you are going to have some failures. That is the thing that we are evaluating in the environmental assessment which will be a separate document which, when it is available, we will be happy to provide you with our reading, and there will be the same thing, a comment period, on that before we go and renew the license if there are concerns on that.

Tonight's meeting is more so for the EIS for the disposal, the eventual disposal of the material when they cease operating, but I will be happy to talk to you about the operating conditions at any time after this, too.

MS. MADDEN: If they cap it and leave it, like they would leave it on-site, can you guarantee me that

there's no way that can leech into the water?

MR. COMFORT: I can't say right now. I mean, that is part of what we are doing, part of the environmental assessment that we are doing and also the environmental impact statement will evaluate more fully to a further extent truthfully.

You know, so far, we worked on the signs of what has been happening because different places have different characteristics, the soil, the water, et cetera.

I think Mike will want to continue on that. Michael?

MR. WEBER: Let me comment. I can't imagine that we could ever give an absolute guarantee through the best data, the best analysis that we can do, the best information that the licensee can collect. What we would aim for is to ensure that the probability is low enough or the likelihood is low enough so that it won't pose any significant hazard in the future. I mean, that is our objective.

We look for something called reasonable assurance, and I know it is not very comforting in most cases, but, you know, if we take a cut at it and you feel that there isn't sufficient demonstration provided on that aspect, comment on that when you read the draft environmental impact statement.

MR. CAMERON: Gary brought up again something he mentioned earlier, which is the environmental assessment on

the continued operation of the plant and some of Patty's questions went to that.

I think that the NRC would use the mailing list that we have developed from the people who signed up tonight to also inform people of that environmental assessment process on continuing operation.

Now, are there other questions for Mr. Eves or Mr. Finn from Shieldalloy at this point? Esther, do you have a question for the company?

MS. BEREZOFSKY: I am Esther Berezofsky. I am an attorney. I represent some of the residents in the Newfield-Vineland area in litigation against Shieldalloy.

MR. CAMERON: I think as a matter of course, we better just use the microphone from now on. I was hoping we could do without it, but I think it would be better.

MS. BEREZOFSKY: Okay. 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 study as well as the EPA 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.

MR. CAMERON: Mr. Eves, I think you probably

better come down, if you could. It sounds like it is more than a yes or a no answer.

MR. EVES: I don't think that I said in my presentation that the radionuclides had never migrated off-site. They have. There's extremely low levels found in Hudson's Branch in surface water and that may be mentioned in the report that you are speaking of.

MS. BEREZOFSKY: 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 of off-site migration of radioactive materials is into the Hudson's Branch?

MR. EVES: The only migration of source materials that I am aware of is in Hudson's Branch, that's correct.

MR. CAMERON: Okay. While we have Mr. Eves down here, and we will come back to you for further comment, Esther, while we have Mr. Eves here, are there some questions for Mr. Eves or Mr. Finn? Yes, ma'am?

MS. GATTO: 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.

MR. EVES: I will come and look at your house. I have never seen it; I couldn't comment on why it is orange.

MS. GATTO: Were you with Mr. Okioki at the time?

MR. SMITH: Yes.

MS. GATTO: Yes. He came to my house, too -- Mr. Smith. So I don't know what it is, but all the houses up the street are turning orange. In fact, one girl was on television a couple of years ago.

MR. CAMERON: I think that from what Mr. Eves said that the company would be willing to come out and take a look.

MS. GATTO: That was ten years ago.

MR. CAMERON: The woman in the back from the Emergency Response? I think you are going to have to come down or yell.

MS. BILLINGS: How far down the Branch did you find the radioactive material?

MR. EVES: From the facility across Northwest Boulevard and down as far as the -- I think it's the Vineland Carwash on Weymouth Road.

MS. BILLINGS: To where?

MR. EVES: The Vineland Carwash, North Vineland Carwash on Weymouth Road.

MR. CAMERON: Okay. Go ahead, sir, in the back.

MR. MOYNIHAN: The company now is bringing the chromium back. You are bringing them back, you 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?

MR. EVES: Yes, it does.

MR. MOYNIHAN: It meets the drinking water standard?

MR. EVES: For chromium, that is correct.

MR. MOYNIHAN: For chromium.

MR. EVES: Yes.

MR. MOYNIHAN: I am saying for drinking.

MR. EVES: The general answer would be yes. The specific answer is that the remediation technique is for chromium and that is really all we measure on a routine basis. There is no reason to think there would be any other contaminants in there.

MR. MOYNIHAN: The resin in that purifier or whatever you call it, the deionizer, the resin --

MR. EVES: Let's back up for a minute, if I may interrupt you. It is an electrochemical cell. There are no resins in the system at all.

MR. MOYNIHAN: There are no resins.

MR. EVES: That's correct.

MR. MOYNIHAN: That's not what you told our counsel.

MR. FINN: The system has changed.

MR. MOYNIHAN: Oh, it has changed.

MR. EVES: This is a system that was put in at the very end of last year.

MR. MOYNIHAN: Oh. A question to this gentleman, or just a comment.

MR. CAMERON: I would just say that I know that everybody has questions for the company, and indeed we asked you to ask them. There is a dialogue that can occur between the company and the community that might be broader than the decommissioning alternatives that the NRC is looking at now. But why don't you go ahead and ask your question.

MR. MOYNIHAN: My comment is that you said glass does not leach. That is not true.

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 --

MR. FINN: On somewhat of a regular basis.

MR. MOYNIHAN: 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?

MR. FINN: I don't know.

MR. MOYNIHAN: 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?

MR. CAMERON: I think that that is probably a question that the NRC might be able to shed some light on in the context that it was asked. Would anybody from the NRC like to address that?

MR. WEBER: The question is who is going to monitor the site if Shieldalloy liquidates under Chapter 7. If that occurred, there are a couple of options that we would be facing in terms of what is to be done with the contamination on site. One option, and we haven't pursued this with the Federal EPA yet, but certainly Superfund is out there and we would be hurriedly discussing with them as well as the state what opportunities exist through that program.

Another option might be, for example, the Department of Energy. I am not aware that any material was produced at this facility that was sold to the government for defense nuclear purposes, but in the past the Department

has taken contaminated sites either legislatively or on their own initiative when there has been indications that material was sold to the government for some purpose.

Now, under both of those scenarios, whatever remedy was selected, there would probably be some institutional controls set up to provide for the kind of monitoring that will be necessary to ensure that the material stayed put and to ensure that 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 it is likely that we would continue to perform some sort of ongoing monitoring to confirm whatever measurements were taken or, at the very least, reviewing the monitor data collected by what everybody is out there taking this kind of information.

MR. CAMERON: Would that type of information, that type of material be addressed in the generic environmental -- or in the environmental impact statement on the decision? Would some of that information be presented?

MR. WEBER: In terms of the on-site disposal alternative, there would be consideration of what mechanisms would exist to continue to monitor that as well as do you need to maintain fences and what kind of property notices do you need and boundary markers and site notifications and all

sorts of things like that. So that will be considered, yes.

MR. CAMERON: I know there are going to be more questions for Mr. Finn and Mr. Eves, but I think what I will do is -- you can either stay up here or sit down -- but open it up for questions generally from people who we have not heard from so far. I would ask the lady with the pearls. Can you come up, please.

MS. BLANDINO: My question is for the NRC.

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 proces -- 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.

MR. WEBER: In terms of the authority, the authority continues with the NRC.

MS. BLANDINO: Will 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.

MR. WEBER: I think it is fair to say we are

always interested in hearing from local government institutions as well as other organizations on their views with respect to future use of the property.

MS. BLANDINO: Their views will be listened to, but there will be no -- we will have no control whatsoever. Do I understand that right?

MR. WEBER: Well, the concern here is that the NRC as a Federal agency can't delegate its authority to make decisions to anybody other than itself.

MS. BLANDINO: Will they consider the wants of the local government and the people?

MR. WEBER: Certainly.

MS. BLANDINO: Will that have any effect whatsoever on their determination of what will go in there in the future, if anything?

MR. WEBER: I can't commit one way or the other. It would depend on the circumstances.

MR. CAMERON: I guess I would just clarify for you there, if I get the gist of your question, is that in addition to all of the procedures that allow members of the public and local government to participate in any decisions the NRC makes in regard to use of radioactive material at a site, the local government still has, you know, it's usual zoning authority under police power in terms of what types of facilities it wants to have in its community.

MS. BLANDINO: 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?

MR. CAMERON: Those questions, you know, obviously would have to be addressed to your local government rather than to the NRC.

MS. BLANDINO: I don't think they know anything more about it than I do, what is going to happen in the future.

MR. CAMERON: It sounds like they are here to find out.

This gentleman right here.

MR. SHEELER: This is a question -- you know, you have the NRC here now. They have addressed it. 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. That is question number one.

MR. WEBER: No.

MR. SHEELER: Okay. Question number 2 then lends itself to 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?

MR. COMFORT: Yes, before the license is renewed, they will have to come up with an amount of money based upon a plan that is accepted by the NRC for a certain amount. We will not come up with that number in 120 days, no.

Part of basically our commitment to the licensees is in that 120-day period to tell them whether we will not continue on with -- or we think the process will -- we will continue on with the process, but there is an absolute certainty that nothing will -- you know, that we won't allow that to go on site and they will make the decision off of that. We cannot make a decision about whether we will allow them to do it or not until the environmental impact statement is done.

MR. SHEELER: My next question is to Mr. Finn. When is the 120-day period up?

MR. FINN: The 120-day period is up on the 31st of December, but on the 21st of December we are going to court to ask the judge to give us extended time, and it's one of

these things -- you ask for six months and you get three, something of that order.

MR. SHEELER: 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?

MR. CAMERON: Bob Fonner from the NRC Office of General Counsel I believe can answer that question.

MR. FONNER: I am Robert Fonner from the general counsel's office in the Nuclear Regulatory Commission.

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. We do not represent either the NRC or the U.S. Government in any form in that proceeding. Our jurisdiction to go into court is limited to Courts of Appeal for cases involving our rules and our licenses and we have no authority to participate in the bankruptcy proceeding.

So our position, the government's position is dictated by the Department of Justice and the U.S. Attorney's Office.

MR. SHEELER: That's well and true, but as I understand it, under bankruptcy, you would have been named basically as one of the creditors.

MR. FONNER: We are. NRC is listed as a creditor for a contingent environmental liability, that's correct.

MR. SHEELER: Okay. I would say at that point, when they asked for the extension, there should be somebody there to represent the creditor, which is the NRC.

MR. FONNER: The U.S. Attorney for the Southern District of New York will represent the NRC as well as the U.S. EPA and other departments of the government that may have an interest.

MR. SHEELER: So, in fact, there will be somebody there from the NRC?

MR. FONNER: I cannot say whether there will be somebody there for the upcoming hearing on December 21 on the extension of the date.

MR. SHEELER: I would look into it pretty severely.

I have another question for Mr. Finn and 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.

MR. FINN: Yes.

MR. SHEELER: If you don't get a new license, you don't continue.

MR. FINN: Yes.

MR. SHEELER: You are selling material that the

other fellow stated is -- you are the only manufacturers in the United States.

MR. FINN: Yes.

MR. SHEELER: Is there a continuing viable market for your product?

MR. FINN: The market is there, certainly. But there are competitors overseas who make the stuff who sell it in the United States just the same as we do. But it is not domestic competition we are facing; it is overseas competition.

MR. SHEELER: Okay.

MR. FINN: Specifically Brazilian, in fact,

MR. SHEELER: In lieu of the fact that the NRC is now saying, in fact, that they have no idea how much to tell you this is going to cost or how much money to put in escrow, et cetera, et cetera -- and I have one more question after this -- how do you feel your extension will go on the 21st?

MR. FINN: All I can say is that we are in there fighting. It is an unclear picture, but we are trying to make it clearer and trying every possible way to stay afloat, and this is one of several problems we have to overcome. It is a difficult one because it is a shapeless, formless object and we don't quite know the size of it.

MR. SHEELER: It happens to come that way with

government.

Okay. So the next question that I have --

MR. CAMERON: This is the last question.

MR. SHEELER: Yes, it is. I think everybody ought to know this. What amount of money was placed in escrow at what time previously?

MR. FINN: We are talking about the --

MR. SHEELER: The original escrow.

MR. FINN: we are talking about Newfield-NRC?

MR. SHEELER: Yes, for this site.

MR. FINN: Three-fourths of a million dollars.

MR. SHEELER: And at what time was that put in? What date?

MR. FINN: I would guess at least four or five years ago, I would guess.

MR. SHEELER: So that is not more than a million dollars at this point for clean-up.

MR. FINN: It is not even that. It is still three-quarters of a million because it is in the form of what is called a stand-by letter of credit. It doesn't grow. It is not a sum of money which is --

MR. SHEELER: You did not place a sum of money; you basically just had a bond with somebody?

MR. FINN: Yes.

MR. SHEELER: Thank you.

MR. CAMERON: I think Mike is going to clarify something on that for you, too, and then I believe we have someone from the local government who might want to make a comment back there.

MR. WEBER: Just to clarify, a couple of times tonight the questions have come up about financial assurance for decommissioning and NRC's requirements.

NRC enacted those requirements for most licensees back in 1988; it became effective shortly thereafter. By July '90, I believe it is, most materials licensees -- that's people who handle radioactive materials under our regulatory jurisdiction -- that possess significant quantities of those materials had to come up with financial assurance for decommissioning.

Now, the Commission envisioned a transition period where the first time around, licensees would be able to put up some minimal amount of money through certification and escrow accounts have been mentioned several times. That is one alternative. There are other alternatives, like letters of credit, surety mechanisms, sinking funds, things like this. So the concept is not putting aside a large amount of money in waiting, but there has to be some assurance that the financial resources will be there for decommissioning.

The way the regulations were written, there is a period of time after which then the licensee would have to

come in and submit what is called a decommissioning funding plan along with an upgraded financial instrument which matched the estimated cost for decommissioning.

In fact, what has happened to Shieldalloy is they met the first requirement of certifying the minimal level, but they are in this transition period, too, and they have not yet come in and submitted their estimate for decommissioning costs along with the upgraded financial instrument. That is one of the issues tied to the renewal of the license here in Newfield and that issue would have to be settled prior to issuing the renewed license.

MR. CAMERON: Thanks very much, Mike.

Bill, do you want to come up and identify yourself and what your affiliation is?

MR. QUIGLEY: Yes. My name is Bill Quigley. I am with the Borough Council of Newfield.

In talking to some other folks who couldn't make it here tonight, there are basically two concerns, the first being the environmental impact and stuff like that of what is going on with Shieldalloy. The second, which here lately has been the biggest concern, is your Chapter 11 and your leaving.

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.

Now, I do have a question for I guess maybe the NRC and Mr. Finn. Part of your 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?

MR. FINN: It's all sorts of things. Big liabilities which are coming closer from the environmental authorities, and our market being flooded by competing materials from Eastern Europe and the former Russian -- Soviet Union countries and other things.

MR. QUIGLEY: How much of that is to be fines?

MR. FINN: Oh, fines --

MR. QUIGLEY: Are there basically business reason why you are doing a Chapter 11?

MR. FINN: Fines are not a significant factor.

MR. QUIGLEY: 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.

MR. FINN: Yes.

MR. QUIGLEY: 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.

MR. FINN: Yes,

MR. CAMERON: Okay. Thank you very much, Bill.

Esther, would you like to come down?

MS. BEREZOFSKY: Yes, I have a couple of questions. One, who is actually going to be conducting the Environmental Impact Statement? Is it the NRC or is it going to be contracted out?

MR. WEBER: NRC has contracted with Oak Ridge National Laboratory to provide assistance in drafting the Environmental Impact Statement, but the NRC issues the EIS. So the process is the contractor does the analysis and formulates recommendations. That comes to the NRC.

Then we absorb that document, add to it, take from it, whatever, and then issue it as a draft. We go through the same process in issuing the final.

MS. BEREZOFSKY: Who pays the Oak Ridge people to do the study?

MR. WEBER: NRC pays Oak Ridge to do the study.

MS. BEREZOFSKY: Okay. It is -- Shieldalloy is not the --

MR. WEBER: But Shieldalloy pays --

[Laughter.]

MR. WEBER: I couldn't complete the second one

was sure that he was going to beat me to it.

NRC pays the -- Shieldalloy pays the NRC, then, because our Agency is currently 100 percent funded by the licensees. Now, that sounds bad but that is the way the legislation that Congress enacted paid -- set it up. That was to ensure that we were not a drain on the Federal budget.

MS. BEREZOFSKY: 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?

MR. WEBER: Ultimately.

MS. BEREZOFSKY: Okay.

MR. CAMERON: By all -- I think it paid for by all licensees. It is not like Shieldalloy is billed for the study or indeed has any control over the study or over the NRC actions. It is just that the NRC's operating budget generally is comprised of fees from all licensees, but there is not anything close to one-to-one correspondence on NRC actions towards the specific licensee and licensee fee.

MS. BEREZOFSKY: Okay. 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?

MR. WEBER: What we have been discussing inside the NRC over just the last several weeks since we initiated this process is to sit down at this point and identify where there may be additional data needs to develop the Environmental Impact Statement so that we can start that process now to collect the information.

Now, that information could be collected several ways. One, having identified those needs, we could go to the licensee and say, "Based on our evaluation, we need the following information and you are best suited to collect it."

MS. BEREZOFSKY: Okay. 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 leeching at all over the time, then there is indication that there would continue to be leeching 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.

MR. WEBER: Okay.

MS. BEREZOFSKY: I have one other question, and that is: 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?

MR. WEBER: The NRC is a health and safety agency, so our primary charter is to ensure the health and safety of the public. That is the paramount concern that we have in conducting this type of analysis.

Now, as we point out in the scoping analysis, we do identify that some of the impacts considered are cost as well as social impact. So that has to be factored in. But in whatever decision the NRC makes, it has to foremost satisfy itself and the local community that that decision is going to provide adequate protection.

MS. BEREZOFSKY: Sure. That is why I am saying if the real opinion -- I mean, you 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 to me that from the NRC's perspective would not be

satisfactory with respect to the health and safety concern of the community.

MR. WEBER: The off-site disposal options may still be viable. We don't know. We have to go through the analysis to determine that. We haven't done that yet.

MS. BEREZOFSKY: Okay. Thank you.

MR. CAMERON: This woman has been waiting patiently here for awhile.

MS. BARSOTTI: Okay. My name is Antoinette Barsotti. 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.

MR. CAMERON: Thank you.

Donna?

MS. GAFFIGAN: May I respond to that?

MR. CAMERON: Could you come down, please? Please identify yourself, too.

MS. GAFFIGAN: My name is Donna Gaffigan. I am with the New Jersey Department of Environmental Protection and Energy.

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 our 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.

MS. BARSOTTI: They came out 15 or 20 years ago.

MS. GAFFIGAN: Okay, well --

MS. BARSOTTI: They came out and told me to write down the times and all of that, but this is still going on. There are still small particles on my car every day. I wash the car every other day or so to get them off.

MS. GAFFIGAN: Okay. Well, my comment or my response to you is: Call them every single day. They have people that drive around at night so far as I know.

MS. BARSOTTI: The next question was: 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.

MR. CAMERON: Well, it sounds like Donna is suggesting at least one part of the answer.

Do you have anything else?

MS. GAFFIGAN: No.

MR. CAMERON: Okay. Thank you very much, Donna.

This gentleman back here? Right there. You. Come on down.

MR. JAREMA: I just wanted to say one or two things. I live in Newfield, but not in the town. I guess I would ask -- and Mr. Eves probably could be -- or maybe Mr. Weber would know -- where does that water come from? You bring it -- how is it brought into Newfield? By train? The water? The niobium ore? How is it brought in?

MR. EVES: It is brought in by truck.

MR. JAREMA: By truck?

MR. EVES: Yes.

MR. JAREMA: 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.

MR. EVES: The volume is slag is larger than the volume of material we bring in because of the process that is used.

MR. JAREMA: Really?

MR. EVES: Yes.

MR. JAREMA: Oh, you mean you actually -- in effect, I mean, as far as the radionuclides, you have actually decreased their concentration?

MR. EVES: In the slag, that's correct, yes, from the concentration that comes in.

MR. JAREMA: Once it comes in, that is where they end up, right? Then wherever this comes from -- where do it come from?

MR. EVES: It comes from Canada.

MR. JAREMA: Canada? Oh, I see. 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.

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.

MR. EVES: I think there is a wide gray line here that maybe the NRC would be in a better position to answer,

but I think your approach is true, that they would not be interested in it.

MR. JAREMA: Yes, 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?

MR. PIERSON: I'm Bob Pierson, the Chief of the Fuel Cycle Licensing Branch at the Nuclear Regulatory Commission.

The first thing you need to understand is that the regulatory process which we regulate thorium and uranium is a holdover from a period of time in the early part of the Atomic Energy enterprise when we were concerned about the availability of what we called source materials.

In terms of the availability of source material, we have a regulation that we developed at that time that said that if a concentration of thorium and uranium, or combined thorium and uranium, reaches one-twentieth of one percent, we the Government are interested in knowing where it is in terms of availability of source material.

In other words, if we would need this as a strategic asset, where would we go to find it? Now, that is what caused the initial regulation to be developed in the

first place.

Now, it is interesting -- and what you say is technically correct. When the ore comes in from Canada, it hasn't been processed or changed by anyone in the United States. We are not, in fact, interested in it because it hasn't gone through a fabrication process.

Now once it goes through a fabrication process it becomes, by definition, this source material, and we are interested in regulating it. When it becomes regulation, then it requires a license issued by us. It maintains that license until it is reduced to levels such that we can release it for general release which you saw in the early slides, or it has to be sent to someone else who has a license.

So, this is an issue where the regulation has tied together multiple things. It is probably superseded by time because the reason we set up the regulation initially was to account for source material. But we don't want to drop the regulation now because we are concerned about it in terms of health effects.

In fact, if we go back and revise these regulations, we will probably revise the concentrations of thorium, uranium, based on health effects, not based on the strategic in this particular issue here.

Does that help you understand it?

MR. JAREMA: Yes, I was really wondering why it was so expensive to dispose of something that just --

MR. PIERSON: Well, it is because it becomes licensing material as part of the process.

MR. JAREMA: But it licensable material before it even came into the United States.

MR. PIERSON: Well no, it was not licensable material before it came in.

MR. JAREMA: Well, they didn't change the concentration.

MR. PIERSON: It hasn't been changed or altered as part because otherwise we would be going out and licensing mountain ranges in Colorado; do you see what I am saying?

MR. JAREMA: Yes. Exactly.

MR. PIERSON: It becomes licensable material as soon as man does something with it, as soon as man changes or alters or processes it. Then it becomes licensable material. That is an artifact because when the regulation was developed, we wanted to know strategically where thorium and uranium were.

MR. JAREMA: Yes, where you want to keep track of it?

MR. PIERSON: That's right.

MR. JAREMA: Track it, the main thing. 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" --

MR. PIERSON: Well, they do change the concentration somewhat, but in fact, they probably reduce the concentration.

MR. JAREMA: Yes, that is what this fellow just said that they probably reduced the concentration. The only thing is that bring it into New Jersey.

MR. PIERSON: I won't try to explain to you and say that is the logical outcome. I am just trying to give you some historical perspective of why we regulate this material in the first place.

Now, it turns out that we would probably regulate it anyway in terms of health and safety, but on a different basis.

MR. CAMERON: Mike, do you have one last thing to add on this? Then you can talk later on more about the historical perspective.

MR. WEBER: Why it cost so much, which was your question to get rid of it?

MR. JAREMA: Yes.

MR. WEBER: Why it costs so much is that there is a limited market -- well, there is a limited capacity to take this stuff for disposal. The people who are licensed to take this material are -- have invested capital resources

as well as other things in procuring a license to run a waste disposal facility. When there is a limited capacity like that, it is a buyer's market. They can charge what they feel is appropriate to recoup their costs.

MR. JAREMA: 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, is 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?

MR. EVES: It is like sand.

MR. JAREMA: Yes. Okay. Thanks very much.

MR. CAMERON: Sure, you are welcome.

The gentleman up there in the hat.

MR. SILVER: Mr. Chairman, I have one question to

ask. Maybe someone has the answer.

MR. CAMERON: I am getting the signal that you are going to have to come down here and speak into the microphone, if you don't mind.

MR. SILVER: My name is Edward Silver. I am a business consultant. I have one question. Maybe someone has the answer.

Have you done drinking water tests around the subject property? Does anyone have the answer to that question?

MR. CAMERON: NRC, New Jersey?

MR. SILVER: I think that that is first and foremost that everyone is concerned. Okay. I think that is something -- do you have the answer, sir?

MR. VALENTI: My name is Jim Valenti. I work at Shieldalloy. I am an Environmental Manager. As part of our quarterly motoring, 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 leeched out of the material. We have no evidence of any wealth 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.

MR. SILVER: I would like to know if you could provide me with a copy of the recent report on that, sir?

MR. VALENTI: It is in with the state files. We report them quarterly to the state and also to the NRC. They are available to the public through the public documents.

MR. SILVER: Okay. I can request them. Thank you very much.

MR. CAMERON: Would the NRC or the state folks like to amplify or feel there is a need to amplify on Mr. Silver's question at all?

MR. SILVER: One of the most important factors here, I think, is a problem -- an answer to the problem -- not really a problem but a situation. How many employees do you employ, sir? Mr. Finn?

MR. FINN: In Newfield, 210, something like that.

MR. SILVER: 210 jobs. Okay, we talking about. 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. I am 56 years old. It is a new day.

I have the solutions to your problem, if I could meet with you, and to the problems of the people that are

here tonight.

Thank you.

MR. VALENTI: Thank you very much, Mr. Silver.

MR. CAMERON: Yes, would you like to ask the question or make the comment? Please come up to the mike.

MS. BILLINGS: 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?

MR. CAMERON: Let's have one of the NRC folks, either MIke Weber or Bob Fonner clarify that.

MR. WEBER: I think it would be mistake to think of the Superfund program as a big pot of money that people can tap into when they choose to.

The first course that EPA has under the Superfund law is to go through enforcement action to recover the funds to be expended from the potentially responsible parties.

MS. BILLINGS: That would be like an attachment of their assets?

MR. WEBER: Whatever it takes.

MS. BILLINGS: Well, can the NRC do that in order to --

MR. WEBER: No, we do not have the same kind of authority that the Environmental Protection Agency has.

MS. BILLINGS: But does 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.

MR. FONNER: The Shieldalloy site is already listed on the National Priorities List. It is Number 46 in Group 1. That is about highest you can get on Superfund. There are only 45 sites which are considered of a higher priority, apart from certain exceptions for individual states.

There is a nuance of bankruptcy law which you should understand. I heard Mr. Finn talk about abandonment of the site. I don't think 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.

My understanding from conversations with attorneys involved in the bankruptcy -- not Shieldalloy's attorneys, U.S. Government attorneys -- is that that remedy will be pursued. But Shieldalloy will not -- Chapter 7 will not be allowed to leave the site.

MS. BILLINGS: Well, what do they -- I mean, what

recourse?

MR. FONNER: EPA would then use whatever remedies it has available under CERCLA in order to --

MS. BILLINGS: They can't touch their assets if they have no assets if they are bankrupt.

MR. FONNER: They have the factory.

MS. BILLINGS: They what?

MR. FONNER: There are assets in the company that are probably reachable.

MS. BILLINGS: Enough to move that stuff off-site so that another company could move in?

MR. FONNER: Pardon me?

MS. BILLINGS: Is there enough assets that the can attach to move the slag out of Newfield to another site?

MR. FONNER: That I can't answer. I don't know what the asset picture of Shieldalloy is.

MS. BILLINGS: Okay. Thank you.

MR. CAMERON: Okay. Well, I think you have cleared up a little bit about what the potential Superfund remedy might be.

Do we have further questions or comments from the audience?

[No response.]

MR. CAMERON: Okay. Well, you have been very patient. I hope that the -- I know that the NRC has gotten

some good information. I hope that maybe this could be the start of a continuing dialogue not only between the NRC and the community, but perhaps between the Company and the community.

I just would ask Mike to maybe reiterate the next steps and what is going to happen and the written comment deadline, and that type of thing. Mike?

MR. WEBER: Let me thank you again for coming out. We certainly appreciate your taking your time from your own busy schedules to come out and share with us your views and comments tonight. Let me assure you that they will be considered as we go through this first part of the scoping process.

As you leave here tonight and as you think about this over the next few weeks, if you want to send comments to us, please do so by January 15th. The name and address to whom you are to send that is listed in the scoping notice which is available on that back table, or if you have questions of the NRC, please contact Gary Comfort who is the Project Manager.

Thank you.

[Whereupon, at 9:27 p.m., the scoping hearing was concluded.]

REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission
in the matter of:

NAME OF PROCEEDING: Scoping Meeting on Shieldalloy

DOCKET NUMBER:

PLACE OF PROCEEDING: Franklinville, NJ

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

Official Reporter
Ann Riley & Associates, Ltd.

Background Information on Radioactive Material and Radiation

What is Radiation?

The term "radiation" as it relates to nuclear materials means the energy given off by radioactive material as it decays. Ionizing radiation produces charged particles, or ions, in the material it encounters. The adverse effects of ionizing radiation in plants, animals and humans are caused by these charged particles.

There are five major types of ionizing radiation:

- Alpha radiation - positively charged particles that are emitted from naturally occurring and man-made radioactive material. Uranium, thorium and radium emit alpha radiation and so they are called "alpha emitters." Most alpha particles can be stopped by a single sheet of paper or skin. Consequently, the principle hazard from alpha emitters to humans is caused when the material is ingested or inhaled. The limited penetration of the alpha particle means that the energy of the particle is deposited within the tissue (e.g., lining of the lungs) nearest the radioactive material once inhaled or ingested.

- Beta radiation - negatively or positively charged particles that are typically more penetrating but have less energy than alpha particles. Beta particles can penetrate human skin or sheets of paper, but can usually be stopped by thin layers of plastic, aluminum, or other materials. Although they can penetrate human skin, beta particles are similar to alpha particles in that the predominant hazard to humans comes from ingesting or inhaling the radioactive materials that emit beta radiation.

- Gamma radiation - similar to light waves, but containing much more energy, gamma rays are very penetrating. They can pass through the human body and common construction materials. Thick and dense layers of concrete, steel, or lead are used to stop gamma radiation from penetrating to areas where humans can be exposed. Because of their penetrating abilities, gamma emitters are frequently used in radiography which employs the gamma rays to take pictures of pipes, beams, and other structures to determine whether they have any cracks or other flaws. Gamma emitters can pose both external and internal radiation hazards to humans.

- Neutron radiation - neutrally charged particles, neutrons can also be very penetrating. Neutron radiation can be created through spontaneous decay, in nuclear reactors or as a result of the interaction between alpha particles and specific materials.

- X-rays - the most familiar type of radiation, x-rays are very similar to gamma rays, except they are generally produced by machines rather than fro radioactive decay. Most X-rays are less energetic than typical gamma radiation. Most people have had an x-ray taken by a doctor or dentist.

What Units are Used to Measure Radiation?

Whether it emits alpha or beta particles, gamma rays or neutrons, a quantity of radioactive material is expressed in terms of its "radioactivity" or simply its "activity" and is measured in Curies. *Activity* is used to describe a material, just as one would discuss the mass or volume of a material. For example, one might say "the activity of the tritium in the container is 2 curies." Generally, the larger the activity of the material, the greater the potential health hazard associated with that material if it is not properly controlled. At nuclear facilities, the activity of material may be described in terms of hundreds to millions of curies, whereas the units typically used to describe activity in the environment are often microcuries (μCi) or picocuries (pCi). A microcurie is one one-millionth of a curie and a picocurie is one one-trillionth of a curie.

The activity of a radioactive material decreases or *decays* at a constant rate. The time taken for the activity of a radioactive material to decrease by half is called the *radioactive half-life*. After one half-life, the remaining activity would be one half of the original activity. After two half-lives, the remaining activity would be one fourth (1/4), after three half-lives, one eighth, and so on. For example, Carbon-14 has a half-life of 5730 years. If the initial activity were 1 curie, the remaining activity after 5730 years (1 half-life) would be 1/2 curie. After 57,300 years (10 half-lives), the remaining activity would be 1/1024 curie or about 1 millicurie. Some radioactive materials, such as Technetium-99m, have short half-lives measured in terms of minutes or hours. Others, such as Uranium-238, hav half-lives measured in terms of millions to billions of years. Thorium- 232 has a half-life of 14 billion years.

When radioactive material decays, it produces a *decay product* that contains less energy than the original material. The energy has been released by the decay in the form of alpha, beta, gamma, or neutron radiation. Many radioactive materials decay to form stable materials that do not decay further. However, certain radioactive materials, such as Thorium-232 and Uranium-238, may form other radioactive materials as they decay to more stable forms. Radioactive materials may decay through a long chain of different radioactive materials, each decaying with its own half-life. In such cases, the hazard posed by the *parent material* is a function of the radioactive hazards posed by each of the radioactive decay products. In particular circumstances, the hazard of a parent material may increase with time as the decay products are formed through decay of the parent.

The measurement of intensity of gamma or x-ray radiation in air or *exposure rate* is measured in Roentgens (R) or microRoentgens (μR) per unit time [one one-millionth of an R], usually an hour, as in R/hr or μR/hr. In the environment, exposure rates are typically measured in terms of μR/hr. For example, in many parts of the United States the background exposure rate from natural sources of radiation is between 5 and 15 μR/hr.

Many commercially available radiation detectors measure radiation fields in terms of

What are the limits on Radiation Dose?

Federal and State regulatory agencies have established dose limits to protect against the harmful acute effects and to minimize the long-term risks of radiation. The basic limits are as follows:

(1) The dose to any member of the public shall not exceed 100 mrem/yr; and

(2) The dose to any worker shall not exceed 5 rem/yr. For workers under 18 years of age, the dose shall not exceed 0.5 rem/yr.

There are additional limits that apply to specific portions of the body (lens of the eye, skin, specific organs). In addition, because of the health effects that may be caused by exposure of a developing human fetus, a separate limit of 0.5 rem during the pregnancy has been established.

These and related limits have been established by the U.S. Nuclear Regulatory Commission, U.S. Environmental Protection Agency, U.S. Department of Energy, and various State regulatory agencies for a variety of sources of ionizing radiation. For example, the Nuclear Regulatory Commission's radiation protection limits are found in Part 20 of Title 10 of the Code of Federal Regulations. The limits are based on expert recommendations from the National Council on Radiation Protection and Measurements and the International Commission on Radiological Protection. The agencies have generally adopted the recommendations through a formal rulemaking process that included opportunities for public review and comment on the draft limits prior to finalization.

How can I protect myself from radiation?

Individuals responsible for the use and handling of radioactive materials should ensure that doses to people remain below the dose limits. In addition, as a general matter, users of radioactive materials should also maintain doses and releases of radioactive materials as low as is reasonably achievable (ALARA).

Beyond the limits and measures to keep doses ALARA, there are three important factors to keep in mind to protect yourself from sources of ionizing radiation. These factors are:

- Time - The longer an individual is near a source of radiation, the greater the potential dose will be. Decreasing the amount of time spent near a source of radiation can significantly reduce the potential dose.

- Distance - Radiation exposure rates generally decrease proportionally with the distance from the source of the radiation. For example, if you move twice as far away from a small source of radiation, your exposure will be one quarter of the dose received at the original distance. Increasing the distance from a source of radiation can significantly decrease the potential dose.

- Shielding - Any material placed between you and a source of radiation will reduce the exposure you will receive under most situations. Different

types of radiation are stopped (or reduced) more effectively by different materials. Placing material (for example a wall) between yourself and a source of radiation can reduce the potential dose.

Who is NRC?

This pamphlet was prepared by the U.S. Nuclear Regulatory Commission, which is an independent regulatory agency established by Congress to ensure the protection of the public health and safety and the environment from civilian uses of many types of radioactive materials. Radioactive materials are used for a variety of beneficial purposes, including medical diagnosis and treatment, testing of materials to ensure they will perform as desired, manufacturing, and research. The NRC regulates the civilian uses of certain nuclear materials (called source, special nuclear and byproduct materials) in the United States. NRC accomplishes its mission through: licensing nuclear facilities, such as nuclear power reactors; licensing the possession, use, and disposal of nuclear materials; development and implementation of guidance and requirements governing licensed activities; and inspection and enforcement activities to ensure compliance with these requirements.

NRC was created as an independent agency by the Energy Reorganization Act of 1974, which abolished the Atomic Energy Commission (AEC) and assigned the AEC's regulatory function to NRC. This act, along with the Atomic Energy Act of 1954, as amended, provides the foundation for regulation of the nation's commercial uses of nuclear material.

In 29 States most commercial uses of nuclear materials are regulated by State agencies through the NRC Agreement States Program. A State may sign an agreement with the NRC allowing the State to regulate the use of radioactive material within that State. The States that have currently signed such agreements with NRC are depicted in the figure below.

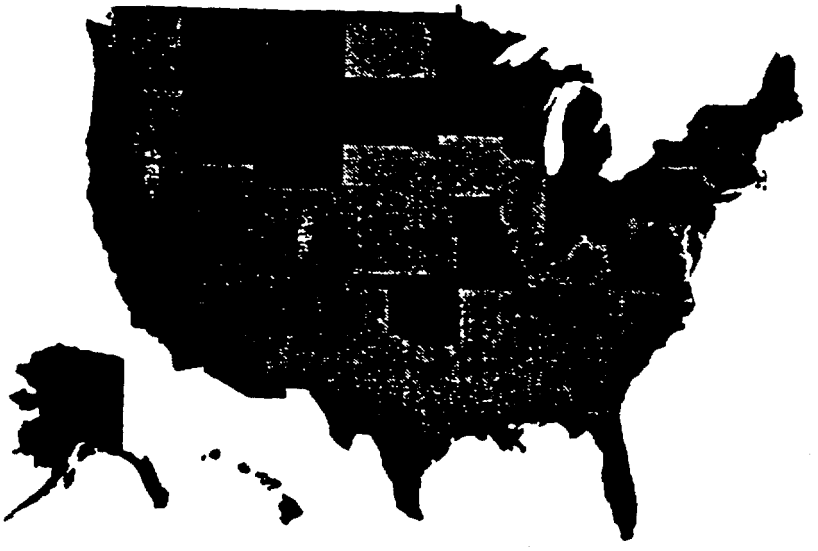

Figure 2. NRC Agreement States (depicted in gray shading; non-Agreement States are shown in black)

States also have the responsibility to regulate naturally occurring radioactive material (such as radium), other radioactive materials that are generated in machines called accelerators, and X-rays as used by doctors, dentists, and other individuals. NRC does not regulate these materials because Congress did not provide the agency with the authority over naturally occurring and accelerator produced radioactive materials (NARM), with limited exceptions.

Various other Federal agencies, such as the Departments of Transportation, Health and Human Services and Energy, as well as the Environmental Protection Agency, also have a role in the regulation of radioactive material.

Want More Information?

If you would like more information about NRC, the facilities it regulates, or radiation protection, please call NRC's Office of Public Affairs at (301) 504-2240, or write to:

Office of Public Affairs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

elimination of the following issues from the scope of this EIS because they have been previously analyzed in a previous Generic Environmental Impact Statement (GEIS) (NUREG–0586) and included in an earlier rulemaking (53 FR 24018, June 28, 1988): (i) Planning necessary to conduct decommissioning operations in a safe manner; (ii) assurance that sufficient funds are available to pay for decommissioning; (iii) the time period in which decommissioning should be completed; and (iv) whether facilities should not be left abandoned, but instead remediated to appropriate levels. In addition, requirements were recently proposed in a separate rulemaking regarding timeliness of decommissioning for 10 CFR Parts 30, 40, and 70 licensees (58 FR 4099, January 13, 1993).

(d) *Identify any Environmental Assessments or EISs which are being or will be prepared that are related but are not part of the scope of this EIS.* A draft Environmental Assessment on the timeliness of decommissioning has been prepared as part of a separate rulemaking on decommissioning timeliness (58 FR 4099; January 13, 1993) and will be finalized. NRC is presently developing a Generic EIS to support a rulemaking to establish generic radiological criteria for decommissioning. In addition, NRC is presently developing an EIS for decommissioning the waste piles at Shieldalloy's facility in Newfield, New Jersey.

(e) *Identify other environmental review or consultation requirements related to the proposed action.* NRC will consult with other Federal, State, and local agencies that have jurisdiction over the Cambridge site decommissioning. For example, NRC has already been coordinating its reviews of decommissioning actions at the Cambridge site with the USEPA, OEPA, and the Ohio Department of Health. NRC anticipates continued consultation with these and other agencies, as appropriate, during the development of the EIS.

(f) *Indicate the relationship between the timing of the preparation of environmental analysis and the Commission's tentative planning and decision making schedule.* NRC intends to prepare and issue for public comment a draft EIS in October 1994. The comment period would be for 90 days. The final EIS is scheduled for publication in June 1995. Subsequent to completion of the final EIS, the NRC would review and act on a license amendment from the licensee requesting authorization for decommissioning the site, including the decommissioning plan as required in 10 CFR 40.42(c)(2). Depending on the resolution of the licensee's financial restructuring under Chapter 11 of the bankruptcy code, the NRC may terminate or postpone development of the EIS.

(g) *Describe the means by which the EIS will be prepared.* NRC will prepare the draft EIS according to the requirements in 10 CFR part 51. Specifically, in accordance with 10 CFR 51.71, the draft EIS will consider comments submitted to NRC as part of the scoping process and will include a preliminary analysis which considers and balances the environmental and other effects of the proposed action and the alternatives available for reducing or avoiding adverse environmental and other effects, as well as the environmental, economic, technical, and other benefits of the proposed action.

The EIS will be prepared by the NRC staff and an NRC contractor. NRC is arranging a project with Oak Ridge National Laboratory to provide technical assistance in the preparation of the EIS. In addition, NRC anticipates requesting specific information from the licensee to support preparation of the EIS. Any information received from the licensee related to the EIS will be available for public review, unless the information is protected from public disclosure in accordance with NRC requirements in 10 CFR 2.790.

In the scoping process, participants are invited to speak or submit written comments, as noted above, on any or all of the areas described above. In accordance with 10 CFR 51.29, at the conclusion of the scoping process, NRC will prepare a concise summary of the determinations and conclusions reached, including the significant issues identified, and will send a copy to each participant in the scoping process.

Dated at Rockville, Maryland, this 19th day of November 1993.

For the U.S. Nuclear Regulatory Commission.

John H. Austin,

Chief, Decommissioning and Regulatory Issues Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 93–29013 Filed 11–24–93; 8:45 am]

BILLING CODE 7590–01–P

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

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) to conduct a scoping process for the E and to conduct a scoping meeting.

SUMMARY: The NRC intends to prepare an EIS for decommissioning Shieldall Metallurgical Corporation's (Shieldalloy) facility located in Newfield, New Jersey. Shieldalloy an predecessor companies at the Newfie location have been licensed by the NI to process ores and mineral concentra containing the radioactive materials uranium, thorium, and their associate decay products (i.e., collectively considered source material). As a res of processing the ores to produce me alloys, Shieldalloy concentrated the radioactive materials in high temperature slag and in baghouse du Shieldalloy continues to process the source material. Although Shieldallo has no intent to close down the Newfield facility in the foreseeable future, plans for stabilizing or dispos of the slag and dust need to be established as part of a process for renewing the NRC license at the site. This notice indicates the NRC's inter prepare an EIS in conjunction with t proposed action and to conduct a scoping process that will include a public scoping meeting.

DATES: Written comments on matters covered by this notice received by January 15, 1994, will be considered developing the scope of the EIS. Comments received after this date w be considered if it is practical to do s but the NRC is able to assure consideration only for comments received on or before this date.

A public scoping meeting will be h at Delsea Regional High School in Franklinville, New Jersey, on Decem 16, 1993, from 7–10 p.m.

ADDRESSES: Written comments on th matters covered by this notice and/o the scoping meeting should be sent t Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555 ATTN: Docketing and Services Bran Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland 20852, between 7:45 a.m. and 4:15 p on Federal workdays.

The scoping meeting will be held Delsea Regional High School, Blackwoodtown Road (County High

655), Franklinville, New Jersey, on December 16, 1993.

FOR FURTHER INFORMATION CONTACT: Michael Weber, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, Telephone: 301-504-1298, or Gary Comfort, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, Telephone: 301-504-2667.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission has the statutory responsibility for protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. The NRC believes that one portion of this responsibility is to assure safe and timely decommissioning of nuclear facilities which it licenses. This responsibility can be partially fulfilled by providing guidance to licensees on how to plan for and prepare their sites for decommissioning. Decommissioning, as defined in NRC's regulations in 10 CFR 40.4, for example, means to remove nuclear facilities safely from service and to reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

Once licensed activities have ceased, licensees are required, in existing NRC regulations, to decommission their facilities so that their licenses can be terminated. This requires that radioactivity in buildings, equipment, soil, groundwater, and surface water resulting from the licensed operation be reduced to acceptably low levels that allow the property to be released for unrestricted use. Licensees must then demonstrate by a site radiological survey that residual contamination in all facilities and environmental media have been properly reduced or eliminated and that, except for any residual radiological contamination found to be acceptable to remain at the site, radioactive material has been transferred to authorized recipients. Confirmatory surveys are conducted by NRC, where appropriate, to verify that sites meet NRC radiological criteria for decommissioning.

In accordance with NRC requirements promulgated in 1988, licensees are also required to provide financial assurance for decommissioning, including submission of a decommissioning funding plan [10 CFR 40.36(c)]. In accordance with 10 CFR 40.36(d), the decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method for assuring funds for decommissioning using one of several methods, including prepayment; surety, insurance, or other guarantee; external sinking fund coupled with a surety method; or statement of intent (for government licensees only). Based on NRC's definition of decommission, the cost estimate would be based on the assumption that residual radioactivity would be reduced to a level that permits release of the property for unrestricted use and termination of the license.

Need for Proposed Action

Shieldalloy Metallurgical Corporation (Shieldalloy) is licensed by the NRC (License Number SMB-743) to possess and store the radioactive materials uranium, thorium, and their associated decay products (i.e., collectively considered source material) at a site located near Newfield, Gloucester County, New Jersey. As a result of processing ores and mineral concentrates to produce metal alloys, the radioactive materials have been concentrated in high temperature slag and baghouse dust.

Since 1955, Shieldalloy has operated a manufacturing facility in Newfield and produced specialty steel and super alloy additives, including aluminum master alloys, metal carbides, powdered metals, and optical surfacing products. Raw materials used at the facility include ores and concentrates of niobium, vanadium, zirconium, titanium, and other metals and materials. NRC licenses activities at the site related to processing a mineral concentrate (pyrochlore) to recover niobium. The pyrochlore contains more than 0.05 percent (by weight) of the radioactive materials uranium and thorium, which are source materials and require a license under 10 CFR part 40.

During the manufacturing process, the radioactive materials are concentrated in a high temperature slag and in baghouse dust. The slag has been placed into two piles with a total mass of about 45,000 metric tons (about 50,000 tons) and a volume of about 18,000 cubic meters (about 630,000 cubic feet); the baghouse dust is located in a third pile of about 12,000 metric tons (13,400 tons) and a volume of about 15,000 cubic meters (530,000 cubic feet). In addition to these piles, radioactive materials have also been dispersed in soil around the piles and at numerous other locations at the facility. The concentrations of radioactive materials in the piles vary with maximum thorium-232 concentrations up to 1,500 picocuries per gram (pCi/g) and average thorium-232 concentrations ranging from several tens to hundreds of pCi/g. Because the Newfield site has large waste piles that may be difficult to dispose of at the time of decommissioning, NRC included the Newfield site in the Site Decommissioning Management Plan (SDMP)[1] and has been devoting special attention to the site to ensure planning continues to achieve timely and effective decommissioning.

Shieldalloy's license for the Newfield facility has been in timely renewal since Shieldalloy filed its request for renewal with the NRC in 1985. As a condition of acting on the renewal request, the NRC identified the need for Shieldalloy to submit an adequate decommissioning funding plan in accordance with 10 CFR 40.36(c)(2). In addition, the NRC raised a concern in 1992 that Shieldalloy's plan for eventual decommissioning of the Newfield site may not satisfy NRC's requirements because it contemplated stabilization of the contaminated waste onsite and may require land use restrictions to ensure continued long-term protection of the public and environment. This approach is inconsistent with NRC's requirements for decommissioning, which require that residual radioactivity be reduced to a level that permits release of the property for unrestricted use.

In September 1993, Shieldalloy and its parent company, Metallurg Inc., filed for protection from creditors under Chapter 11 of the Bankruptcy Code. Decommissioning the Newfield facility, and another licensed site in Cambridge Ohio, represent two of Shieldalloy's largest and unquantified liabilities which must be resolved as part of the company's restructuring activities under Chapter 11. To complete restructuring in a timely manner, Shieldalloy has requested NRC to determine whether onsite stabilization and disposal of radioactive waste is acceptable for decommissioning the Newfield facility.

NRC has determined that approval of onsite stabilization and disposal of the radioactive waste is a major Federal action and, therefore, warrants preparation of an EIS in accordance with the National Environmental Policy Act (NEPA) and the NRC's implementing requirements in 10 CFR part 51. Concentrations of uranium, thorium, and their radioactive decay products in the waste piles exceed NRC's current criteria for allowing release of sites for unrestricted use. These criteria are listed in NRC's Action Plan to Ensure Timely Cleanup of SDMP

[1] The Site Decommissioning Management Plan of U.S. Nuclear Regulatory Commission, NUREG-1444, 1993, is available from the U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402-9328.

Sites (57 FR 13389; April 16, 1992). As described in the Action Plan, the criteria are applied on a site-specific basis with emphasis on residual contamination levels that are as low as is reasonably achievable (ALARA).

Consequently, if NRC approved on-site stabilization of the radioactive material, land use restrictions or other institutional controls may be necessary to ensure long-term protection of the public and the environment. NRC expects that Shieldalloy would have to apply for and obtain an exemption from NRC's present requirements because NRC's current requirements for decommissioning do not allow for land use restrictions.

In addition to the issues discussed above that fall under NRC's jurisdiction, there are other environmental issues associated with decommissioning the Newfield site that are regulated by other State and Federal agencies, including the U.S. Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection and Energy (NJDEPE). For example, the Newfield site is listed on the National Priorities List and is being remediated under the Comprehensive Environmental Response Compensation and Liability Act to mitigate groundwater contamination caused by non-licensed activities at the site. These activities are administered by EPA and NJDEPE. The scoping process and EIS will not only aid NRC in reaching decisions about the decommissioning of the Newfield site, but should also be useful to these other agencies in discharging their respective duties.

Description of Proposed Action

The proposed action is onsite stabilization and disposal of radioactive waste containing elevated concentrations of thorium and uranium and their decay products at the Shieldalloy facility in Newfield, New Jersey. Because most of the radioactive contamination at the site exists in three waste piles, the proposed action principally focuses on the disposal of the radioactive materials within those waste piles.

Preparation of an Environmental Impact Statement

Under the National Environmental Policy Act (NEPA), all Federal agencies must consider the effect of their actions on the environment. Section 102(1) of NEPA requires that the policies, regulations, and public laws of the United States be interpreted and administered in accordance with the policies set forth in NEPA. It is the intent of NEPA to have Federal agencies incorporate consideration of environmental issues into their decision-making processes. NRC regulations implementing NEPA are contained in 10 CFR part 51. To fulfill NRC's responsibilities under NEPA, the NRC intends to prepare an EIS that will analyze the environmental impacts of the proposed action, as well as environmental impacts of alternatives to the proposed action and costs associated with both the proposed action and the alternatives. All reasonable alternatives to the proposed action, including the "no action" alternative, will be analyzed. The scope of the EIS will include both radiological and non-radiological impacts associated with the alternative actions.

This notice announces the NRC's intent to prepare an EIS. The principal intent of the EIS is to provide a document describing environmental consequences that will be available to the Agency's decision makers in reviewing the licensee's decommissioning plan for the Newfield site.

The Scoping Process

The Commission's regulations in 10 CFR part 51 contain requirements for conducting a scoping process prior to preparation of an EIS. In accordance with 10 CFR 51.26, whenever the NRC determines that an EIS will be prepared by NRC in connection with a proposed action, NRC will publish a notice of intent in the Federal Register stating that an EIS will be prepared and conduct an appropriate scoping process. In addition, this scoping process may include the holding of a public scoping meeting.

NRC also describes, in 10 CFR 51.27, the content of the notice of intent and requires that the notice include the proposed action and, to the extent that sufficient information is available, also describe possible alternatives. In addition, the notice of intent is to describe the proposed scoping process, including the role of participants, whether written comments will be accepted, and whether a public scoping meeting will be held.

In accordance with §§ 51.26 and 51.27, the proposed action and possible alternative approaches are discussed below. The role of participants in the scoping process for this EIS includes the following:

(1) Participants may attend and provide oral discussion on the proposed action and possible alternatives at the public scoping meeting at Delsea Regional High School in Franklinville, New Jersey, on December 16, 1993, from 7 to 10 p.m.

(2) The Commission will also accept written comments on the proposed action and alternatives from the public. Written comments should be submitted by January 15, 1994, and should be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Services Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland 20852, between 7:45 a.m. and 4:15 p.m., on Federal workdays.

According to 10 CFR 51.29, the scoping process is to be used to address the topics which follow. Participants may make written comments, or verbal comments at the scoping meeting, on the following (current preliminary NRC staff approaches with regard to each topic are included for information):

(a) *Define the proposed action to be the subject of the EIS.* The proposed action is consideration of onsite stabilization and disposal of radioactive waste at the Shieldalloy facility in Newfield, New Jersey.

(b) *Determine the scope of the EIS and the significant issues to be analyzed in depth.* The NRC is proposing to analyze the costs and impacts associated with the proposed action and alternative decommissioning approaches. The following proposed outline for the EIS reflects the current NRC staff view on the scope and major topics to be dealt with in the EIS:

Proposed Outline. Environmental Impact Statement.

Abstract.

Executive Summary

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4.2 Alternatives Considered—each of the alternatives represent alternate decommissioning approaches.
(a) Alternative 1, *Onsite Stabilization and Disposal* [Licensee's Proposed Action]—radioactive contamination would be consolidated and stabilized in a single pile that would be covered and graded in a manner to provide long-term protection against wind and water erosion and to minimize groundwater contamination. This alternative would also likely include land use restrictions and/or other institutional controls to prevent or reduce potential intrusion into the waste and to monitor the long-term effectiveness of the disposal and take mitigative measures as necessary to protect the public and environment.
(b) Alternative 2, *Offsite Disposal*—radioactive contamination would be exhumed from the site and disposed offsite at a licensed low-level waste disposal facility. The disposal facility may either be located in the near vicinity of Newfield (e.g., within 50 km) or in another State. This alternative could also consider disposal of the contamination along with other wastes of similar physical, chemical, and radiological characteristics, such as mill tailings, or in a dedicated disposal facility that would provide enhanced barriers against human intrusion into the waste for thousands of years, such as a deep mine. Radioactive contamination onsite would be reduced down to levels that NRC presently considers acceptable for release for unrestricted use (e.g., 10 picoCuries per gram (pCi/g) total uranium (with decay products) and 10 pCi/g Thorium-232 and Thorium-228 in addition to other criteria such as gamma exposure rate and radon concentrations in air);
(c) Alternative 3, *Onsite Separation Processing with Offsite Disposal*—radioactive contamination would be processed using physical or chemical methods to separate more highly concentrated contamination from lower concentrations that could be stabilized onsite. Higher concentration wastes would be sent offsite to a licensed disposal facility. Radioactive contamination onsite would be reduced down to levels that NRC presently considers acceptable for release for unrestricted use (e.g., 10 pCi/g total uranium (with decay products) and 10 pCi/g Thorium-232 and Thorium-228 in addition to other criteria such as gamma exposure rate and radon concentrations in air);
(d) Alternative 4, *Onsite Dilution Processing and Disposal*—existing radioactive contamination would be blended with clean fill to reduce average concentrations of uranium and thorium to levels that NRC presently considers acceptable for release for unrestricted use (e.g., 10 pCi/g total uranium (with decay products) and 10 pCi/g Thorium-232 and Thorium-228 in addition to other criteria such as gamma exposure rate and radon concentrations in air). Diluted contamination would then be graded onsite and released for unrestricted use; and
(e) Alternative 5, *No Action*—radioactive contamination would be abandoned in its present configuration without any additional processing or stabilization. This alternative does not consider any protective measures, such as land use restrictions or other institutional controls, that might mitigate or prevent intrusion into the waste or long-term release and transport of contamination in the environment.
4.3 Method of Analysis of Regulatory Alternatives
(a) Define a range of alternative decommissioning approaches;
(b) Evaluate the alternative decommissioning approaches with respect to: (1) the incremental impact to workers, members of the public, and the environment, both radiological and nonradiological, resulting from each alternative; and (2) the costs associated with each regulatory 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).
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(c) *Identify and eliminate from detailed study issues which are not significant or which are peripheral or which have been covered by prior environmental review.* The NRC has not yet eliminated any nonsignificant issues. However, NRC is considering elimination of the following issues from the scope of this EIS because they have been previously analyzed in a previous Generic Environmental Impact Statement (NUREG–0586) and included in an earlier rulemaking (53 FR 24018 June 28, 1988): (i) Planning necessary to conduct decommissioning operations in a safe manner; (ii) assurance that sufficient funds are available to pay for decommissioning; (iii) the time period in which decommissioning should be completed; and (iv) whether facilities should not be left abandoned, but instead remediated to appropriate levels. In addition, requirements were recently proposed in a separate rulemaking regarding timeliness of decommissioning for 10 CFR parts 30 40, and 70 licensees (58 FR 4099, January 13, 1993).

(d) *Identify any Environmental Assessments or EISs which are being or will be prepared that are related but are not part of the scope of this EIS.* A draft Environmental Assessment on the timeliness of decommissioning has been prepared as part of a separate rulemaking on decommissioning timeliness (58 FR 4099; January 13 1993) and will be finalized. NRC is presently developing a Generic Environmental Impact Statement to support a rulemaking to establish generic radiological criteria for decommissioning. In addition, NRC is presently developing an EIS for decommissioning the waste piles at Shieldalloy's facility in Cambridge, Ohio.

(e) *Identify other environmental review or consultation requirements*

related to the proposed action. NRC will consult with other Federal, State, and local agencies that have jurisdiction over the Newfield site. For example, NRC has already been coordinating its reviews of decommissioning actions at the Newfield site with the USEPA and the NJDEPE. NRC anticipates continued consultation with these and other agencies, as appropriate, during the development of the EIS.

(f) *Indicate the relationship between the timing of the preparation of environmental analysis and the Commission's tentative planning and decision making schedule.* NRC intends to prepare and issue for public comment a draft EIS in October 1994. The comment period would be for 90 days. The final EIS is scheduled for publication in June 1995. Subsequent to completion of the final EIS, the NRC would review and act on a supplemented license renewal request from the licensee requesting continued authorization for possession and storage of source material at the site, including the decommissioning funding plan as required in 10 CFR 40.36(c)(2). Depending on the resolution of the licensee's financial restructuring under Chapter 11 of the bankruptcy code, the NRC may terminate or postpone development of the EIS.

(g) *Describe the means by which the EIS will be prepared.* NRC will prepare the draft EIS according to the requirements in 10 CFR part 51. Specifically, in accordance with 10 CFR 51.71, the draft EIS will consider comments submitted to NRC as part of the scoping process and will include a preliminary analysis which considers and balances the environmental and other effects of the proposed action and the alternatives available for reducing or avoiding adverse environmental and other effects, as well as the environmental, economic, technical, and other benefits of the proposed action.

The EIS will be prepared by the NRC staff and an NRC contractor. NRC is arranging a project with Oak Ridge National Laboratory to provide technical assistance in the preparation of the EIS. In addition, NRC anticipates requesting specific information from the licensee to support preparation of the EIS. Any information received from the licensee related to the EIS will be available for public review, unless the information is protected from public disclosure in accordance with NRC requirements in 10 CFR 2.790.

In the scoping process, participants are invited to speak or submit written comments, as noted above, on any or all of the areas described above. In accordance with 10 CFR 51.29, at the conclusion of the scoping process, NRC will prepare a concise summary of the determinations and conclusions reached, including the significant issues identified, and will send a copy to each participant in the scoping process.

Dated at Rockville, Maryland, this 18th day of November 1993.

For the U.S. Nuclear Regulatory Commission.

John H. Austin,

Chief, Decommissioning and Regulatory Issues Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 93-29014 Filed 11-24-93; 8:45 am]

BILLING CODE 7590-01-P

Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on December 8, 1993, room P-422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, December 8, 1993—4 p.m. Until 6 p.m.

The Subcommittee will discuss proposed ACRS activities, practices and procedures for conducting Committee business, and organizational and personnel matters relating to ACRS and its staff. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone 301/492-4516) between 7:30 a.m. and 4:15 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual five days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: November 18, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93-28998 Filed 11-24-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Exemption

I

The Sacramento Municipal Utility District (SMUD or the licensee) is the holder of Facility Operating License N DPR-54. The license provides, among other things, that it is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a pressurized water reactor located at th licensee site in Sacramento County, California, and is currently defueled with fuel stored in the spent fuel pool Additionally, a confirmatory order prevents the movement of the fuel int the reactor building without NRC approval.

II

The Rancho Seco Nuclear Generati Station (Rancho Seco) was permanen shut down on June 7, 1989, and completely defueled on December 8, 1989. The NRC in Amendment No. 1 dated Mach 17, 1992, modified Facil Operating License No. DPR-54 to a Possession Only License (POL). The license is conditioned so that SMUD not authorized to operate or place fu in the reactor vessel, thus formalizin the licensee commitment to permanently cease power operations.

By letter dated November 14, 1990 and supplemented by letter dated October 15, 1992, the licensee reque a reduction in primary financial coverage and an exemption from participation in the industry

United States
Nuclear Regulatory Commission

(1)

Public Meeting on the Scope

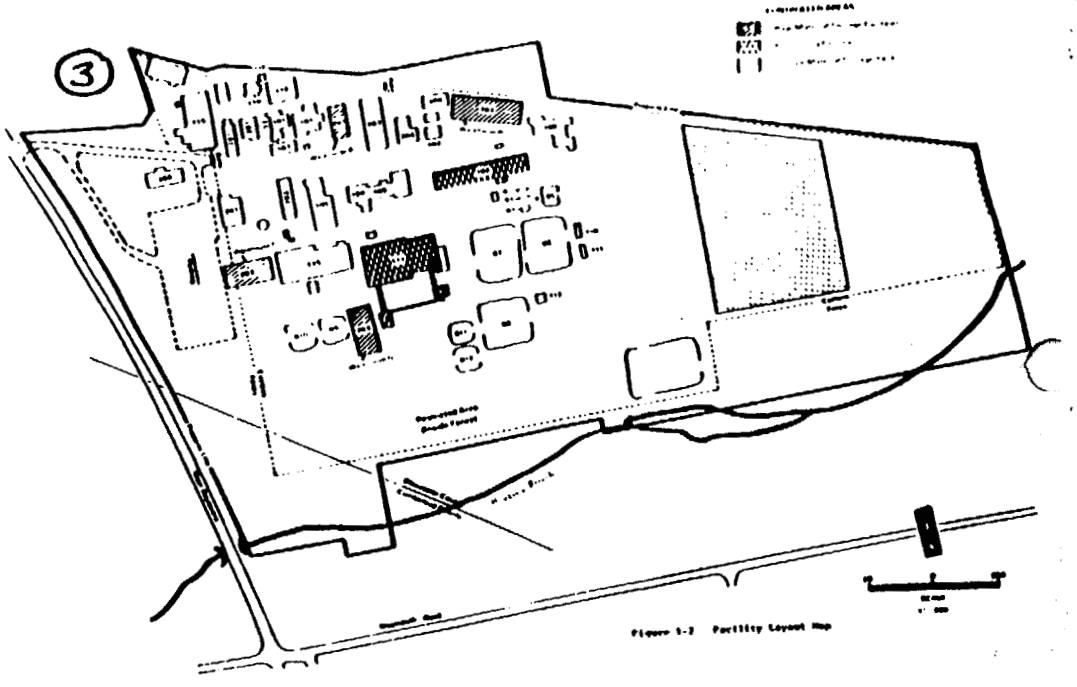
of the Environmental Impact Statement

for Shieldalloy Metallurgical Corporation's

Facility in Newfield, NJ

December 17, 1993
Franklinville, NJ

(3)



United States
Nuclear Regulatory Commission

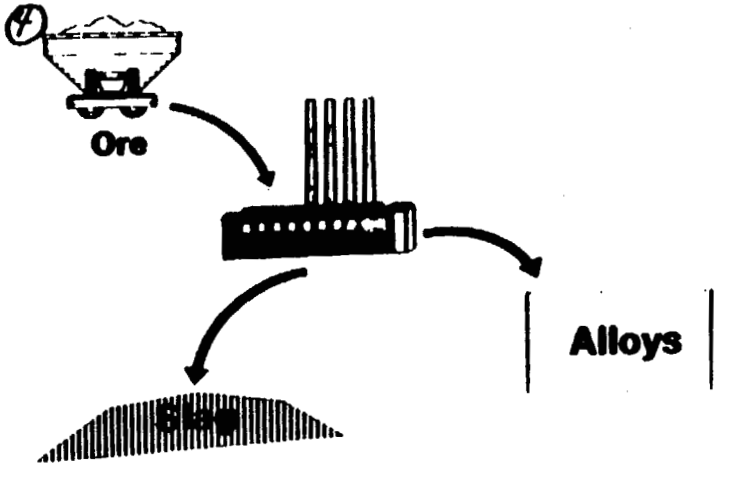
(2)

NRC Involvement

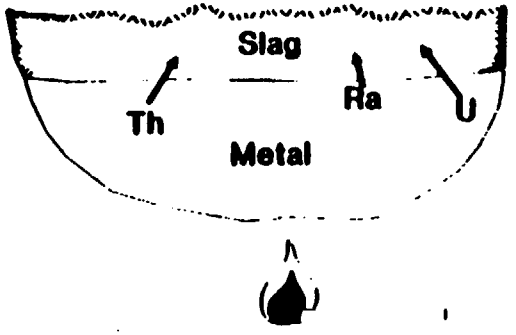
- **Active NRC license authorizes possession of Uranium and Thorium (Source Material; SMB-743)**
- **Facility imported and processed niobium ore to produce ferro-columbium alloy since 1950s**
- **Radioactive materials concentrated in high-temperature slag; slag stored on site**
- **Facility continuing licensed slag production; no plans to begin decommissioning until operations complete**

Shieldalloy Process

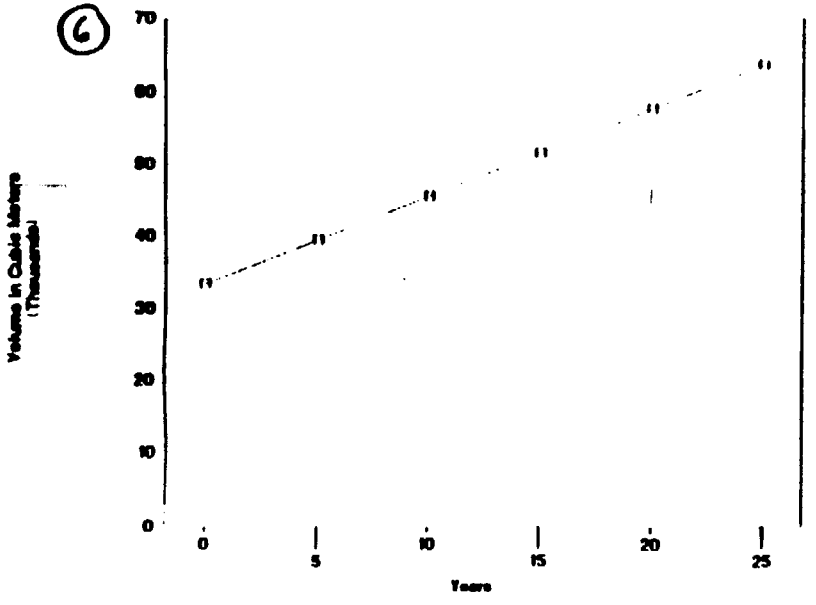
(4)



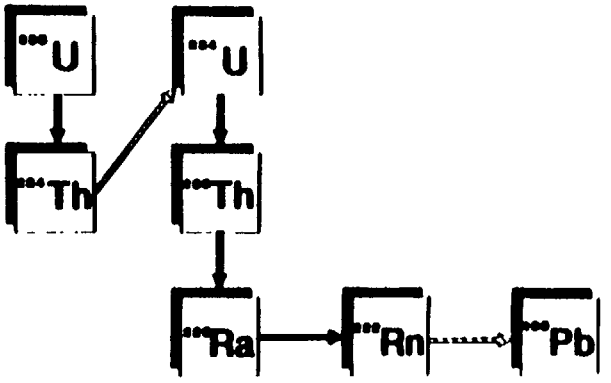
⑤ Melt Process



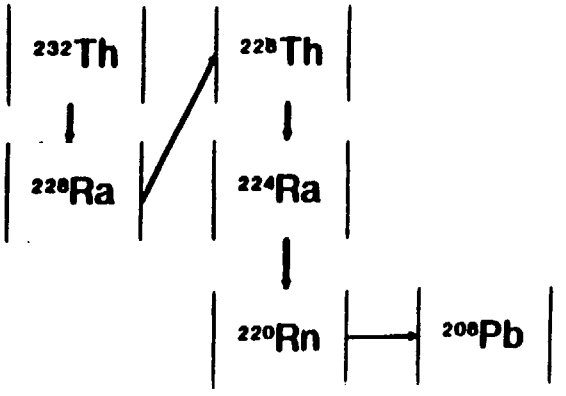
⑥ Volume of Material in Slag Yard Over Time



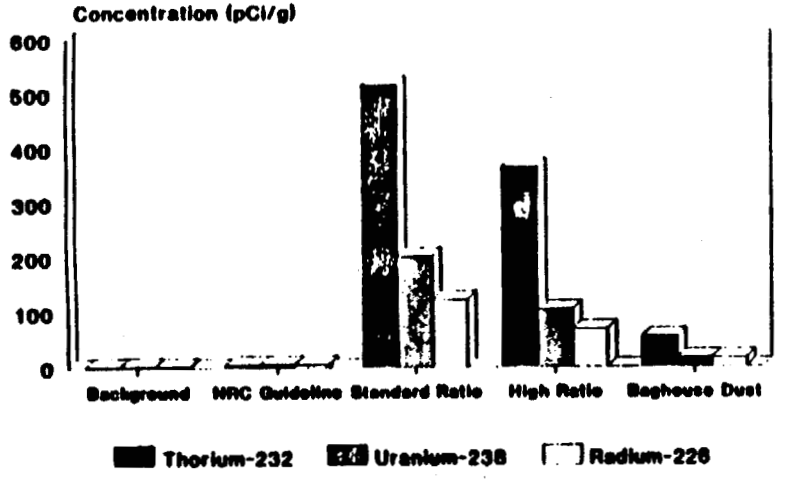
⑦ Uranium Decay Chain



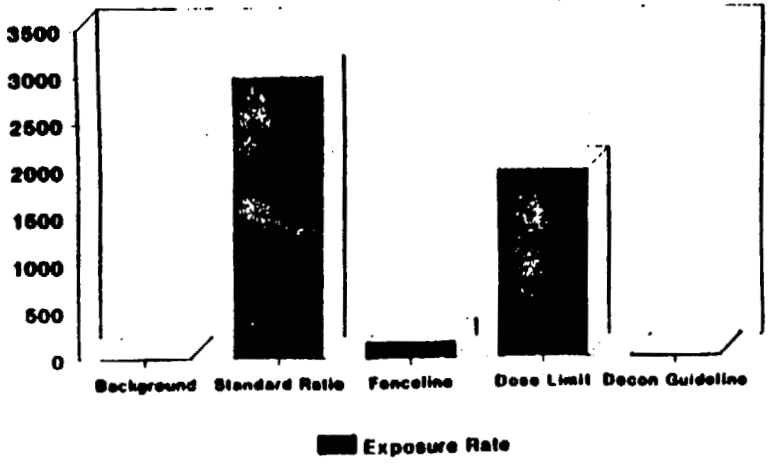
⑧ Thorium Decay Chain



(9) Concentrations of Radioactive Material in Shieldalloy Waste



(10) Exposure Rates at Shieldalloy Site (in microRoentgen/hr)



United States
Nuclear Regulatory Commission

(11)

Overview

- What is an Environmental Impact Statement (EIS)?
- What Alternatives will be Considered by NRC?
  - ✓ Proposed Action - Onsite Disposal
  - ✓ Alternatives to Proposed Action
- What Impacts will NRC Evaluate?
- When will the EIS be available?
- Will there be Future Opportunities for Public Comment?

United States
Nuclear Regulatory Commission

(12)

Environmental Impact Statement

An Environmental Impact Statement (EIS)...

- Evaluates environmental effects from proposed NRC action
- Identifies alternative actions and estimates potential effects
- Assists NRC in reaching a decision on a proposal from Shieldalloy Metallurgical Corporation
- Is required by the National Environmental Policy Act of 1969 and NRC requirements in 10 CFR Part 51

United States
Nuclear Regulatory Commission

(13)

Environmental Impact Statement

The scoping process is the first stage of developing an EIS --

"Are We on the Right Track?"

- **Have we identified the right issues to evaluate?**
- **Are we considering a complete range of alternatives?**
- **Are we considering representative impacts from the alternatives?**
- **Are there any other issues or impacts that should be considered?**

United States
Nuclear Regulatory Commission

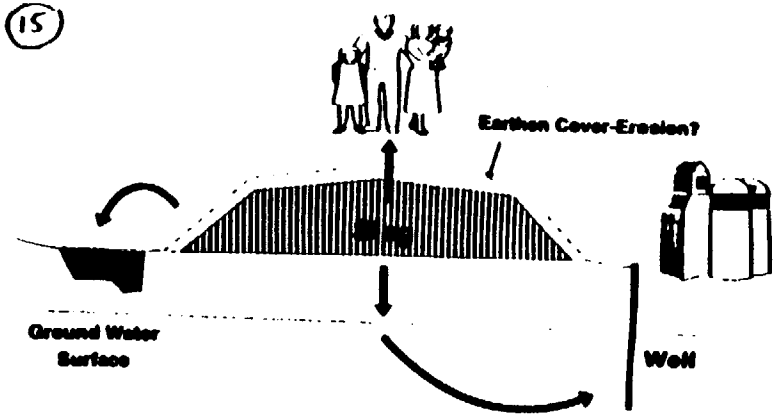
(14)

Alternatives

1. **Onsite Disposal - *Proposed by Shieldalloy***
2. **Offsite Disposal**
3. **Onsite Processing with Offsite Disposal**
4. **Onsite Dilution Processing and Disposal**
5. **No Action - Baseline Alternative**

Potential Impacts

(15)



Onsite Disposal

Schedule for EIS Development

2/94 - Complete Scoping Summary (including comments from scoping EIS for Cambridge, Ohio facility)

10/94 - Publish Draft EIS

6/95 - Publish Final EIS

(16)

NRC may terminate or postpone development of the EIS depending upon bankruptcy proceedings or new information

(17)

Opportunities for Public Input

- **Tonight's Scoping Meeting - Oral or Written Comments**
- **Written Comments Accepted by NRC through January 15, 1994**
- **Comments on the Scoping Summary - March 1994**
- **Comments on the Draft EIS - 90-day comment period in October-November 1994**
- **Comments on Decommissioning Plan - 1995**

December 16, 1993

SHIELDALLOY'S NEWFIELD, NEW JERSEY, PLANT

FACT SHEET

- Shieldalloy employs 228 people at the plant.

- The plant is a high-tech metallurgical facility producing ferroalloys and aluminum alloys, - specialty alloys for technical and defense applications.

- One of those alloys is ferrocolumbium, an important addition to high-grade steels. Although ferrocolumbium is non-radioactive, one of the raw materials used to produce it, columbium ore, is slightly radioactive. The ferrocolumbium product process generates slightly radioactive slag and baghouse dust which are stored on site in a controlled area known as the storage yard.

- The slag is in the form of a glass-like rock. The baghouse dust, while originally in a loose form, sets up like cement when it becomes damp.

- Although only slightly radioactive, and in no way a threat to nearby residents, the materials are regulated by the Nuclear Regulatory Commission ("NRC").

- The NRC, in its 1993 Updated Report on Site Decommissioning Management Plan, says that "the site poses no immediate threat to public health and safety" (Page A-202).

- Shieldalloy has a license from the NRC to process the columbium ore and to possess the mildly radioactive material in the slag and baghouse dust. If ever ferrocolumbium production ceases the NRC will require Shieldalloy to *decommission* the site. To achieve that goal Shieldalloy plans to stabilize the material in the storage yard with the NRC's approval, to cover it with a multi-media cover, revegetate the site, institute long-term surveillance, and to arrange for some permanent restrictions on future use of the site.

- Once the site is decommissioned in that fashion the maximum exposure a member of the general public could receive from it is calculated to be less than one millirem per year above background, using very conservative assumptions. By way of comparison, every person in the United States receives, on average, a radiation level of 360 millirem every year from normal background radiation. The average background level in Denver, Colorado is 410 millirem per year due primarily to that city's greater altitude. One would receive a fifty times greater excess radiation level by moving to Denver, Colorado than by moving directly on top of the capped storage yard.

- As a result of downward price pressures in its primary metals markets, and for other financial reasons, Shieldalloy filed for protection from its creditors under Chapter 11 of the Bankruptcy Code on September 2, 1993. Shieldalloy must present a viable Business Plan in order to restructure its finances and emerge from Chapter 11. However, Shieldalloy must be able to estimate the cost of decommissioning the site in order to determine if reorganization is feasible, a fact that Shieldalloy has communicated to the NRC and the NRC has acknowledged.

- Shieldalloy has determined that operations with columbium ore can continue at the current rate until at least the year 2430. At that time the slag and baghouse dust could be safely decommissioned on site and still remain well below the NRC's decommissioning objective of 10 millirem per year above background as stated in the 1993 Updated Report.

- The NRC now intends to prepare an Environmental Impact Statement to evaluate the effects of the proposed decommissioning option, as well as all the other possible alternatives, on public health and the environment in light of the costs associated with each alternative. The NRC expects to publish its draft Environmental Impact Statement in October 1994 and to publish it in final form in June 1995.

- Off-site disposal - an alternative to on-site decommissioning - was considered by Shieldalloy for its Cambridge, Ohio plant which is facing similar decommissioning questions. That alternative was rejected because it was more hazardous than the on-site plan now being proposed. Because there are many tons of slag at the Newfield plant, to dispose of it off-site would mean putting thousands of trucks on the road and would present clean-up workers and members of the community with a many thousands of times greater chance of fatality than if the slag were left right where it is. That is due, primarily, to the added risk of transportation and construction injuries. Off-site disposal would also be prohibitively expensive. Cost estimates for two such alternative plans at the Cambridge site are $135 million and $467 million, neither of which Shieldalloy could afford. Similar estimates are likely for the Newfield plant.

- Carol D. Berger, a Certified Health Physicist from IT Corporation, Shieldalloy's technical consultant, has studied this site extensively. She has submitted her evaluation to the NRC which concluded that the low levels of radioactive materials in the storage yard at the site now, and as projected into the future, pose no risk to public health. The evaluation also shows that there will be negligible risk to the community over the long term if Shieldalloy is permitted to decommission the site as planned.

- Shieldalloy's intention is to protect the environment and the people in the vicinity of the plant and to implement the safest, most effective clean-up possible. Shieldalloy will continue cooperating with the Nuclear Regulatory Commission and arrange for the permanent disposition of the materials on the site.

For additional information, please contact
Michael A. Finn, Shieldalloy Metallurgical Corporation, (212) 686-4010

authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials as defined in section 11e.(1) of the Act;
B. Source materials; and
C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;
B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;
D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;
E. The land disposal of source, byproduct and special nuclear material received from other persons; and
F. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area(s) specified in article II, paragraph E or F, whereby the State can exert regulatory control over the materials stated herein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use it best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article IX

This Agreement shall become effective on April 1, 1992, and shall remain in effect unless and until such time as it is terminated pursuant to article VIII.

Done at Rockville, Maryland in triplicate, this 16th day of March, 1992.

For the United States Nuclear Regulatory Commission, Ivan Selin, Chairman.

Done at Augusta, Maine, in triplicate, this 25th day of March, 1992.

For the State of Maine, John R. McKernan, Jr., Governor.

Dated at Rockville, this 9th day of April, 1992.

For the United States Nuclear Regulatory Commission.

Sheldon A. Schwartz,

Deputy Director, Office of State Programs.

[FR Doc. 92-8639 Filed 4-15-92; 8:45 am]

BILLING CODE 7590-01-M

Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of NRC action plan.

SUMMARY: The NRC has developed an Action Plan to describe the approach the agency will use to accelerate the cleanup of radiologically contaminated sites listed in NRC's Site Decommissioning Management Plan (SDMP). The objective of this plan is to communicate the Commission's general expectation that sites listed in the SDMP be cleaned up in a timely and effective manner. This plan (1) identifies existing criteria to guide cleanup of contaminated soils, structures, and equipment and emphasizes site-specific application of the As Low As Reasonably Achievable (ALARA) principle; (2) states the NRC's position on the finality of decommissioning decisions; (3) describes the NRC's general expectation that SDMP site cleanup will be completed within a 6-year timeframe after operations cease or 3 years after the issuance of an initial cleanup order; (4) identifies currently available guidance on site

characterization work in support of decommissioning; and (5) describes the process the NRC staff will use to establish and enforce schedules for timely cleanup on a site-specific basis.

ADDRESSES: Other documents referenced in this notice may be reviewed and/or copies for a fee from the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John A. Austin, Chief, Decommissioning and Regulatory Issues Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504–2560.

SUPPLEMENTARY INFORMATION:

I. Introduction and Purpose

Over the past several years, the Nuclear Regulatory Commission (NRC) has identified over 40 nuclear material sites that warrant special attention by the Commission. These sites have buildings, former waste disposal areas, large piles of tailings, groundwater, and soil contaminated with low levels of uranium or thorium (source material) or other radionuclides. Consequently, they present varying degrees of radio logical hazard, cleanup complexity, and cost. Some of the sites are still under the control of active NRC licenses, whereas licenses for other sites may have already been terminated or may have never been issued. At some sites, licenses are financially and technically capable of completing cleanup in a reasonable timeframe, whereas at other sites, the licensee or responsible party is unable or unwilling to perform cleanup. In addition, the sites are currently in various stages of decommissioning. At some sites, licensees have initiated decommissioning, whereas at other sites, decommissioning has not yet been planned or initiated.

The NRC believes that the best approach for minimizing the potential for unnecessary radiation exposures and environmental contamination in the future is to ensure that these sites are cleaned up in a timely and effective manner. In 1990, the NRC implemented the Site Decommissioning Management Plan (SDMP) to identify and resolve issues associated with the timely cleanup of these sites. The SDMP provides a comprehensive strategy for NRC and licensee activities dealing with the cleanup and closure of contaminated nuclear material facilities over which the NRC has jurisdiction. The appendix to this document lists the sites that are currently included in the SDMP (the SDMP does not include more routine decommissioning cases such as nuclear power reactors). The SDMP has been effective in ensuring coordination and resolution of some of the policy and regulatory issues affecting site decommissioning. Progress on actual site remediation, however, continues to be slow. The limited progress to date has prompted the Commission to direct the NRC staff to initiate actions to accelerate the cleanup of SDMP sites.

It should be noted that this Action Plan itself does not contain enforceable standards and is not intended to create new rights or obligations on third parties or to preclude litigation of properly framed issues in any pending proceeding. Implementation of this plan may result in the establishment of legally binding requirements by order or license amendment that may be enforced on a site-specific basis. However, nothing in this Action Plan is intended to affect hearing rights associated with such orders or licensee amendments or the hearing rights of parties to presently pending adjudications and, to the extent that rules promulgated in accord with 5 U.S.C. 553 are not applicable, each case will be judged on its own merits.

II. Action Plan

In accordance with the overall objective of ensuring timely and effective cleanup of SDMP sites, the NRC staff will review site-specific plans and take decommissioning actions consistent with the following elements:

A. Cleanup Criteria

Pending NRC rulemaking on generic radiological criteria for decommissioning, the NRC will continue to consider existing guidance, criteria, and practices listed below to determine whether sites have been sufficiently decontaminated so that they may be released for unrestricted use, pursuant to, or consistent with, the decommissioning rules in 10 CFR 30.36, 40.42, 50.82, 70.38, and 72.54. These cleanup criteria will be applied on a site-specific basis with emphasis on residual contamination levels that are ALARA.

1. Options 1 and 2 of the Branch Technical Position "Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations" (46 FR 52601; October 23, 1981).

2. "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material," Policy and Guidance Directive PC 83–23, Division of Industrial and Medical Nuclear Safety, November 4, 1983.

3. "Termination of Operating Licenses for Nuclear Reactors," Regulatory Guide 1.86, June 1974, Table 1, for surface contamination of reactor facility structures. Also Cobalt–60, Cesium–137, and Europium–152 that may exist in concrete, components, and structures should be removed so the indoor exposure rate is less than 5 microroentgen per hour above natural background at 1 meter, with an overall dose objective of 10 millirem per year (cf. Letter to Stanford University from James R. Miller, Chief, Standardization and Special Projects Branch, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, April 21, 1982, Docket No. 50–141).

4. The Environmental Protection Agency's (EPA's) "Interim Primary Drinking Water Regulations," 40 CFR part 141 (41 FR 38404; July 9, 1976). In accordance with PC 83–23, the maximum contaminant levels for radionuclides in public drinking water as established by the EPA should be used as reference standard for protection of groundwater and surface water resources.

5. The EPA's "Persons Exposed To Transuranium Elements In The Environment" (42 FR 60956; November 30, 1977). This document provides guidelines for acceptable levels of transuranium elements in soil.

The criteria of this section will be considered in establishing site-specific ALARA levels for each of the SDMP sites in license amendments and orders.

B. Finality

The NRC's decision to terminate a license will relieve the licensee from any further obligation to the NRC to conduct additional cleanup, as long as the licensee decmommissioned the site in full accordance with an approved decommissioning plan. The licensee will demonstrate compliance with the cleanup levels described in the decommissioning plan by performing a radiologic survey of the site prior to license termination. The NRC usually conducts an independent survey to confirm the accuracy of the licensee's termination survey. Therefore, if a licensee or responsible party cleaned up a site, or was in the process of cleaning up a site, under an NRC-approved decommissioning plan, the NRC will not require the licensee to conduct additional cleanup in response to NRC criteria or standard established after NRC approval of the plan. An exception to this case would be in the event that additional contamination, or

noncompliance with the plan, is found indicating a significant threat to public health and safety. Noncompliance would occur with a licensee or responsible party does not comply with an approved decommissioning plan, or provides false information.

The NRC will inform EPA about specific decommissioning actions at sites. NRC will also inform State and local agencies that have jurisdiction over aspects concerning decommissioning actions.

C. Timing

The NRC staff will address the timing of SDMP site cleanups on a case-by-case basis, with the expectation that cleanup generally be completed within about 4 years after operations that caused the contamination cease or 3 years after issuance of an initial cleanup order. To achieve this objective, major decommissioning milestones should be established within the following timeframes:

1. As soon as practical, but generally not later than 12 months after notification by the NRC that decommissioning is expected to commence, the licensee or responsible party identified by the NRC should submit to the NRC an adequate site characterization report, if that has not yet been completed. The NRC encourages early and substantive coordination and communication between the licensee or responsible party in planning for site characterization, including NRC review of site characterization plans.

2. As soon as practical, but generally not later than 6 months after NRC approval of the site characterization report, the licensee or responsible party should submit to the NRC a site decommissioning plan for approval based on the site characterization results. The decommissioning plan should include schedules for completing site decommissioning work in a timely and effective manner, including plans to dispose of contaminated materials either onsite pursuant to 10 CFR 20.302 (or 10 CFR 20.2002 of the revised 10 CFR part 20), or at a licensed disposal facility offsite.

3. As soon as practical, but generally not later than 18 months after NRC approval of the site decommissioning plan, the licensee or responsible party should complete all decommissioning work and termination surveys, so that sites or facilities can be released for unrestricted use after termination of the license, as appropriate.

In implementing this approach, the NRC will establish specific and enforceable milestones for each phase of decommissioning through license amendments or orders. These schedules will provide flexibility to allow a licensee or responsible party to demonstrate good cause for delaying cleanup based on technical and risk reduction considerations, or for reasons beyond their control. NRC recognizes that at sites containing hazardous chemical wastes, schedules will depend, at least in part, on the necessary reviews and approvals by other responsible agencies (e.g., EPA or State agencies).

D. Site Characterization

Inadequate site characterization has been one of the technical issues that has delayed timely approval and implementation of site-specific decommissioning actions. Therefore, the NRC is developing new guidance on the content of acceptable site characterization programs conducted in support of decommissioning actions. The NRC has developed a draft "Guidance Manual for Conducting Radiological Surveys in Support of License Termination" (NUREG/CR-5849) [1] through Oak Ridge Associated Universities. This draft manual, which will be published for interim use and evaluation in April 1992, should be consulted regarding general aspects of site characterization activities. In addition, this draft manual should be used by licensees when conducting radiological surveys in support of license terminations in the interim until the manual is finalized. NRC is developing additional guidance on specific aspects of site characterization, such as hydrogeologic assessment of contaminated sites.

Until specific NRC guidance on site characterization is developed, licensees should continue to review relevant information from existing documents on site characterization such as those identified below. Although NRC recognizes that these documents do not completely address site characterization needs for decommissioning, use of these references, in addition to site-specific consultation with the NRC staff, will help ensure that site characterization is appropriately planned and conducted so that final site characterization reports are submitted with minimal deficiencies and in a timely manner. The following documents, available from the NRC Public Document Room, should be reviewed regarding general aspects of site characterization activities:

1. "Survey Procedures Manual for the ORAU Environmental Survey and Site Assessment Program," Oak Ridge Associated Universities, March 1990.

2. "Laboratory Procedures Manual for the Environmental Survey and Site Assessment Program," Revision 5, Oak Ridge Associated Universities, February 1990.

3. "Quality Assurance Manual for the Oak Ridge Associated Universities' Environmental Survey and Site Assessment Program," Revision 3, Oak Ridge Associated Universities, February 1990.

4. "Monitoring for Compliance With Decommissioning Termination Survey Criteria," NUREG/CR-2082,[2] June 1981.

5. "Guidance on the Application of Quality Assurance for Characterizing a Low-Level Radioactive Waste Disposal Site," NUREG-1383, October 1990.

E. Procedures to Compel Timely Cleanup

The NRC staff will seek voluntary cooperation by licensees or other responsible parties in establishing and implementing decommissioning plans in accordance with the objectives of this Action Plan. For sites with active NRC licenses, an approved decommissioning plan that includes appropriate schedules and cleanup levels will be incorporated into the license by amendment through normal licensing procedures. For sites with joint licenses (i.e., facilities that possess both a materials and a non-power reactor license), a coordinated approach under both licenses will be taken in establishing appropriate schedules and plans for decommissioning. If a site is not under an active license, the NRC may impose a decommissioning plan by order.

In cases where voluntary cooperation is ineffective in establishing acceptable schedules for completing decommissioning actions, the NRC will establish legally binding requirements and take enforcement action, as necessary, to compel timely and effective cleanup of SDMP sites. Demands for information may be used to establish licensee commitments to perform major decommissioning activities. Enforcement actions may

[1] A free single copy of draft NUREG/CR-5849 may be requested by writing to the U.S. Nuclear Regulatory Commission, Attn: Distribution and Mail Services Section, room P-130A, Washington, DC 20555. A copy is also available for inspection and/or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

[2] Copies of NUREGS may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Include issuance of orders, including immediately effective orders, to compel actions by licensees or other responsible parties. If necessary, NRC will issue orders requiring payment of funds into a decommissioning escrow account when a licensee or responsible party fails to meet an agreed upon schedule and has not already established an adequate decommissioning fund pursuant to, or consistent with, the decommissioning funding rules (10 CFR 30.35, 40.36, 50.82, 70.25, and 72.30). The amount of the escrow account will be based upon and be consistent with the estimated cost required to complete site cleanup. Other enforcement actions may include escalated payment of funds into the escrow account based on a licensee's or responsible party's failure to comply with the order. Accumulations into that account will be dedicated for use to finance the cleanup of the site. Finally, the NRC will consider issuing civil penalties where (1) the licensee or responsible party fails to comply with an order compelling payment into an escrow account; or (2) the licensee or responsible party fails to comply with a requirement or an order compelling cleanup when there is already sufficient decommissioning funding. Additionally, NRC may seek court injunctions to compel enforcement of these orders.

Dated at Rockville, Maryland, this 10th day of April, 1992.

For the Nuclear Regulatory Commission.

John H. Austin,

Chief, Decommissioning and Regulatory Issues Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards.

APPENDIX—EXISTING SDMP SITES

Site name	Location
Advanced Medical Systems.	Cleveland, OH.
ALCOA	Cleveland, OH.
AMAX	Wood County, WV.
Aberdeen Proving Ground.	Aberdeen, MD.
Army Arsenal	Watertown, MA.
Babcock and Wilcox	Apollo, PA.
Babcock and Wilcox	Parks Township, PA.
BP Chemicals	Lima, OH.
Budd Company	Philadelphia, PA.
Cabot Corporation	Boyertown, PA.
Cabot Corporation	Reading, PA.
Cabot Corporation	Revere, PA.
Chemetron Corporation (Bert Ave.).	Cleveland, OH.
Chemetron Corporation (Harvard Ave.).	Cleveland, OH.
Chevron Corporation	Pawling, New York.
Dow Chemical	Midland, MI and Bay City, MI.
Elkem Metals	Marietta, OH.
Englehard	Plainville, MA.
Farrsteel	Muskogee, OK.
General Services Administration.	Watertown, MA.

APPENDIX—EXISTING SDMP SITES—Continued

Site name	Location
Hartley and Hartley	Bay County, MI.
Heritage Minerals	Lakehurst, NJ.
Kerr-McGee (Cimarron)	Crescent, OK.
Kerr-McGee	Cushing, OK.
Magnesium Elektron	Flemington, NJ.
Molycorp	Washington, PA.
Molycorp	York, PA.
NE Ohio Regional Sewer District.	Cuyahoga Heights, OH.
Nuclear Metals	Concord, MA.
Permagrain	Media, PA.
Passes Chemical	Pulaski, PA.
Remington Arms Company.	Independence, MO.
RMI Titanium	Ashtabula, OH.
RTI, Inc.	Rockaway, NJ.
Safety Light Corporation	Bloomsburg, PA.
Schott Glass	Duryea, PA.
Shieldalloy	Cambridge, OH.
Shieldalloy	Newfield, NJ.
Texas Instruments	Attleboro, MA.
United Nuclear Corporation.	Wood River, Junction, RI.
Victoreen	Cleveland, OH.
Westinghouse (Waltz Mill).	Madison, PA.
West Lake Landfill	St. Louis, MO.
Whittaker Metals	Greenville, PA.
Wyman-Gordon	North Grafton, MA.
3M Company	Kerrick, MN.

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BILLING CODE 7590-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Public Information Collection Requirements Submitted to OMB for Review

PADC has submitted (on April 1, 1992) the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511 (44 U.S.C. ch. 35). Copies of the submission may be obtained by calling the PADC clearance officer listed. Send comments to the OMB reviewer listed and to the PADC clearance officer.

Pennsylvania Avenue Development Corporation

OMB Number: 3209.

Form Number: No form number available; information requested in the Quarterly Workforce Report for the Federal Triangle Development Project in Washington, DC.

Title: Quarterly Workforce Report.

Description: Under the authority of the Pennsylvania Avenue Development Corporation Act, as amended (Pub. L. 92-578), and PADC's Affirmative Action Policy and Procedure, 36 CFR part 906, PADC has requested the developer of the Federal Triangle site in Washington, DC to obtain, on a voluntary basis, detailed statistics of racial and ethnic composition of the construction workforce on the project.

Respondents: Construction contractors.

Clearance Officer: Talbot J. Nicholas II, Attorney, (202) 724-9055, PADC, suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004.

OMB Reviewer: Elizabeth Harker, (202) 395-3750, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th St., NW., Washington, DC 20503.

Dated: April 10, 1992.

M.J. Bradia,

Executive Director.

[FR Doc. 92-8793 Filed 4-15-92; 8:45 am]

BILLING CODE 7630-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth Fogash (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, Washington, DC 20549.

Extension

Rule 206(3)-2—File No. 270-216

Rules 8b-1 through 8b-32—File No. 270-185

Notice is hereby given pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) that the Securities and Exchange Commission (Commission) has submitted a request for extension for Rule 206(3)-2 under the Investment Advisers Act of 1940 (17 CFR 275.206(3)-2) and Rules 8b-1 through 8b-32 (17 CFR 270.8b-1 to 270.8b-32), a family of rules under section 8(b) of the Investment Company Act of 1940.

Rule 206(3)-2 permits registered investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 by obtaining a blanket consent from a client to enter into agency cross transactions, provided certain disclosure is made to the client. Approximately 100 respondents utilize the rule annually, necessitating about 122 responses each year, for a total of 12,200 responses. Each response requires about .5 hours, for a total of 6,100 hours.

Rules 8b-1 through 8b-32 provides standard instructions to guide persons

SHIELDALLOY METALLURGICAL CORPORATION, NEWFIELD, NJ

1. Site Identification

Shieldalloy Metallurgical Corporation
Newfield, NJ

License No.:	SMB-[illegible]743
Docket No.:	040-07102
License Status:	Active—timely renewal
Project Manager:	Gary Comfort, FCSS
LLWM Monitor:	C. Glenn

2. Site and Operations

Specialty ferro alloys are manufactured at this facility. The site covers 27 hectares (67 acres) in Newfield, New Jersey. Operations began in 1955 and are on-going. There are multiple buildings on the property; however, all smelting operations involving source material are conducted in a foundry near the west central portion of the site. Licensed ores are stored in a warehouse near the foundry. Licensed slag containing thorium and uranium is located in two piles (standard ratio and high ratio) in a controlled area. Exhaust air from processing activities passes through baghouse dust collectors. Dust collected in the baghouses is considered as licensed material and is accumulated in a pile located within the confines of the controlled area. These piles are described below.

Standard Ratio Pile -- this pile consists of 42,000 metric tons (46,100 tons) of slag in a volume of 16,800 m^3 (595,000 ft^3). The slag contains concentrations of Th-232 averaging 19.1 Bq (516 pCi)/g, Ra-226 averaging 4.55 Bq (123 pCi)/g, and U-238 averaging 7.47 Bq (202 pCi)/g.

High Ratio Pile -- this pile consists of 3200 metric tons of slag in a volume of 1000 m^3 (35,000 ft^3). The slag contains concentrations of Th-232 averaging 13.5 Bq (366 pCi)/g, Ra-226 averaging 2.6 Bq (69 pCi)/g, and U-238 averaging 3.9 Bq (105 pCi)/g.

Baghouse Dust Pile -- this pile consists of 12,000 metric tons (13,400 tons) of lime dust in a volume of 15,000 m^3 (530,000 ft^3) with concentrations of Th-232 averaging 2.0 Bq (55 pCi)/g and Ra-226 and U-238 each averaging 0.59 Bq (16 pCi)/g.

Processing of non-radioactive materials in other (i.e., non-licensed) facilities on the site has resulted in a plume of chemical (non-radioactive) contamination in the ground water (primarily chromium). This has caused the site to be a high-priority listing on the Superfund National Priorities List (NPL). Ground water remediation is ongoing.

3. Radioactive Wastes

ils around the piles, and at numerous locations around the main yard of the site and foundry building, are contaminated. Average soil concentrations of Th-232, Ra-226, and U-238 are 1.06 Bq (28.6 pCi)/g, 0.31 Bq (8.4 pCi)/g, and 0.39 Bq (10.5 pCi)/g, respectively.

Some offsite contamination has occurred. Levels of radionuclides in some soil samples outside the perimeter fence exceed 0.37 Bq (10 pCi)/g above background for thorium and radium and 1.3 Bq (35 pCi)/g for uranium. Certain offsite locations on Haul Road, which leads from the southern perimeter of the site to Weymouth Road, have elevated levels of direct gamma radiation (greater than 0.00258 μC/kg [10 μR]/hr above background). Haul Road and its immediate vicinity have not been adequately characterized.

Since December 1989 Shieldalloy has been performing quarterly gross alpha and gross beta analyses on grab samples obtained from 5 wells located on-site and down-gradient, and 1 well located on-site and up-gradient from the Source Material Storage Yard (SMSY). These samples have occasionally indicated elevated concentrations, the highest being 2.5 Bq (67 pCi)/l gross alpha and 20 Bq (530 pCi)/l gross beta. Sediments from area drainage pathways leading from the site indicate some locations of contamination at and just beyond the plant perimeter but there is no accumulation of radioactivity in area surface water.

4. Description of Radiological Hazard

Site access is controlled. The site poses no immediate threat to the public health and safety. The contamination present is relatively insoluble radium, thorium, and uranium in the slag, baghouse dust piles, and soil. Diffusive leaching of each of these radionuclides from the slag was determined to be insignificant in a leachability test performed in 1991/92 by Shieldalloy in accordance with ANSI 16.1. Low concentrations of Th-232, U-238, and Ra-226 in subsurface soil and water provide additional evidence that contamination from the site operations is not migrating into the soil or ground water. Soil contaminants appear to be limited to the upper 30to60 cm (1-2 feet) of soil. A likely pathway and source of contamination beyond the controlled areas appears to be overland runoff from the baghouse dust piles and from spills and fugitive emissions that might occur during routine unloading of dust from the bag houses into trucks and during transport to the SMSY. The nature and extent of this contamination has been partially determined by the site characterization report submitted in April 1992. Shieldalloy will be asked to take appropriate cleanup and mitigative measures.

A walkover survey indicated elevated gamma exposure rates of up to 45 nC/kg (175 μR)/hr at 1 meter above the surface at the perimeter fence. Most of the elevated levels are due to gamma shine originating from the licensed slag piles.

Radiation doses to the worker and the nearest resident are expected to be within the limits of 10 CFR Part 20.

5. Financial Assurance/Viable Responsible Organization

Shieldalloy is owned by Metallurg, Inc., and all licensed activities were conducted by Shieldalloy. Shieldalloy seems able and willing to undertake cleanup activities but claims that in the absence of insitu disposal, or recovery of useful material, it does not have the means to fund offsite disposal of licensed material.

Shieldalloy currently holds financial assurance in the amount of $750,000.

6. Status of Decommissioning Activities

Shieldalloy has stated that they are committed to decommissioning the facility at the cessation of operations. Shieldalloy is emphasizing new procedures and housecleaning techniques to keep any newly produced licensed material within controlled areas. There is no expectation for a detailed decontamination plan any time in the near future since the facility is still operating.

In conjunction with a survey for nonradiological hazards for the New Jersey Department of Environmental Protection for Superfund remediation activities, Shieldalloy has completed a limited survey of radioactivity on site and in the site vicinity. A radiological characterization report was finalized in April 1992.

7. Other Involved Parties

The site is on the NPL, so NRC activities are being conducted in coordination with the New Jersey Department of Environmental Protection and the U.S. EPA.

8. NRC/Licensee Actions and Schedule

- environmental assessment — September 1993
- safety evaluation report — December 1993

9. Problems/Issues

Shieldalloy's lack of funds to dispose of licensed material off site. Shieldalloy is currently generating waste at a rate which will exceed their possession limits in 1996 or 1997. NRC has told Shieldalloy that the possession limits will not be increased if an acceptable decommissioning funding plan has not been submitted.