Docket No. 40-7102

ENVIRONMENTAL IMPACT STATEMENT SCOPING PROCESS

ENVIRONMENTAL SCOPING SUMMARY REPORT

Shieldalloy Metallurigical Corporation
Newfield, New Jersey

May 2007

U.S. Nuclear Regulatory Commission
Rockville, MD

Environmental Impact Statement Scoping Process
Environmental Scoping Summary Report
Proposed Decommissioning Plan for the
Newfield Facility, Shieldalloy Metallurgical Corporation, New Jersey

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List of Acronyms and Abbreviations

ADAMS	Agencywide Documents Access & Management System
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DEIS	Draft Environmental Impact Statement
DP	Decommissioning Plan
EIS	Environmental Impact Statement
FR	Federal Register
HPO	(New Jersey) Historic Preservation Office
LTC	Long-Term Control
NEPA	National Environmental Policy Act
NMSS	Nuclear Materials Safety and Safeguards
NOI	Notice of Intent
NPL	National Priorities List
NRC	Nuclear Regulatory Commission
NRHP	National Register of Historic Places
SER	Safety Evaluation Report
SMC	Shieldalloy Metallurgical Corporation
TCLP	Toxicity Characteristic Leaching Procedure
USGS	U.S. Geological Survey

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1. INTRODUCTION

In August 2001, the Shieldalloy Metallurgical Corporation (SMC) notified the United States Nuclear Regulatory Commission (NRC) that it was terminating its operations and intended to decommission its facility in Newfield, New Jersey (NRC Agency Wide Document Management System (ADAMS) Accession No. ML012570371). The SMC facility had conducted smelting and alloy production from 1940 through 2001 and, as part of the manufacturing process, used a niobium ore called pyrochlore, which contains natural uranium and thorium. Because this ore was a "source material," SMC obtained a radioactive materials license from the Atomic Energy Commission, the predecessor agency to the NRC. SMC operated under this license from 1955 to 1998 and eventually received NRC authorization for on-site possession of 45,000 kilograms of uranium and 303,050 kilograms of thorium. During operations, SMC generated approximately 18,000 cubic meters of slag and approximately 15,000 cubic meters of baghouse dust. The slag material remained after metal extraction from the ore; baghouse dust, contained in bags, is particulate matter that was generated from stack emissions during operations. The slag material and baghouse dust are stored within the 7-acre storage yard area located in the northeastern portion of the property.

In addition to a portion of the site being used for storage of accumulated materials with residual radioactivity, the SMC site is also on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities List (NPL) because of past operations that resulted in chromium contaminating the groundwater. Groundwater remediation is currently underway.

SMC notified the NRC on August 27, 2001 that it had ceased production activities using source material and intended to decommission the facility (ADAMS Accession No. ML012570371). On August 28, 2002, SMC submitted a Decommissioning Plan for the Newfield Facility for NRC staff review. The license is in timely renewal and was amended on November 6, 2002, to authorize decommissioning activities such as characterization and decontamination (ADAMS Accession No. ML02322068).

SMC has proposed to decommission under restricted conditions, as provided for in NRC regulations (10 Code of Federal Regulations [CFR] 20.1403). The applicant's proposed approach is to maintain a possession-only license for long-term control (LTC), which would allow some residual radioactivity to remain onsite with restrictions imposed on the site's future use and with the use of an engineered barrier to meet NRC's requirements for protecting public health and safety and the environment. Alternatives to SMC's proposed approach will also be evaluated in the environmental impact statement (EIS).

In accordance with NRC regulations in 10 CFR Part 51 and the National Environmental Policy Act (NEPA), the NRC is preparing an EIS to evaluate the proposed action to inform its decision-making process. The proposed action is to safely remove the SMC Newfield facility from service and to reduce residual radioactivity to a level that permits release of most of the property for unrestricted use. The proposed action would also release 8 acres of land under restricted conditions and amend NRC License No. SMB-743 to a LTC license. The EIS will evaluate the potential environmental impacts associated with the proposed action. The NRC staff will also prepare a Safety Evaluation Report (SER) to document the staff's review of health and safety issues associated with the proposed action.

As part of the NEPA process, scoping was initiated December 2006 with the publication in the *Federal Register* (FR) of a Notice of Intent (NOI) to prepare an EIS and to conduct the scoping process (71 FR 78232). Scoping is an early and open part of the NEPA process designed to help determine the range of alternatives to consider, the issues to address in the EIS, and the potential impacts from the proposed action. The NRC solicits input from the public and other agencies to focus on issues of genuine concern.

On December 12, 2006 the NRC staff held a public scoping meeting in Newfield, New Jersey to receive both oral and written comments from interested parties on the environmental review for the proposed action. A member of the NRC's communication staff mediated the scoping meeting, and other NRC staff gave presentations on the NRC's role and responsibilities in actions of this type, on the NRC's safety review process, and on the NRC's environmental review process. Following the presentations, the balance of the meeting was reserved for attendees to ask questions and to make comments on the scope of the environmental review.

This report has been prepared to summarize the determinations and conclusions reached in the scoping process as required in 10 CFR 51.29(b). The public will be invited to submit additional comments after publication of the draft EIS (DEIS). Availability of the DEIS, the dates of the public comment period, and information about a public meeting to discuss the DEIS will be announced in the Federal Register, on NRC's website[1], and in the local news media when the DEIS is distributed. After evaluating comments on the DEIS, the NRC staff will issue a final EIS.

This report is organized into four main sections. This first section provides an introduction and background information on the environmental review process. Section 2 summarizes the comments and concerns expressed by federal and state government officials, state agencies, and the public during the scoping period. Section 3 identifies the issues that the EIS will address, and Section 4 describes those issues that are not within the scope of the EIS.

[1](http://www.nrc.gov/info-finder/decommissioning/complex/shieldalloy-metal/smc-dp-er.html)

2. Issues Raised During the Scoping Process

2.1 Overview

A total of 64 individuals signed in at the December 12, 2006 public scoping meeting, although, the overall attendance appeared to be much greater. During the meeting, five organizations or individuals submitted written comments and 36 individuals provided oral comments. The scoping meeting transcript is available on the NRC's public website[2]. Written comments received by the NRC at the meeting and during the scoping period are available through ADAMS[3].

Approximately 15 NRC staff attended the scoping meeting. NRC staff also provided fact sheets and informational poster boards for interested parties to review prior to and following the scoping meeting.

Public participation in the scoping process is important to determine the major issues that the NRC should consider in the EIS. Individuals providing oral and written comments addressed several subject areas related to the proposed SMC Decommissioning Plan and EIS development. In addition to private citizens, the commenters included:

- The Honorable Robert Menendez, United States Senator for New Jersey
- A representative from the office of the Honorable Frank Lautenberg, United States Senator for New Jersey
- A state elected official from the Fourth Legislative District of New Jersey
- A representative from the Cumberland County Board of Chosen Freeholders
- Mayor of the City of Newfield
- Mayor of the City of Vineland
- A representative from the Newfield City Council.
- A representative from the Bureau of Environmental Radiation in the New Jersey Department of Environmental Protection (NJDEP)
- A representative from the Franklin Township Environmental Commission
- Representatives from local organizations, including:
  - Green Action Alliance.
  - New Jersey Sierra Club

[2]http://www.nrc.gov/info-finder/decommissioning/complex/shieldalloy-metal/smc-dp-er.html

[3]http://www.nrc.gov/reading-rm/adams.html

  - Citizens United to Protect Maurice River

- A representative from Energy*Solutions* in Utah.

The following general topics categorize the comments received during the scoping process:

- Opposition to SMC's proposed action
- Decommissioning and environmental review process
- Alternatives
- Cost and financial assurance
- On-site contamination
- Health and safety
- Air quality
- Water quality and ecological issues
- Property values
- Cultural resources
- Cumulative effects.

Attachment A identifies comments from the December 12, 2006 scoping meeting, comment bins for the general subject areas, and identifies the commenter.

2.2 Summary of Issues/Concerns

The following discussion summarizes oral and written comments received at the scoping meeting and throughout the public scoping process and addresses the topic by either technical area or issue.

2.2.1 General Opposition to the Proposed Action

Many commenters noted their strong opposition to the proposed action described in SMC's Decommissioning Plan, i.e., on-site consolidation of the residual radioactivity. Many commenters stated they wanted all radioactive materials removed from the site and the site made available for productive use. Commenters raised questions about the validity of SMC's statements that removal would be too costly and stated that full removal would take only a limited amount of time to complete. One person stated that Energy*Solutions* could clean up the site in less than a year by removing the radioactive material offsite. Another commenter presented a resolution that had been passed by three county boards opposing SMC's proposed actions and noting that safe storage at other facilities at a reasonable cost was an option.

Several commenters expressed general concerns over the impact of the site on quality of life issues if the materials were allowed to be left in place. They commented on impacts to health and safety, property values, future site reuse, and the overall well-being of the community and the quality of the community as a place to live and raise a family.

Corporate Responsibility and Accountability

One commenter stated that the SMC plan showed a lack of corporate responsibility. Another commenter indicated that the historic actions taken by SMC to landfill radioactive material on the site were criminal acts and that laws were broken. A commenter expressed concern about SMC's position on transporting the material offsite, i.e., that it was contradictory for Shieldalloy to say that the radioactive material is harmless if left onsite but that transporting the material offsite would be a threat because an accident could expose people to unsafe materials. The commenter believed that the issue was a question of economics and that the community should not have to pay because a company is unwilling to pay.

Commenters also were concerned about the slowing pace of programs geared to cleaning up contaminated sites and that taxpayers are paying both financially for cleanup of these sites and with the health of their families. Several commenters noted that the cleanup process seems to be taking a long time. One commenter stated that permitting a private entity to walk away after causing the contamination to occur is unacceptable and bad public policy. Another commenter stated that it was the NRC's responsibility to see that the site was cleaned up safely and returned to productive use.

2.2.2 Decommissioning and Environmental Review Process/Decision Making and Evaluation Process

Some commenters asked about the decommissioning process at SMC's Cambridge, Ohio site and similarities and differences between that site and the Newfield, New Jersey site. A commenter requested detailed information about the Cambridge site and decommissioning process. The commenter also asked if the NRC was concerned about SMC's ability to finance two decommissionings and to monitor two sites.

Another commenter asked for information on the number of sites nationally that are undergoing a decommissioning process similar to that at Shieldalloy and requested information as to the typical outcome of this process at other sites.

Many commenters raised concerns regarding the NRC approval process for the Decommissioning Plan and the NEPA analysis. Several commenters asked how the process works, the steps in the process, and about the timing for each step. Commenters asked what would happen if the Decommissioning Plan was denied, what a denial would mean, whether SMC could resubmit the plan, and when the process would end.

A commenter asked what the appeal process would be if NRC staff accepted the proposed Decommissioning Plan. The commenter stated that existing and future license conditions should be clearly described and defined (e.g., kilograms of radioactive material vs. actual amount of slag and the means of calculating on-site material should be defined and specific). Two commenters questioned the NRC staff position in the evaluation process: they felt that the NRC was protecting SMC, relying too heavily on SMC's cost analysis, and was not concerned enough about the health and safety of the people of Newfield.

Several commenters questioned the NJDEP's role and the potential for New Jersey becoming an NRC Agreement State. Commenters asked how New Jersey would become an Agreement State, what being an Agreement State would mean, and the impact this would have on both the project and the decommissioning process. A commenter also asked about the differences between standards in NRC and NJDEP regulations. One commenter noted that a previous Shieldalloy bankruptcy filing did not represent an agreement on the part of the State of New Jersey to cap funds required for decommissioning.

Another commenter asked for clarification on the January 15 deadline for a hearing request since, at that time, there would be no NRC action on which to base an appeal or challenge. The commenter noted that typically a person requests a hearing in response to some governmental action that affects his or her rights.

2.2.3 Alternatives

Six commenters asked if there were disposal options other than storing the accumulated materials onsite and if the NRC had the ability through the environmental review process to consider other clean-up alternatives.

Another commenter asked if the uranium could be sold as a commodity and questioned SMC's efforts to consider a uranium extraction alternative. A *Wall Street Journal* article about an 800 percent increase in the price of uranium since 2001 was cited and compared with Shieldalloy statements that the prices would need to go up by a factor of 8 to consider it as a viable alternative. The commenter requested that the uranium-extraction alternative be reanalyzed.

Another commenter stated that the EIS should consider the Decommissioning to Unrestricted Use/License Termination (off-site disposal of radioactive materials) alternative.

Finally, a commenter stated that each alternative should consider security monitoring for the Shieldalloy site: specifically, the type of monitoring that would be required if the site were to have restricted release and what the cost would be for security monitoring. Comments were also received regarding how long it would take to clean up the site.

2.2.4 Cost/Financial Assurance

Energy Solutions Removal Costs

An Energy*Solutions* representative noted that they had given SMC a turnkey fixed price estimate of $33,056,000 to clean up the site, including off-site disposal of material within a one-year completion timeframe. The commenter also cited Energy*Solutions*' statistics with respect to its experience and safe track record with packaging, transporting, and shipping materials and products.

Cost-Benefit Analysis

A commenter stated that a cost-benefit analysis must be conducted to determine the removal costs compared with the benefits and stated that the community's health and safety outweighs Shieldalloy financial concerns. This commenter also noted that the cost-benefit analysis should consider the costs for sampling of groundwater, security monitoring, cap and fence repair and replacement, and the impact on property values; groundwater cleanup costs in the event

leaching from the engineered barrier were to occur; soil sampling on and offsite, sediment analysis of the Hudson Branch, and storm water runoff sampling. Another commenter stated that the existing cost-benefit analysis is deficient and that the EIS analysis should include the costs associated with the loss of tax revenues from having an unusable/restricted site and the costs of the negative impact on future site reuse of the proposed action.

Financial Assurance

Several commenters were concerned about what would happen if SMC did not have the necessary funds to complete the decommissioning. Several comments questioned whether Shieldalloy could afford the cost to decommission and whether the company would also be held financially accountable for any required continuous monitoring. Commenters asked if SMC's existing assets could be preserved to help cover costs for decomissioning the site. Others asked what would happen if SMC filed for Chapter 11 and whether a bond had been established for this process. A commenter asked the NRC to provide information on what would happen if SMC claimed bankruptcy prior to NRC decisionmaking and the potential financial implications.

One commenter asked if the decommissioning burden would fall on the taxpayers if SMC did not have the financial means to complete the job. A commenter asked about the $11 million in financial assurance referred to in SMC's Decommissioning Plan. The commenter asked whether this amount was approved by the NRC and if it was all of the SMC funding available to cover decommissioning.

Another commenter asked if similar ongoing decommissioning projects could be studied to evaluate how other projects have handled financial assurance when the financial viability of the licensee is an issue.

2.2.5 On-site Contamination

Quantity and Removal of Accumulated Materials

Commenters asked if and how frequently the NRC monitored the site since SMC began storing materials. A commenter asked if the public could obtain copies of the monitoring reports to verify that the required monitoring was done correctly.

Several commenters asked why SMC was allowed to accumulate materials for such an extensive amount of time, and another commenter asked why the slag pile was allowed to continuously grow since SMC had possessed a license. Two commenters asked about the volume of radioactive materials currently stored on site. Another commenter questioned where process area materials would be stored once that area was cleaned up and whether they would be disposed of offsite at a low-level radioactive waste disposal site or added to the existing storage yard area.

Cleanup Standards

A comment was made regarding whether the proposed Decommissioning Plan met the State of New Jersey's standards for cleanup—specifically, the use of the NRC standard of 25 millirem (mrem)/year to allow unrestricted release of property compared with the NJDEP standard of 15 mrem/year (dose standard to the public) as a cleanup criteria.

Another commenter asked how the upper limit for possession of licensed material was determined and was concerned that more material than is licensed could be on site if subsurface material is also present.

Long-term Impact of Radioactive Material

A commenter stated that it was his understanding that the radioactive slag will take anywhere from 500,000 years to 14 billion years to break down and that the SMC plan calls for the site to be closed and monitored for 1,000 years. The commenter expressed concern that NRC readily admits that the site will contain radioactive materials well beyond that time frame and stated further that the plan would not be in the best interest of the citizens of Newfield. Another commenter asked about the 1,000-year scenarios, noting that this time frame is hard to conceptualize.

A written comment questioned statements regarding the reasonably likely foreseeable future use (100 years) scenarios for the site and assumptions made regarding these scenarios in the Decommissioning Plan dose assessment. The comment specifically questioned the Decommissioning Plan's assertion that existing site-use restrictions on natural resource restoration, potential future-use restrictions because of chemically contaminated soil, and the presence of the Pinelands National Reserve result in a land buffer that prevents construction close to the engineered barrier. The commenter stated that residential use must be considered a future-use scenario and that residual chemical contamination properly managed by engineering and institutional controls as part of a remedial action does not preclude future use of the site.

Characterization of Materials to be Consolidated in the Engineered Barrier/Leachability of Materials

A commenter stated that contradictory information was presented in the Decommissioning Plan regarding the engineered barrier. If rainwater could infiltrate the permeable engineered barrier, then radionuclides could leach directly into the groundwater.

A commenter stated that materials such as soils and building materials that would be covered by the engineered barrier should be analyzed for leachability of radionuclides. Representative samples should also be analyzed using Toxicity Characteristic Leaching Procedures (TCLP) to determine if they are hazardous waste and prohibited from disposal. The commenter also noted that an insufficient number of slag material and baghouse dust samples had been analyzed for TCLP and radionuclide analyses and that a more representative number of samples should be taken to adequately characterize materials for leachability of both radionuclides and chemical constituents prior to being capped under the engineered barrier.

The commenter questioned the TCLP results with respect to radium contamination, stating that the results indicated that radium may leach from the slag, which contradicts earlier statements that the slag is resistant to leaching.

2.2.6 Health and Safety

One commenter questioned the safety of allowing open access to materials onsite. Several commenters felt that immediate steps should be taken to address the existing residual radioactivity to protect residents' health.

A commenter asked how NRC determines if a site is safe and what NRC considers safe levels of community exposure. Another commenter suggested that the LTC license would not be applicable to this specific site because these types of licenses were originally designed for use at uranium mines in remote locations and not for use in residential communities.

A commenter asked about determining linear threshold values for safe levels of radiation at the site. Commenters said that the existing health conditions of residents should be considered in evaluating the impacts. A commenter was concerned about the health of the children in the community. Another commenter noted that a hill the size of the one planned would be attractive to children for recreational use such as sledding or riding four-wheelers.

Several commenters stated that cancer incidences are a major concern in the community and should be evaluated relative to SMC operations and disposal history. A cancer/health study was requested by several commenters.

A commenter was concerned about the public being impacted by the dust sitting in the open and blowing throughout the community and asked whether monitoring indicated there was a human health concern.

One commenter said the site threatens the health of residents downstream of the Maurice River watershed.

Other safety concerns related to responsibility for cap and fence repair and replacement.

2.2.7 Air Quality

Several commenters asked how baghouse dust is stored and if there was any concern about containers breaking and dust particulates being spread by the wind onto cars and houses and being ingested by nearby residents. Commenters requested that impacts from the baghouse dust be evaluated.

Another commenter questioned the chemical composition of the baghouse dust and suggested that the dust does not stop at the property fence line but is migrating into the community.

2.2.8 Water Quality and Watershed Issues

Groundwater

A commenter stated that the U.S. Geological Survey (USGS) has issued a report that asserts that SMC activities have raised the level of radioactivity in the groundwater above drinking water

limits. Another commenter expressed concern over migration of contaminants to the groundwater as a result of moisture getting into the cap if the cap cracks or if there are other breakdown/failures of the engineered barrier.

Several commenters expressed concern that the Cohansey aquifer, which has been designated by the EPA as a sole source aquifer, either could be or is being damaged by site contamination at SMC. A commenter stated that the impact of acid rain infiltrating areas containing chemical and radioactive material is not known and is a concern because it could potentially contribute to leaching of materials into the Cohansey Aquifer.

Another commenter stated that the EIS must address groundwater as an exposure pathway.

A commenter stated that just because the groundwater is contaminated now does not mean that the groundwater could not be a potable water source within the next 1,000 years, especially since the groundwater could be remediated within a 20-year time frame.

A commenter asserted that even though municipal supply wells are located upgradient of the site, the presence of large-volume irrigation wells in the immediate area, together with the constant pumping of the municipal wells, could result in the transport of contaminated water in the direction of potable wells over the course of 1,000 years.

Surface Water

A commenter stated that the EIS must address potential sediment and surface water contamination.

Watershed Impacts

Another commenter was concerned about the cumulative impacts on the Maurice River watershed from the SMC site combined with the impacts from a Superfund site located downstream. A commenter noted that the lower Maurice River is designated as a federal Wild and Scenic River and that bald eagles exist in the watershed and should be protected.

Flooding

A commenter asked if the flooding that occurs in the region had been considered and whether the impact of potential large-scale flooding on proposed site activities was understood.

2.2.9 Property Values and Aesthetics

A commenter asked what impact a 30 foot-high pile with residual radioactivity would have on local aesthetics and the overall economic value of the property.

Several commenters voiced a concern about the impact on housing values in the neighborhood resulting from consolidating radioactive materials under an engineered barrier. Some commenters also questioned Shieldalloy's statements related to the impact on commercial and industrial property values: they felt that the perception of the site as a radioactive dump would have long-term impacts on the community's ability to attract future development.

2.2.10 Transportation

A commenter was concerned about impacts on the roads from increased traffic resulting from decommissioning activities.

2.2.11 Cumulative Effects

A commenter stated that the EIS should consider the past, present, and foreseeable future actions at and near the site with respect to its long history and the potential radiological and chemical contamination resulting from operations.

2.2.12 Cultural Resources

The State of New Jersey Historic Preservation Office (HPO) concurred with a 1994 recommendation from a Phase 1A Reconnaissance report prepared for the SMC facility (Cultural Resource Consulting Group 1994), which stated that a Phase 1B cultural resource survey of site portions containing sufficient subsurface integrity should be conducted if ground-disturbing activities would extend below the plow zone. This report also recommends that the specialty glass stack, located in the former manufacturing area on the northwest portion of the site, should be evaluated as a candidate for National Register of Historic Places (NRHP) eligibility.

The commenter also noted that if the stack were to be removed, the HPO states that this constitutes an adverse effect and would necessitate a Memorandum of Agreement among the U. S. Environmental Protection Agency, the NJDEP Bureau of Federal Case Management, SMC, and the New Jersey HPO to be submitted to the Advisory Council on Historic Preservation.

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3. Scope of the Draft Environmental Impact Statement (DEIS)

NEPA (Public Law 91-190, as amended) and the NRC's Implementing Regulations for NEPA (10 CFR Part 51) define the contents of an EIS prepared by NRC staff. These regulations broadly define the areas to consider in the assessment of potential impacts from the proposed action and alternatives. The NRC has also prepared environmental review guidance for its staff to support the the environmental review of licensing actions ("Environmental Review Guidance for Licensing Actions Associated with Office of Nuclear Materials Safety and Safeguards (NMSS) Programs, NUREG-1748). The EIS public scoping process helped to identify and refine the project-specific issues to consider in the DEIS.

The NRC identified reasonable alternatives to the proposed action during the scoping process. The scope of the DEIS will consider both radiological and non-radiological (including chemical) impacts associated with the proposed action and alternatives. The following resource topic areas and issues will be discussed in the DEIS.

- Purpose and Need for the Proposed Action
- Alternatives
- Compliance with Applicable Regulations
- Land Use
- Transportation
- Geology and Soils
- Water Resources
- Ecology
- Air Quality
- Noise
- Historic and Cultural Resources
- Visual/Scenic Resources
- Socioeconomics
- Environmental Justice
- Public and Occupational Health
- Waste Management.

The DEIS will also identify proposed mitigation measures such as monitoring and address unavoidable adverse impacts, economic impacts, the relationship between short-term uses of environmental resources and long term productivity, and irreversible and irretrievable commitments of resources. Cumulative impacts of the proposed action and reasonable alternatives also will be considered in accordance with NUREG-1748. Finally, the DEIS will also address short- and long-term impacts.

The development of the DEIS will be closely coordinated with the Safety Evaluation Report being prepared by NRC staff so that the NRC can thoroughly evaluate the health and safety impacts of the proposed action and alternatives.

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4. Issues Outside the Scope of Action

In addition to raising important issues about the potential environmental impacts of the proposed action, some commenters offered opinions and concerns that may be relevant to the proposed action but are outside of the scope of the EIS. Commenters requested evaluations of existing and past health problems (i.e., cancer incidences) of residents living in the area to understand if these health issues are linked to historic operations at the Shieldalloy site. Several commenters stated that a cancer cluster study of the neighborhood should be performed. These comments are important and have been noted but are not within the scope of the EIS. Other commenters expressed general statements of either their support for or opposition to the proposed action, commented about the NEPA process, corporate accountability, or whether the site would be considered a low-level radioactive waste site. Another commenter asserted that on-site materials could be used by terrorists to make a “dirty” bomb. These comments do not fall within the scope of environmental issues to be analyzed in the EIS.

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Comment Matrix - December 12, 2006

EIS Public Scoping Meeting

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Commenter	Affiliation	General Subject	Representative Comment	Official Transcript of Proceedings – Comment Reference page
Tom McKee	New Jersey Sierra Club	Decommissioning and Environmental Review Process; Alternatives	[Of] the four outcomes that were possible from this . . . one of them was the denial of the decommissioning plan. What are the options for Shieldalloy upon that denial? . . . Are there options other than landfilling and removing the waste? . . . I am confused about the process. It seems like there's no end to it. . . . if you deny [the decommissioning plan] . . . do they then have to clean it up or not?	31-34
		Decommissioning and Environmental Review Process	The Sierra Club feels that the NRC already has enough information to make a decision on this application. . . . Two more years of review are not needed. The NRC is well positioned at this point to say no now.	102-103
		Water Quality and Ecological Issues	The Sierra Club objects to the NRC considering a license for a radioactive waste landfill that is designed to discharge to one of New Jersey's most important aquifers, the Cohansey. This aquifer has been designated by the United States Environmental Protection Agency as a sole source aquifer. . . . All federal agencies are supposed to target these for special protections.	102

Commenter	Affiliation	General Subject	Representative Comment	Official Transcript of Proceedings – Comment Reference page
Joe McGovern	Park and McCay Law Firm, special environmental counsel to the Glouchester [sic] County Board of Freeholders	Decommissioning and Environmental Review Process	I'm trying to figure out in the context of these proceedings what is it exactly that I'd be challenging as of January 15th. There's no NRC action at that point in time yet that I can understand the basis of an appeal or a challenge. . . .exactly what type of filing [is] the NRC looking for by January 15th.	35
Fred Akres	Water Quality Project Manager for Citizens United to Protect the Maurice River	On-site Contamination: Quantity and Removal	. . . you talk about the quantity of material that was licensed in kilograms, but then when you talk about how much material is on the site, you talk about it in terms of cubic meters. . . . how much nuclear material do they possess on the site?	37-38
Loretta Williams		Decommissioning and Environmental Review Process	. . . this could drag on to 2011 because if NRC actually denies their decommission plan, they can resubmit. So they could resubmit several times between now and 2011? . . .	39
		Alternatives	Energy Solutions can clean this up in less than a year by removing it off-site and burying it in their site in Utah . . .	39 -40

Commenter	Affiliation	General Subject	Representative Comment	Official Transcript of Proceedings – Comment Reference page
Kevin McCouch	Resident, Cumberland County	On-site Contamination: Quantity and Removal	[As a result of] the cleanup of the processing buildings on the 67 acres that they've asked to have for unrestricted release, where does that contaminated material go, left on-site or does it have to be taken off-site to another low-level dump?	44
		Property Values and Aesthetics	. . . the NRC [should} . . . consider the economic impact on the housing values, on the industrial values here in this area.	91
		Water Quality and Ecological Issues	. . . this site sits on a stream that feeds into the upper Maurice River . . . what [might] acid rain do [to] that radioactive material if it's left on-site or if there are any other heavy metals . . . that . . . may leach into the Cohansey Aquifer or into the Maurice River.	91
Jeremy Shane		Air Quality	I want to know a little more about the baghouse dust. I want to know what it's stored in, if there's any danger of . . . the dust being spread by the wind until the cleanup process is done.	45

Commenter	Affiliation	General Subject	Representative Comment	Official Transcript of Proceedings – Comment Reference page
Honorable Perry D. Barse	Mayor of Vineland	Decommissioning and Environmental Review Process	How many different municipalities or corporations or businesses are going through this very process? . . . what has been the result of these various hearings on these different sites around the country?	48
		Air Quality; Health and Safety	. . . ongoing testing . . . and monitoring of those [air] particulates [is good]. But there's no cover-up. There's no tarp or anything of that nature. . . . But what happens on the day you're monitoring and all of a sudden . . . we have a problem here. How long has the wind been blowing? How many particulates have gone into the air? How many Vineland and Newfield and residents of this area are breathing that? Today we have a problem. We haven't [had] it for months, but today we have a problem. That day do we put a tarp on it? Do we get nervous? Do we get concerned? . . . the day we have a problem do we tell the wind to stop blowing?	94-95
		Property Values and Aesthetics	. . . we know what we have in the borough of Newfield with these nuclear wastes . . . We do a lot of economic development in Vineland . . . and [nuclear wastes are] not something that's going to be looked at in a positive bein . . .	95

Commenter	Affiliation	General Subject	Representative Comment	Official Transcript of Proceedings – Comment Reference page
Christina Bono		On-site Contamination: Quantity and Removal	Why can't there be some form of a containment right now to get this cleaned up? The longer it sits out, the longer we're all subjected to everything	49
		Cost/Financial Assurance	. . . what happens if ShieldAlloy bankrupts? They Chapter 11. Who gets the bill? Do citizens . . . have to pay for the cleanup? . . . Is there a bond establishment?	49-50
Sue Mavilla		General Opposition to the Proposed Action: Corporate Responsibility	. . . I think NRC has a responsibility to this town to return this town and to return the land to where it was in 1955.	51
Barbara Marcyniuk		General Opposition to the Proposed Action	I . . . support [Sue Mavilla. Shieldalloy must clean up its own mess.]	52 - 53
Sue Birch		Health and Safety	I want some clarification on what you consider safe levels. . . . Where do you come up with your safe levels and how many illnesses are considered safe for your statistics?	53

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Douglas Rainier	Director of the Cumberland County Board of Chosen Freeholders and representative for the Glouchester [sic] County Freeholder Board at the request of Senator Sweeney	General Opposition to the Proposed Action	Let me be clear and unequivocal concerning our collective distaste for the proposal by ShieldAlloy to leave this radioactive waste . . . in . . . place. This is especially true in light of the fact there are other options at facilities designed to store these materials safely and at a price that is not unreasonable when balanced against the hazard they present . . . [Mr. Rainier presented a resolution from the board that rejects the Shieldalloy Decommissioning Plan and long-term storage of radioactive waste on the site.]	57
Luis N. Magazzu	Cumberland County Board of Chosen Freeholders, New Jersey Association of Counties	General Opposition to the Proposed Action: Corporate Responsibility	What we cannot afford in our respective communities is 4 or 5 or 10 years of hearings and considerations through which time the corporate leaders who did all of this, drained the financial essence of the company so there's nothing left. And then it puts the burden on the federal taxpayers . . . It's inconceivable to me that criminal acts were not conducted, that laws were not broken . . .	61

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Honorable Richard Westergaard	Borough of Newfield	General Opposition to the Proposed Action; Cost/Financial Assurance	Leaving the material on site is totally unacceptable. It is unacceptable in terms of the cost benefit analysis you must conduct. It is unacceptable in terms of a comparison as to removal costs compared to benefits. It is unacceptable in terms of the restricted use proposed. It is unacceptable in terms of the long-term needs of the project oversight to protect the community. . . . the NRC cannot accept the plan when the state has not yet made a decision.	62-64
		On-site Contamination: Cleanup Standards	Any cost benefit analysis which concludes that the dangers to health and safety, plus the existence of a viable alternative of shipping the material off site, doesn't outweigh the financial concerns of ShieldAlloy, is . . . unacceptable. I want to express the need of your analysis to include costs left out of the ShieldAlloy plan. These include sampling of surface water and ground water, security monitoring, cap and fence repair and replacement, the devastating impact on property values in the region if the material remains, the danger of a cleanup of groundwater in the event of cell leaks. . . . On and off soil sampling, sediment analysis of the Hudson branch, stormwater sampling of run off from the site pile, and groundwater modeling of the plume.	64-65
		Cost/Financial Assurance Alternatives	. . . ShieldAlloy has an alternative. The waste can be safely and quickly excavated and remove[d] . . . without danger.	66-67

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Councilman Jim Milton	Newfield Council	Decommissioning and Environmental Review Process/Decision Making and Evaluation Process	. . . the company (SMC) has hired the largest public relations firm in the country, pretty much. The one that McDonald's uses. And this is a public relations/lobbying firm. . . . they're defending this company on every question . . . [Mr. Milton provided a handout from a citizens group website]	66-67
Steve Schultz	The Honorable Frank R. Lautenburg, U.S. Senator	General Opposition to the Proposed Action Health and Safety	I would like to express my strong opposition to the decommissioning plan recently submitted by ShieldAlloy regarding its site in Newfield, New Jersey. . . . the public voiced their opposition to the plan and . . . described the particulate that flows through the air and lays on their homes and in their cars. They talk about the many Instances of cancer that they feel are directly related to the mismatch at ShieldAlloy. They're concerned about the groundwater and . . . the health of their families. . . . ShieldAlloy's plan calls for the site to be closed and monitored for 1,000 years. However, the NRC readily admits that the site will be contaminated well beyond that time frame. This plan is not in the best interest of the citizens of Newfield.	68 - 69

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Honorable Robert Menendez	U.S. Senator from New Jersey	General Opposition to the Proposed Action: Corporate Responsibility	I want to join my voice in vigorous protest whenever a company proposes to skip town and leave its toxic garbage behind. . . . Polluters should pay for cleaning up their toxic messes, not the public. . . . I urge the Commission to reject this plan . . . Let us do what is in the public interest. It is not to leave a contaminated site for a thousand years, even capped as proposed . . . clean the site up and . . . dispose of [the contaminated material] in an appropriate site.	71 75
		Health and Safety; On-site Contamination: Long-term Impact of Radioactive Material	The residents of Newfield have been exposed to a serious health hazard for quite some time . . . I am aware of concerns in the community that a cancer cluster may exist here and those concerns need to be investigated. . . . If the material is so dangerous that it should [not] be transported, then it certainly shouldn't be encased in Newfield.	72-74

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Honorable Fred H. Madden, Senator	Fourth Legislative District of New Jersey	Cost/Financial Assurance General Opposition to the Proposed Action: Corporate Responsibility Decommissioning and Environmental Review Process/ Decision Making and Evaluation Proces	. . . there was a bankruptcy claim by Shieldalloy back in the early 90s and in order to get out from under that bankruptcy claim, there was a recommendation as to how to move forward financially and it was simply a financial decision on Shieldalloy's part in some kind of negotiations with the federal and the state governments and just basically a bankruptcy claim. And it's the position [of] . . . Shieldalloy or the parent company, that that was also an environmental remedy claim and decision. . . .that agreement in no way represented the State of New Jersey's commitment or agreement to a remedy solution for . . . the low-level radioactive waste that's here.	76-77
Craig Minarich		Property Values and Aesthetics; Cost/Financial Assurance	The economic analysis . . . is . . . woefully inadequate. They basically don't take into account . . . the effects of losing the taxation of any sort of industry there and . . . that [with] what they are proposing [a low-level waste site] they are going to be hard-pressed to find any industry that's going to want to move in next door.	80

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Ed Norr	Green Action Alliance	General Opposition to the Proposed Action	. . . we're in opposition to any plan that leaves the material here in Newfield.	83
		Decommissioning and Environmental Review Process/ Decision Making and Evaluation Process	. . . [are] the NRC's regulations equipped . . . to take these sites and dowhat is right because right now it seems that the polluter is running the show here, not the NRC. . . do we have a process in this country that's going to protect all the people from the cut, cap, and run of the polluters.	84
		Health and Safety	You could put dosimeters on the fence, you could stick something around the site, but that doesn't tell you the whole story. The dust could be throughout the township. People could be breathing it for years and years in the past. . . . some of the concern has to deal with what is the makeup of the dust. . . . [are] there chemicals within that dust.	85
		On-site Contamination: Long-term Impacts	. . . We're looking at ionizing radiation and . . . there is [no] safe level of radiation at this point. . . .The concern is that as you look at the effects that this plant has in the past, in the present, and if the NRC allows this material to stay on-site, the future, there's a serious concern for the men, the women and the children of this area.	86-87

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		General Opposition to the Proposed Action: Corporate Responsibility	Why has all this material sat on this site? Why hasn't some of it been removed? And why hasn't this company taken the responsibility that it needed? When you do your cost analysis, where do you plug in the factors of the people of Newfield, the children of Newfield?	87-88
John Paladino		On-site Contamination: Quantity and Removal	Why are you continuing to let them pollute the area with the slag pile there and this dust that's just laying on top? Why are you allowing this to still happen?	89
Stina Capano	Resident of North Vineland	Health and Safety	My voice is now for all the people who have gone down because of . . . cancer . . . There isn't a household that you talk to that hasn't had somebody that has died or has had cancer.	97
John Nordburg		Air Quality	. . the dump is a problem because of . . . decommissioning . . . there's going to be a dust problem.	98
		Water Quality/Ecological Issues: Flooding	. . . this [slag] pile is [at] an elevation above sea level of 100 feet . . . my ground at my house is 100 [feet] . . .This dirt pile is going to be 30 feet tall and my basement is ten feet below this . . . in 1996 we had a rain storm in South Jersey . . . it busted road dams that [had been] there . . . almost 100 years. . .	100

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		General Opposition to the Proposed Action: Corporate Responsibility	. . . in a bankruptcy court in New York there was $5 million . . . set aside, $750,0000 trust account for the NRC to monitor and control this thing for the next thousand years . . . I would like to know if these facts are true about this bankruptcy . . . I think what Shieldalloy is doing is seeing how they can get rid of this pile as low as reasonably acceptable to them . . .	99-100
		Health and Safety	I wonder how many kids are going to think that 30 foot hill is a place to go snow riding, snowboarding, in the future, going to have four wheelers, quad runners. How many police officers are going to have to take it into account in keeping these children off of it in the future . . . we have to protect our children and the thing to do is to get rid of this pile.	101
Attorney Frank Capese	New Jersey Counsel for Energy Solutions in Utah	Cost/Financial Assurance	[Provided a statement for the record: Energy Solutions has offered to Shieldalloy a solution for $33,056,000. These are fixed costs for a turnkey, all-inclusive site cleanup with off-site disposal of material.] In essence what the company is saying is that within one year of the commencement of the operation the site can be cleaned and the material removed to Utah. . . . Energy Solutions has more than 30 years of experience in transporting, packaging, licensing, managing and shipping or products, and does not believe it would be dangerous to remove the material.	104

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John Lisi		General Opposition to the Proposed Action: Corporate Responsibility	. . . This has been going on for five years. How much longer will this take to get this resolved?	105
		Cost/Financial Assurance	. . . with this long time line . . . how concerned are your , , , that Shieldalloy will not be prepared to fund this process however it is decided. . . . If they were to claim bankruptcy before you decided on a binding, what would the financial implications be for the cleanup?	107-108
Dawn Pennino		Health and Safety	I . . . am living with a brain tumor [and many in my family have had brain tumors as well.] . . . they were definitely not genetic. It has to be environmental. . . . there is nobody in here that can say they were not affected by a cancer . . . a very, very big [thing] in this town. . . . So I'm just begging you on behalf of my children. . . . I beg of you to please do the health study	114-115

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Terry Ragone		General Opposition to the Proposed Action: Corporate Responsibility	While the NRC has said it will take a year to do a detailed assessment of the proposed plan, the public here is at a disadvantage since comments . . . are requested by mid March of '07 from a community that at present has no expertise in interpreting such a plan, and I respectfully request that we have more time to . . . have some independent expertise here. . . . the alternative to capping the waste is not "no action" but rather . . . to haul [it] away to a remote licensed facility . . . the NRC needs to strategize legal ways to enforce Sheildalloy's financial responsibility for a thorough cleanup. So we say, do not approve the proposed decommissioning plan, deny the license amendment, which is an unprecedented step on your part, and do not keep Shieldalloy's license in "timely renewal," which you have been doing for the past 13 years even though all the while they did not have sufficient funds in escrow for cleanup or a feasible decommissioning plan, which are both required for holding such a license for handling radioactive materials. Materials should be removed in 2 years, not 13.	116-118

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Tammy DiGioia		Cost/Financial Assurance	[Shieldalloy] has another facility in Cambridge, Ohio. . . .Can you tell me what are the differences and similarities between this decommissioning and that decommissioning and what the results were? . . .are there any concerns that they're going to have the costs of two decommissionings.	118-119
		Health and Safety	. . . the NRC has said that . . . public safety is the goal here. You have to be able . . . to tell me that there's absolutely no chance of any danger whatsoever to any of my children or you have to make them move it out.	120
		Decommissioning and Environmental Review Process	. . .I believe . . . the EPA . . . said New Jersey is going to become an agreement state in two years. . . .So if this isn't completed by the NRC in that time . . . can the EPA take over or is it because this is already in the works it's in the hands of the NRC . . . ?	123-124
Carol Paladino		Health and Safety	I am very concerned about what is happening to [the children]. . . . They absorb all kinds of materials much more quickly than adults do. . . and there is going to be some health effect . . . We want . . . a safe and healthful community for all of us.	121
John Nessel		Decommissioning and Environmental Review Process	Why wasn't the NRC involved in the Ohio decision?	122

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Kevin Kelton		Decommissioning and Environmental Review Process	Why after all these years is the state deciding to get involved with regulation of nuclear waste? . . . If [New Jersey becomes an agreement state are] DEP standards more strict or less stringent than NRC standards?	127-128
Tony McCullough		General Opposition to the Proposed Action: Corporate Responsibility	These people [Shieldalloy] are putting the people's health in jeopardy. There has to be something borderline illegal. . . . Somebody has to be held accountable. Somebody should go to jail.	128-129
Doug Quene		On-site Contamination: Quantity and Removal Health and Safety	. . . how long have you folks been monitoring Shieldalloy? How many years? You are the ones that issued them the license . . . Why were they allowed to put a 35 foot high pile of crap in our yard? . . . does the NRC feel that they've monitored them properly . . . when you go up and done Rena Street, you're not talking just one family that's been affected with cancer. . . . six or seven families right down the street . . . all have had cancer . . .	131-133
		On-site Contamination	. . . is there a way that the people of Newfield can get these [monitoring] reports to verify that . . . this has been done properly?	137

Commenter	Affiliation	General Subject	Representative Comment	Official Transcript of Proceedings – Comment Reference page
Robert Price		On-site Contamination: Quantity and Removal; Cleanup Standards	This radioactive pile . . . how did they come up with the upper licensing for the quantity? . . . I was out there working for a company that was crushing the big pieces of slag, taking them out of the earth. I wasn't told that that stuff was radioactive. . . .How do we judge how much tonnage . . . their license allowed?	133
Sandy Lobb		On-site Contamination; Quantity and Removal	. . . is there no type of monitoring on a yearly basis . . . Whose responsibility would that be? . . . is there no monitoring [of] this plant and companies that you give licenses to?	135
Ernest Alvino		Decommissioning and Environmental Review Process	. . . if this Commission approves the plan by Shieldalloy what is our recourse.	138