

RAS-15640

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: ShieldAlloy Metallurgical, Corp
Prehearing Conference

Docket Number: 40-7102-MLA

DOCKETED
USNRC

May 2, 2008 (4:03pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Location: (conference call)

Date: Monday, April 28, 2008

Work Order No.: NRC-2171

Pages 1-49

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TEMPLATE=032

SECY-DS-03

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P R O C E E D I N G S

(9:12:41 a.m.)

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3 CHAIRMAN ROSENTHAL: I am Alan Rosenthal,
4 the Chairman of the Nuclear Regulatory Commission's
5 Licensing Board, assigned to the pending proceeding
6 involving the ShieldAlloy Metallurgical Corporation's
7 proposed decommissioning plan for its Newfield, New
8 Jersey facility.

9 With me this morning are the two other
10 members of this Board, Richard Wardwell and William
11 Reed, together with Johanna Thibault, the Law Clerk
12 assigned to the proceeding. For his part, Judge Reed
13 is participating in the conference from his home in
14 Charlottesville, Virginia.

15 Before calling upon counsel for the
16 respective parties to identify themselves for the
17 record, the Board deems it advisable to provide some
18 background explanation of its reasons for scheduling
19 this conference.

20 As stated in that order, the triggering
21 event was the NRC's SAS, most recent bi-monthly status
22 report with regard to the progress of its technical
23 review of the ShieldAlloy decommissioning plan.

24 In that report, the staff indicated that
25 because ShieldAlloy intended to file a revision to the

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1 plan next month, the completion of the technical
2 review, and the issuance of the staff's final
3 Environmental Statement would now not take place until
4 August 2009, almost three years after the review had
5 been commenced in October 2006. Against the following
6 history of the proceeding, this announcement was found
7 troubling by the Board.

8 The decommissioning plan at issue is
9 addressed to a very substantial pile of slag and bag
10 house dust that is currently present on the Newfield
11 site, and contains a quantity of radioactive material.
12 The NRC license activity that gave rise to the
13 existence of the pile ended in 1998. As recorded in
14 the November 17, 2006 Federal Register notice that
15 initiated this proceeding, ShieldAlloy waited,
16 however, for a period of more than seven years, i.e.,
17 until October 2005 before filing its initial
18 decommissioning plan.

19 Upon that plan's rejection by the NRC
20 staff in January 2006, ShieldAlloy then submitted the
21 revised plan now on the table several months later in
22 June 2006. As earlier noted, the new plan was
23 accepted for technical review in October 2006. The
24 following month, the NRC staff issued the standard
25 Federal Register notice containing the opportunity to

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1 seek a hearing on the plan.

2 In response to that notice, through its
3 Department of Environmental Protection, the State of
4 New Jersey filed a timely hearing request, and was
5 then granted by this Board in late March 2007. That
6 grant was based upon the Board's determination that
7 New Jersey had advanced an admissible contention to
8 the effect that the proposed decommissioning would not
9 sufficiently protect the area surrounding the Newfield
10 site from unacceptable environmental harm.

11 The Board additionally determined,
12 however, that for reasons that were developed in its
13 decision, further proceedings on the adequacy of the
14 decommissioning plan should await the completion of
15 NRC's technical review. In that connection, the staff
16 was directed to file bi-monthly status reports
17 detailing the progress of its review.

18 At the time of the grant of the New Jersey
19 hearing request, both the Board and the Commission
20 were informed that the staff contemplated a completion
21 of the technical review, and an issuance of the EIS in
22 October 2008. Subsequent staff status reports
23 indicated, however, slippage in the completion date,
24 and it now appears that the EIS will not surface any
25 earlier than August 2009, if then. What this means is

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1 that it will be more than 11 years after the
2 termination of the licensed activity before there can
3 be a consideration on the merits of New Jersey's
4 already admitted contention that the decommissioning
5 plan is not adequate to prevent unacceptable
6 environmental harm.

7 To be sure, some of this period is
8 attributable to the Board's decision to await the
9 completion of the technical review before moving
10 forward with the proceeding. Most of it, however,
11 must be laid at the doorstep of, first, ShieldAlloy's
12 extreme delay in submitting its decommissioning plan.
13 And, second, what appears to us to be an unusually
14 extended staff review period.

15 Now, on the latter score, this Board might
16 lack the authority to oversee the staff's conduct of
17 its review activities. That said, the Board
18 manifestly has both the power and the duty to bring
19 the Commission's attention to any concerns that it
20 might have regarding staff action or inaction that
21 impedes the seasonable resolution of serious safety or
22 environmental issues that have been accepted for
23 adjudication.

24 Accordingly, as noted in our April 17
25 order, we wish to explore with counsel this morning

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1 the current measures designed to avoid, or at least to
2 ameliorate any environmental impact stemming from the
3 amassed slag and bag house dust. We will also wish to
4 attain an explanation as to the nature of the upcoming
5 revision of the decommissioning plan, and to be
6 informed as to the reason why the revision will
7 require more than a year to factor into the technical
8 review.

9 I will now call upon counsel to identify
10 themselves for the record, and we'll start with
11 counsel for the licensee.

12 MR. TRAVIESO-DIAZ: My name is Matias
13 Travieso-Diaz. I'm counsel of record. Together with
14 me, my co-counsel, Jay Silberg and Robert B. Haemer.
15 On the line from auditing this call is Robert Smith,
16 which is Radiation Officer for ShieldAlloy, and all
17 the members of the ShieldAlloy staff.

18 CHAIRMAN ROSENTHAL: Thank you. For the
19 State of New Jersey?

20 MR. REESE: This is Andrew Reese, Deputy
21 Attorney General. And in the room with me is Jenny
22 Goodman, our radiation expert, and Kenneth Elwell, co-
23 counsel.

24 CHAIRMAN ROSENTHAL: Okay. Thank you.
25 And now for the staff.

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1 MR. CLARK: Good morning. This is Michael
2 Clark for the staff. With me are Rebecca Tadesse,
3 Jack Hayes, Patricia Swain, Jennifer Foster. Also,
4 NRC staff on the phone, I believe, from Region I are
5 Carl Ferrara and Mark Roberts.

6 CHAIRMAN ROSENTHAL: All right. Thank
7 you.

8 All right. We'll start with licensee's
9 counsel, and I would like you, if you would, to
10 address, first of all, the question as to what is the
11 current status of the measures, if any, that are being
12 taken on the Newfield site in order to ameliorate the
13 environmental concerns that have been advanced by the
14 State of New Jersey, and have been accepted by this
15 Board for adjudication once the technical review is
16 completed.

17 MR. TRAVIESO-DIAZ: Mr. Chairman, I'd be
18 happy to do that. Before doing so, however, I'd like
19 to make two factual corrections that I think are going
20 to be very important for the discussions today.

21 First, ShieldAlloy did not formally cease
22 operations in 1998 but in 2001 and they sent the NRC
23 a notice of cessation of operations in that time
24 frame, which is like August of 2001. On August 30,
25 2002, ShieldAlloy submitted within the time required

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1 by the regulations its first decommissioning plan,
2 which was rejected by the NRC for various reasons in
3 February 2003, so it is incorrect to assume that the
4 first plan was filed in 2005. It was filed within the
5 time allowed by the regulations in 2002.

6 CHAIRMAN ROSENTHAL: Wait a minute. Well,
7 I am reading from the Federal Register notice.

8 MR. TRAVIESO-DIAZ: That notice refers to
9 the revised plan that was submitted in 2005. It
10 doesn't make reference -

11 CHAIRMAN ROSENTHAL: No, wait a minute.
12 Wait a minute. As long as we're on the subject of
13 ShieldAlloy's compliance with 42(d), let's pursue this
14 for a moment.

15 MR. TRAVIESO-DIAZ: All right.

16 CHAIRMAN ROSENTHAL: My understanding is -
17 if I'm incorrect about this, you can provide the
18 correct information. My understanding is that
19 production at this site ended in June 1998. Is that
20 true?

21 MR. TRAVIESO-DIAZ: I believe that
22 activities continued at the site until the formal
23 notice was given in 2001.

24 CHAIRMAN ROSENTHAL: All right. The
25 formal notice -- well, all I'm doing -- are you

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1 suggesting that the Notice of Opportunity of Hearing
2 is incorrect? I'm reading background statement in
3 that notice, and it says that the ferroalloy
4 production began in 1955, and ended in June 1998.
5 Now, I read that to mean that the licensed activity
6 had terminated in June 1998. Now, is that not
7 correct?

8 MR. TRAVIESO-DIAZ: Well, I think that the
9 statement in the notice refers to the previous
10 paragraph, to the specific production of chromium in
11 1998, ceased in 1998.

12 CHAIRMAN ROSENTHAL: All right. What
13 activity on this site continued after June of 1998,
14 and for how long?

15 MR. TRAVIESO-DIAZ: Let me get back to you
16 on that, because I don't have that information right
17 now. I'll check with the people from ShieldAlloy, and
18 return to you on that point a little later today, if
19 I may.

20 CHAIRMAN ROSENTHAL: You may do that.
21 Now, you're telling me that a decommissioning plan was
22 submitted when?

23 MR. TRAVIESO-DIAZ: The decommissioning
24 plan was submitted on August 30, 2002. You take a
25 look at the Notice of Opportunity for Hearing, it

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1 says, "In August 2001, SMC notified NRC that it has
2 ceased production activities using source material."

3 CHAIRMAN ROSENTHAL: Yes.

4 MR. TRAVIESO-DIAZ: Okay? So they stopped
5 -- they gave that notice, which is required by
6 regulations in 40.42, and within the 12 months
7 required by 40.42(d) they filed the initial
8 decommissioning plan.

9 CHAIRMAN ROSENTHAL: Where is that
10 referred to in the Federal Register notice? I'm
11 looking at the notice now, and it talks about
12 ShieldAlloy having provided notification of its
13 intention to decommission the facility on August 27,
14 2001. Then, SMC submitted its initial, initial DP to
15 the NRC on October 21, 2005.

16 MR. TRAVIESO-DIAZ: Well, the word
17 "initial" there is incorrect.

18 CHAIRMAN ROSENTHAL: I'm reading this
19 notice, and it -

20 MR. TRAVIESO-DIAZ: Instead, I can give
21 you the citation later in the call. The plan was
22 submitted on August 30, 2002, and it was, again, not
23 accepted by the NRC for various technical reasons on
24 February 28th, 2003. And both things are on record.

25 ADMIN. JUDGE WARDWELL: This is Judge

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1 Wardwell. What was the difference between your 2002
2 plan and the one submitted in 2005?

3 MR. TRAVIESO-DIAZ: Well, the 2002 plan,
4 among other things, was based on the concept that the
5 site control on the site would be assumed by either
6 the municipality or by the State of New Jersey, and
7 the NRC did not believe that that was either feasible
8 or proper, and the reason the plan didn't go even to
9 2005, is in the meantime efforts were being made to
10 find a way to provide adequate institutional controls
11 for the site.

12 CHAIRMAN ROSENTHAL: Wait a minute. All
13 right. Mr. Clark, do you confirm this representations
14 as to when the initial DP was submitted? And, if so,
15 do you have any explanation for why the Federal
16 Register notice says, and I quote, "SMC submitted its
17 initial DP to the NRC on October 21, 2005."

18 MR. CLARK: Your Honor, first, I can
19 confirm that's correct, the assertions about the DP
20 being submitted in 2002. I have ADAMS accession
21 numbers here, if anybody would find them helpful. The
22 confusion in the Federal Register notice, I believe
23 that would be due to - the revision that was
24 ultimately accepted was Revision 1-A, so the initial
25 version of that decommissioning plan would have been

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1 Revision 1. I believe that there could have been some
2 confusion -

3 ADMIN. JUDGE WARDWELL: What do you mean
4 "some confusion", when it states that it submitted its
5 initial DP, is there any other way to interpret that
6 than this was the first DP that was put on the table
7 by ShieldAlloy? I mean, that's plain English.

8 MR. CLARK: Well, I believe the Federal
9 Register notice, which, Your Honor, I don't have it in
10 front of me right now, I believe that refers to
11 Revision 1-A.

12 ADMIN. JUDGE WARDWELL: And let me quote
13 it again. It says, "SMC submitted its initial DP to
14 the NRC on October 21, 2005." There's no reference in
15 the notice to a prior DP having been submitted.

16 All right. Now, you're telling me that --
17 let's get these facts again. When was this initial
18 DP submitted and rejected?

19 MR. TRAVIESO-DIAZ: Again, the initial
20 submittal was on August 30, 2002.

21 CHAIRMAN ROSENTHAL: And rejected when?

22 MR. TRAVIESO-DIAZ: February 28, 2003.

23 CHAIRMAN ROSENTHAL: 2003, February 2003.

24 MR. TRAVIESO-DIAZ: That is correct.

25 CHAIRMAN ROSENTHAL: All right. And then

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1 you waited until October 2005 to submit another plan?

2 MR. TRAVIESO-DIAZ: Well, we didn't wait.
3 We were working with the NRC staff to come up with a
4 revised plan that was -

5 CHAIRMAN ROSENTHAL: And it took over two
6 years for you to come up with a revised plan? And
7 that revised plan, according to the Notice of
8 Opportunity for Hearing, was simply for the use of a
9 possession-only license, so it took you over two years
10 to come up with a new proposal. And that new proposal
11 was just for a possession-only license.

12 MR. TRAVIESO-DIAZ: Well, let me make a
13 factual correction here. ShieldAlloy has had a
14 possession license since October 2002, authorizes it
15 only to conduct primaries toward decommissioning.
16 There is no license activity allowed, other than to
17 possess and safeguard the materials at the site. And
18 that license is in effect. It hasn't expired. So it
19 isn't that -- that's not what ShieldAlloy was doing.
20 What ShieldAlloy was doing was trying to come up with
21 a plan that met the NRC staff's concerns, and that
22 also provided under the license termination rule,
23 adequate institutional controls.

24 CHAIRMAN ROSENTHAL: And that took over
25 two years.

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1 MR. TRAVIESO-DIAZ: Well, yes, because in
2 the intervening time, the NRC staff was trying to
3 figure out which was the best way to give effect to
4 the requirement to provide adequate institutional
5 controls. It wasn't ShieldAlloy that was doing it.
6 In fact, ShieldAlloy had numerous meetings with NRC
7 staff that are recorded in the license for a number of
8 times between 2003 and 2005. In other words, I don't
9 want to leave the Board with the impression that
10 nothing was going on, a lot was going on.

11 CHAIRMAN ROSENTHAL: Well, what I'm still
12 left with, and I think I speak for my colleagues on
13 this point, as well, is that here is an activity that
14 essentially ceased, at least according to the Notice
15 of Opportunity for Hearing, 10 years ago, and it's
16 still in the course of a staff review following a
17 decommissioning plan that has produced this review,
18 that wasn't submitted until October 2005.

19 Now, it seems to me we're not dealing here
20 with the decommissioning of a power reactor, we're
21 dealing here with the decommissioning of a site on
22 which there is a large accumulation of slag. And it
23 seems to me off-hand that this matter could, and
24 should have, reached resolution on the kinds of issues
25 that New Jersey has raised considerably short of 10

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1 years, now it looks as if it's going to be in excess
2 of 11 years. That, to me, off-hand seems to me to be
3 a process, a decommissioning process that has extended
4 far beyond what the particular matter in issue would
5 have warranted. But let's get on now to the matter of
6 what is the current state of the pile in terms of the
7 concerns that New Jersey has raised, and at least one
8 of those concerns has been admitted by the Board for
9 adjudication.

10 MR. TRAVIESO-DIAZ: I would be very glad
11 to do that, Mr. Chairman. I'd like to point out,
12 however, with all due respect, that the oversight of
13 that facility under the license is within the purview
14 of the staff. And such oversight is beyond the
15 Board's jurisdiction. Having said that, I will be
16 glad to tell you what's going on, and what is being
17 done.

18 CHAIRMAN ROSENTHAL: We don't need to be
19 told by you as to what is within or without the
20 Board's jurisdiction. We're fully aware of what our
21 jurisdiction is, and I think in our opening statement
22 we acknowledged the limits of that jurisdiction, but
23 also acknowledged our authority to bring to the
24 Commission's attention any matters that appear to us
25 of concern that are within its jurisdiction. But go

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1 ahead now, and let's address the matter of what's the
2 current status of the -

3 MR. TRAVIESO-DIAZ: All right. During the
4 50 years that ShieldAlloy operated this site, they
5 have, as required by the license, continuous
6 monitoring of the radiation exposures both to the
7 personnel at the site, and to the hypothetical
8 maximally exposed individual at the bunker. The doses
9 at no point in time exceeded the regulatory limits in
10 10 CFR 20.1201, and 10 CFR 20.1301.

11 After the site ceased using source
12 material for its operations, of course, the dosage
13 decreased even further. And it is every expectation,
14 and, in fact, more than expectation, that the doses to
15 the public from this site are trivial.

16 Now what is ShieldAlloy doing to insure
17 that is the case? There are four things. First, just
18 the very nature of the materials themselves. I don't
19 believe the Board has had the opportunity to see the
20 site, but I will tell you, first, the slag is in the
21 form of very large boulders, some of them the size of
22 cars, automobiles. They are inert. They have been in
23 stable configuration now for decades, and they do not
24 release radioactivity.

25 ADMIN. JUDGE WARDWELL: Where is the --

1 this is Judge Wardwell again. Where is the bag dust,
2 is that collated within the large pieces of the slag,
3 or is it a separate pile now?

4 MR. TRAVIESO-DIAZ: I believe it's a
5 separate pile. Bag dust, again, is a misnomer.
6 You're talking about the material that looks more like
7 cement, and it doesn't blow away with the wind. And,
8 in fact, there is a berm built in the south side of
9 the storage area where the bag dust is located.
10 There's a berm to prevent the escape of any bag dust-
11 type materials from the location.

12 ADMIN. JUDGE WARDWELL: Is there any cover
13 material on it, or is the material exposed to the
14 elements?

15 MR. TRAVIESO-DIAZ: One of the features of
16 the decommissioning plan is to provide a very hefty
17 layer of rock cover, and an impervious membrane on
18 that, on top of that, but that's what ShieldAlloy
19 wants to do once the decommissioning plan gets
20 approved. Right now, there is no cover.

21 ADMIN. JUDGE WARDWELL: That's the same
22 with the slag pile.

23 MR. TRAVIESO-DIAZ: That is correct.

24 ADMIN. JUDGE WARDWELL: Thank you.

25 MR. TRAVIESO-DIAZ: The second thing that

1 is happening, or has been happening, is that in
2 accordance with the license conditions imposed with
3 the NRC license that ShieldAlloy has, there is
4 continuous monitoring for radioactive releases from
5 the slag pile, and from the bag dust. There are 16
6 thermo luminescent dosimeters, TLDs, at locations on
7 the fence that fences the property, that fences the
8 site, the slag pile. And those are read quarterly by
9 an independent laboratory, and the results are
10 available and provided to the NRC. Again, there has
11 been no instance in which those POD measurements have
12 shown radiation at the fence line in excess of
13 regulatory limits.

14 Again, there is regular -- the site is
15 fenced. There is access controls, nobody can get in
16 there. And we have no record that anybody has come
17 even close to the area where the slag is. And then
18 there are periodic inspections by the NRC staff, and
19 I will let counsel for the NRC staff talk about those,
20 which make sure that the operations, or the status of
21 the site complies with the license conditions.

22 I would also like to point with respect to
23 the aquifer, which was mentioned in the court order.
24 The aquifer is like 10 feet below the level of the
25 slag, so there's an ample layer of material, subsoil

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1 between the slag pile, the bag dust, and the potential
2 access to the aquifer.

3 ADMIN. JUDGE WARDWELL: Excuse me, again.
4 This is Judge Wardwell. There's nothing to prevent
5 any infiltration from continuing to percolate down to
6 that aquifer, is there, underneath either of these
7 piles?

8 MR. TRAVIESO-DIAZ: That is correct. But
9 what ShieldAlloy does, again, it measures the
10 components of radioactive materials and chemicals in
11 the groundwater wells adjacent to the slag pile and to
12 the site, and those measures, those samples are taken
13 to a laboratory to check for chemicals and
14 radionuclides. And there has been only one sample in
15 quite a number of years that this has been going on in
16 which one component, which is not even NRC regulated
17 radium, was in excess of the EPA recommended limits.
18 Subsequent measurements have determined that that was
19 just an aberrational reading, the measurements from
20 that well, as well as the others, and the most recent
21 measurement was taken a month ago, showed that the
22 radiation for both uranium and radium is all within
23 EPA limits, so it is continuous monitoring happening,
24 also, to ensure that your concern, that is to say
25 leaching activity from the pile through the soil into

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1 the groundwater is not happening.

2 ADMIN. JUDGE WARDWELL: All right. What
3 is the revision that you're going to present to the
4 staff next month? That's apparently added additional
5 time to the staff's technical review.

6 MR. TRAVIESO-DIAZ: Again, I would like to
7 let the staff address this, but I will tell you what
8 has been happening. Since Rev. 1A was docketed, and
9 the Notice of Opportunity for Hearing was released,
10 and that was at the end of 2006, there has been a
11 number of meetings and requests for additional
12 information from the NRC staff, I think upwards of
13 200, reflecting their own comments and questions posed
14 by EPA, and ShieldAlloy has been diligently responding
15 to those requests. Some of the requests have been in
16 the form of suggestions, recommendations, or requests
17 to perform additional, new analysis that ShieldAlloy
18 had not done, to further confirm the results of the
19 analysis presented in Rev. 1A. And that going back
20 and forth between Rev. 1A, was now going to be Rev.
21 1B, is what's taking this time.

22 ADMIN. JUDGE WARDWELL: This is Judge
23 Wardwell again. That's the additional time between
24 the last staff report, and the previous one, which I
25 believe is the difference between the 5th and the 4th

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1 status reports. But in the 4th status report, that
2 also changed the time quite a bit in regards to the
3 new commissioning plan that's now going to be
4 submitted. So I see us having two things coming back-
5 to-back that's causing this additional time, and
6 that's being the additional testing you're referring
7 to, but also the additional plan. I think Judge
8 Rosenthal's question was what's in the new plan now,
9 why has that changed so much?

10 MR. TRAVIESO-DIAZ: The new plan is not
11 that different, but let me just explain what's going
12 on. The NRC is interested in providing additional
13 justification by ShieldAlloy as to what's something
14 called the distribution coefficient K sub D, which
15 measures how readily a given material is transported
16 through the soil to a nearby liquid mass, in this case
17 the groundwater. Then we have computed that. We have
18 used values which we believe are reasonable and
19 defensible, and, in fact, very conservative.

20 The NRC has asked to compute those K sub
21 Ds using a different methodology, which was not in the
22 initial plan. It doesn't change the plan in any way,
23 but it changes the fact that you need to do analysis,
24 and compute again the radiation doses that will be
25 resulting by using this new different methodology.

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1 And that takes time, because we have not even come up
2 to closure on specifically the number of samples that
3 are going to be tested to provide assurance enough to
4 satisfy the staff, so it's not that nothing is doing,
5 and it's not that the plan that is going to be in Rev.
6 1B is that different from the plan that was in Rev.
7 1A, but all we're doing is providing additional
8 assurance that the results are conservative and
9 defensible.

10 ADMIN. JUDGE WARDWELL: You're still
11 confusing me a bit, and maybe I confused you, also,
12 because I got my numbers wrong. It was the difference
13 between the 5th and the 6th status report. But in the
14 5th status report of February 8th, the delay there was
15 attributed to the submission of a revision to its
16 decommissioning plan. The reason for the additional
17 time stated in the 6th report was the need to conduct
18 additional leachability tests.

19 MR. TRAVIESO-DIAZ: Well, the two things
20 are related, because the revised decommissioning plan
21 is just not matter of word smithing. It has to
22 include the results of the testing that I just
23 mentioned to you, so they -

24 ADMIN. JUDGE WARDWELL: But, if I may
25 interrupt -

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1 MR. TRAVIESO-DIAZ: The analysis in the
2 plan are not going to change, but these additional
3 testing is going to be required to provide assurance,
4 and to provide confirmation of what is in the plan is
5 correct.

6 ADMIN. JUDGE WARDWELL: Clarify for me
7 what was changed in the 5th status report that
8 required the additional time associated with this
9 revision of its decommissioning plan. What was being
10 revised in the initial decommissioning plan that we
11 looked at during the contention stage of this case?

12 MR. TRAVIESO-DIAZ: Again, I don't know
13 that it goes to what the plan says, but the plan is
14 going to do dose modeling. That is done both the way
15 that ShieldAlloy intended or reported in 1A, and
16 additional dose modeling using the methodology that it
17 has been discussing with the staff. So the plan is
18 not going to change very much, even though it's going
19 to look different because it could have all this
20 additional material reporting on the results of
21 testing. But to get there, you have to do the
22 testing, analyze the results, and write them out in
23 your report.

24 ADMIN. JUDGE WARDWELL: Mr. Clark, do you
25 have anything to add in regards to enlightening us on

1 why you used the words then "submitting a revision to
2 its decommissioning plan" in the 5th status report,
3 besides what was already stated by SMC?

4 MR. CLARK: No, Your Honor. I believe
5 that's correct, it is a revision. It's referred to as
6 Revision 1B. It all relates to the safety RAI
7 responses, which ShieldAlloy filed in November 2007.
8 Those responses were viewed by the staff as not a
9 complete response, and I believe that ShieldAlloy
10 agreed, and that led to the decision to submit
11 Revision 1B. The safety RAI responses themselves
12 refer to Revision 1B, and I also believe that's the
13 first time we learned of the revision. Since then, I
14 agree with counsel for ShieldAlloy, that the staff and
15 ShieldAlloy, and also with the involvement of New
16 Jersey, has been working on leach rate testing
17 protocols, and that is what we expect to receive in
18 the revised DP.

19 ADMIN. JUDGE WARDWELL: And the reason for
20 the additional time in the 6th status report relates
21 now to the specificity of the time required to conduct
22 some of these additional leaching tests that you have
23 proposed in your revision to the decommissioning plan
24 in the 5th status report. Is that understanding
25 correct?

1 MR. CLARK: That's correct, Your Honor.

2 ADMIN. JUDGE WARDWELL: Thank you.

3 CHAIRMAN ROSENTHAL: Well, as long as we
4 have Mr. Clark on the phone, I would just be
5 interested in your view, or your client's view as to
6 the acceptability of a decommissioning process,
7 including staff review, in circumstances where, as
8 here, the licensed activity terminated 10 years ago,
9 and it may well be over another year, perhaps even
10 longer, before the staff has completed a technical
11 review of the acceptability of whatever is then on the
12 table by way of decommissioning of the site. I mean,
13 it seems to me off-hand that this is certainly a
14 period of time that is entirely inconsistent with the
15 spirit, if not the letter, of the provisions of
16 Section 40.42 dealing with decommissioning. I mean,
17 again, we're not dealing here with decommissioning of
18 a very complex reactor. We're dealing here with the
19 decommissioning of a pile of slag, and for 10, 11, 12
20 years to elapse after the activity ceases, and still
21 there isn't a determination as to what decommissioning
22 process will provide the adequate measure of
23 environmental protection, it seems to me to be grossly
24 excessive. And I would just be interested in -- I
25 mean, irrespective of where you put the various parts

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1 of this process, it just seems to me that looking at
2 the totality of the delay, again, that this is beyond
3 acceptability. But I'd like to know what the staff's
4 thinking on that is.

5 MR. CLARK: Your Honor, if I may, the
6 staff first believes that at this point, the most
7 expeditious resolution to this decommissioning would
8 be to proceed with review of the DP, and -

9 CHAIRMAN ROSENTHAL: No doubt at this
10 point. What I'm getting at is the staff has
11 apparently countenanced a process that has extended
12 over now a decade, and it's going to be even longer,
13 and I'm just interested in knowing whether the staff
14 really regards this as an acceptable length of time to
15 be dealing with the decommissioning of this particular
16 site.

17 I know at this point, perhaps there's
18 nothing that can be done to shorten the period, but
19 we're dealing here, it seems to me, with an
20 extraordinarily long period of decommissioning. And
21 I have to say that this is not the first case that I
22 have had to deal with, that's presented this problem.

23 The decommissioning of the Army site out
24 in Indiana is also something that's extending well
25 over a decade, and it seems to me that there's

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1 something wrong with this. But I'm just interested in
2 how the staff views this kind of process, that takes
3 well over a decade.

4 MR. CLARK: Well, Your Honor, the staff
5 would agree that's not ideal. However, it would also
6 note that although technically the decommissioning
7 should be simpler than say at a reactor, there are a
8 number of issues that complicate the decommissioning
9 here.

10 CHAIRMAN ROSENTHAL: Which are what?

11 MR. CLARK: This would be the first
12 instance of a possession-only license for long-term
13 control. As counsel for ShieldAlloy noted, the staff
14 through 1993, 1994 - excuse me - 2003 and 2004 was
15 working on interim guidance on the long-term control
16 option. Although it's not a reactor, it is a complex
17 decommissioning site.

18 CHAIRMAN ROSENTHAL: Isn't one of the
19 issues here whether the cap that ShieldAlloy intends
20 to place over the pile, a cap which is, if I recall
21 correctly, is supposed to consist of soil and rocks,
22 whether that is adequate to prevent radioactive
23 contamination of the aquifer. That's the issue I
24 think that has been raised by New Jersey, that we've
25 accepted for adjudication. Isn't that a focal point

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1 of the staff's technical review, or is it not?

2 MR. CLARK: Your Honor, that is the focal
3 point. In fact, the acceptability of the cap or the
4 engineered barrier is a function and part of the leach
5 rate, so it's tied into the leachability testing that
6 the licensee will be conducting. And that is one area
7 where we expect some revision in Revision 1B.

8 CHAIRMAN ROSENTHAL: Why isn't that
9 something that should have been looked at back in 2001
10 and 2002? Why is it all of a sudden that it becomes
11 an issue worthy of the staff's consideration sometime
12 after 2006?

13 MR. CLARK: Well, Your Honor, my
14 understanding is that the issue was something that was
15 relevant, and that the staff looked at. However, the
16 decommissioning plan in 2002 was not accepted for
17 technical review. Here we're at the technical review
18 stage, so the staff is looking at it in greater
19 detail.

20 CHAIRMAN ROSENTHAL: Well, let me go back
21 again. This activity ceases in 1998. At that point,
22 it seems to me, immediately there is a question as to
23 what is going to be done in terms of preventing
24 environmental harm. And one of the things I would
25 have thought would have been immediately on the table

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1 was what kind of engineering barrier, whatever term
2 you use for this, would be appropriate to insure that
3 you didn't have rainwater permeating through the pile
4 and into the ground, and possibly into the aquifer.
5 I mean, I would have thought that that would have been
6 an issue that would have been looked at back in -- not
7 1998, certainly by 2000 or 2001. And, instead of
8 that, it's now being focused upon in 2007-2008.

9 Now, I'm not concerned at the moment with
10 all of the when a particular decommissioning plan was
11 filed, and when it was considered, and when it was
12 rejected, and all of that. What I'm looking at is the
13 -- what seems to me is the macro picture here of
14 something which has gone on for 10, 11 years, and
15 you're still looking at the question as to whether a
16 particular engineering barrier is adequate or not. I
17 mean, it seems to me this is the kind of thing that
18 should have been looked at within a matter of a few
19 years, not a decade after the activity, the license
20 activity has ceased. Now, why am I wrong about that?

21 MR. CLARK: Your Honor, you're correct.
22 However, the staff did look at it in the context of
23 reviewing the initial, what I'll refer to now as the
24 initial DP. It was Revision 0 in 2002. The staff did
25 look at the engineered barrier design, and that was

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1 part of the basis for rejecting that decommissioning
2 plan.

3 CHAIRMAN ROSENTHAL: And when was that?

4 MR. CLARK: The staff rejection was -
5 February 28, 2003 was the staff letter rejecting
6 Revision 0 to the -

7 CHAIRMAN ROSENTHAL: And was the licensee
8 -- at this point, that was because of what? The staff
9 was not satisfied with the engineering barrier that
10 was being proposed?

11 MR. CLARK: That was part of it, Your
12 Honor. There were also issues with dose modeling,
13 cost benefit analysis, institutional controls.

14 CHAIRMAN ROSENTHAL: Well, when that is
15 done, is the licensee given a period of time within
16 which to address those concerns? Because, again, you
17 say you raised these concerns back in 2003. We're now
18 in 2008, and they're still unresolved.

19 MR. CLARK: Well, Your Honor, there have
20 been continuing discussions with the licensee. In May
21 of 2003, ShieldAlloy submitted a phased approach for
22 decommissioning. There were meetings throughout 2003,
23 and they also submitted a 12-part plan for a phased
24 approach. So that the staff again, because of
25 problems with institutional controls, the staff again

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1 working on the interim guidance, that led to a SECY
2 paper, and finally an SRM that authorized the form of
3 the long-term control option.

4 CHAIRMAN ROSENTHAL: All right. But in
5 2005, you did accept the submitted decommissioning
6 plan, so at that point you must have decided that the
7 problems that had previously existed have been
8 rectified.

9 MR. CLARK: Your Honor, my understanding
10 is that we did not accept the 2005 decommissioning for
11 technical review. It was Revision 1A, as opposed to
12 Revision 1. Revision 1A was the version that we
13 accepted for technical review.

14 CHAIRMAN ROSENTHAL: What I am going to --
15 it's obvious that the very brief background statement
16 in the Federal Register notice back in 2006 did not
17 reflect what has transpired over the years. And what
18 I am going to request is that the -- for its part, the
19 licensee provide us with a detailed statement of just
20 precisely what it submitted to the staff beginning in
21 1998, right along, what was submitted to the staff,
22 and some summary of its content. Because, again, the
23 Federal Register notice inaccurately reflects the
24 first -- the initial DP not being filed until 2005.
25 And then I would like the Board to be provided with a

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1 detailed statement from the staff as to just what the
2 course of its review was.

3 MR. TRAVIESO-DIAZ: Mr. Chairman, if I
4 may, two things. First, each of the revisions of the
5 DP that have been submitted by ShieldAlloy start with
6 a historical recap of what has transpired before. We
7 will be glad to provide to you a detailed statement of
8 what's going on, but I think even Rev. 1A that is
9 before the Board has that. It might not be to the
10 level of detail that the Board would probably like to
11 see, but it is not as we are driving with a clean
12 slate.

13 Also, I do want to clarify that the
14 original plan that was submitted in the year 2002 has
15 a provision for the kind of capping and release
16 control or barrier that I mentioned before. This is
17 not something that just arose for the first time with
18 Rev. 1A. It has been going on since Rev. 0. The
19 details of what is an adequate barrier is something
20 that ShieldAlloy and the staff have been talking
21 about.

22 CHAIRMAN ROSENTHAL: I understand that.
23 But, again, I want to see the full picture in terms of
24 what you submitted, what the staff has done in terms
25 of review that would possibly justify the period of

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1 time that has now elapsed since this activity was
2 terminated back in -- 10 years ago.

3 ADMIN. JUDGE WARDWELL: And for my
4 benefit, one of the questions that still perplexes me
5 that needs some clarification in regards to that time
6 scale is that between 2003, when your 2002 plan was
7 rejected, in 2005 there are these hazy activities that
8 have taken place; and yet, it's been stated here today
9 that there was lots of activities going on during that
10 period that ultimately resulted in this revised plan
11 being submitted in 2005.

12 And, yet, by the spring of that -- or
13 later that -- I think it was February of '06, that was
14 rejected so quickly, so there seems to be dichotomy
15 between the length of time and the amount of activity
16 that I hear took place between 2003 and 2005, and yet
17 the plan was rejected pretty quickly in my
18 observations. And I would like to see how that can be
19 resolved in regards to any apparent discrepancies
20 between those two.

21 MR. TRAVIESO-DIAZ: We'll be happy to
22 provide, and I'm sure the staff will have its own
23 edition to the list of the events. We'll be happy to
24 provide to the Board a detailed historical accounting
25 of what happened, including that intervening period of

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1 time. But I believe that what happened is what I said
2 earlier; that is to say, the staff was seeking a way
3 to provide guidance on long-term institutional
4 controls that would meet the requirements of the
5 license termination rule, and that is why it took some
6 time. The staff was working to do that independently,
7 or in addition to working with ShieldAlloy on our
8 specific plan.

9 If I could also go back to the question
10 that you were asking as to what was happening between
11 1998 and 2001. The statement in the Notice of Hearing
12 is correct in terms of processing of the ore that
13 contained the source material stopped in 1998, but
14 that doesn't mean that manipulation of the ore ceased
15 in 1998. For the part of three years, the slag was
16 being processed and decontamination of the area
17 proceeding, and so on. All the operations that led to
18 what we consider to be a stable pile ended in 2001, so
19 even though there was no production since 1998, there
20 was still operation dealing with the materials that
21 were at the site. And in 2001, is when ShieldAlloy
22 advised the staff that those operations have come to
23 an end.

24 ADMIN. JUDGE WARDWELL: All right. Well,
25 if you would include that, I want this whole history

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1 beginning in 1998. You can include this, what you've
2 just referred to, within it. I think at this point
3 I'd like to hear from the counsel for New Jersey.
4 What do you think of all this?

5 MR. CLARK: Your Honor, we share your
6 frustration, and we're concerned that this is going to
7 be a continuing process with future revised
8 decommissioning plans and RAIs, and what we would
9 request is just a simple deadline for ShieldAlloy to
10 submit their next decommissioning plan. And if they
11 don't meet that deadline, or if the decommissioning
12 plan is not complete, that they be required to submit
13 a plan for offsite disposal, and be given a deadline
14 for that, also.

15 MR. TRAVIESO-DIAZ: May I comment on that,
16 because I think there's another factual element that
17 needs to be understood. ShieldAlloy plans to submit
18 the Rev. 1B on May 16 of 2008. It will supplement it
19 probably within two or three months with the results
20 of the testing that are being about to be conducted,
21 but the plan will be -- and that is what the Board
22 will see, what New Jersey will see, and what the staff
23 will see.

24 By the way, New Jersey has been a part of
25 this process, as well, in the development of the plan

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1 for doing additional testing, and New Jersey has been
2 on the calls, and has had the opportunity to know
3 what's going on. But there is no intent on the part
4 of ShieldAlloy to drag this forever. We want this
5 proceeding completed. We want the DP to be issued as
6 soon as possible, because we want to be able to
7 remediate the site. We want to be able to provide the
8 cover and the barrier that we have been talking about
9 as soon as possible.

10 MR. CLARK: The other thing we're not
11 clear about is why ShieldAlloy is submitting a
12 decommissioning plan next month, but is also going to
13 be doing further testing that's due in August. We
14 don't understand how they could do that.

15 I'd also like to just clarify. New Jersey
16 has only been listeners, basically, in these phone
17 conferences between ShieldAlloy and NRC staff. They
18 have not been active participants. They have been
19 allowed to ask questions but ShieldAlloy, at times,
20 has just simply refused to answer our questions.

21 MR. TRAVIESO-DIAZ: To clarify the
22 question as to why the plan is going to be submitted
23 in May, and there's going to be a supplement is very
24 simple. The testing that is being discussed by
25 ShieldAlloy and the NRC staff, which I think they are

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1 about to come to terms, it is going to take a couple
2 of months to do that testing, analyze the results and
3 write them up. There are several sections of the
4 decommissioning plan that depend on the results of the
5 testing, and those cannot be finalized until the
6 testing is done. So that's why, even though we'll
7 file the plan in May, there may be additional
8 materials filed a little later.

9 ADMIN. JUDGE WARDWELL: Will your
10 submittal in August include any modifications to your
11 decommissioning plan that you submitted in May, that's
12 necessary, or will there be a potential that in August
13 of '08 you say, oh, by the way, we now need two more
14 months to revise Revision 1B that we submitted in May,
15 because of these results?

16 MR. TRAVIESO-DIAZ: I don't think -- I'm
17 not going to say it's impossible, but I think it is
18 highly unlikely because what this testing that is
19 going to be done, we view as confirmatory, and all
20 they're going to do is provide additional information,
21 so I don't envision having to come back to the Board
22 and advise that after August we need to try for
23 Revision 1C in November or whatever.

24 ADMIN. JUDGE WARDWELL: ShieldAlloy, or
25 staff, either one or both answer this question. Since

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1 the revision to the decommissioning plan is not on the
2 critical path. It's really the submittal of the
3 testing results, is there a reason not to delay that
4 submittal of the decommissioning plan until the
5 results are in, and have both submitted in August so
6 that precludes that potential for a further delay once
7 the test results are in?

8 MR. TRAVIESO-DIAZ: Well, from
9 ShieldAlloy's perspective, that will be perfectly
10 fine. We did make a commitment to have a plan
11 submitted in May. If the staff is agreeable, we'll
12 submit it all in one swoop in August.

13 MR. CLARK: For the staff, without knowing
14 precisely what will be in Revision 1B, although we
15 have a very good idea, that would be an acceptable
16 approach, waiting until August, if it would result in
17 a more complete submittal, and one that the staff
18 could look at all at once.

19 ADMIN. JUDGE WARDWELL: Well, it's really
20 between you two. I mean, it's not the position of the
21 Board. It's just some observation I had here based on
22 the schedule I see. And along those lines, staff,
23 could you clarify why the clock seems to start over
24 again for the EIS, where, in fact, you must have quite
25 a bit of information to complete most of that now

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1 considering that Revision 1B is really dealing with
2 just the characterization of the partitioning
3 coefficient, as I understand the response here. And
4 couldn't there be some efficiencies associated with
5 that, that it doesn't have to wait, certainly until
6 January, to issue that, because you've had all this
7 time available to work on other aspects of it besides
8 the infiltration through the pile. As long as that
9 pile doesn't change significantly, it seems like the
10 EIS could move along in a more expeditious manner.

11 MR. CLARK: Well, Your Honor, the
12 characterization that affects a great number of
13 issues, including the dose assessment, the source
14 term, the engineered barrier design, and the long-term
15 monitoring approach. So although it's -- the leach
16 rate testing is a discrete area, it will affect many
17 areas of the DP. I believe there may be as many as
18 five or six chapters of the DP that will be affected
19 by the results of the leach rate testing.

20 Also, Your Honor, I'd note that although
21 the final EIS, the current estimate is August 2008.
22 Actually, the draft EIS is January - excuse me -
23 August 2009. The draft EIS, the estimated completion
24 date is January 2009. From August 2008 to January
25 2009, the staff believes that's an ambitious schedule,

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1 so we don't think there's undue delay once we receive
2 the results of the leach rate testing.

3 ADMIN. JUDGE WARDWELL: Thank you.

4 CHAIRMAN ROSENTHAL: New Jersey, I'm
5 assuming that from time to time it rains in southern
6 New Jersey?

7 MR. CLARK: It's raining today, Your
8 Honor.

9 CHAIRMAN ROSENTHAL: Raining today. And
10 I also assume that its been raining off and on ever
11 since this pile went into existence?

12 MR. CLARK: Yes.

13 CHAIRMAN ROSENTHAL: And I also assume
14 that during this entire period, the cap on the pile
15 has been one which New Jersey does not believe is
16 adequate to prevent environment degradation?

17 MR. CLARK: Your Honor, there currently is
18 no cap on the pile, either on the bag house dust, or
19 on the slag.

20 CHAIRMAN ROSENTHAL: The rock and native
21 soil cap that was being proposed in the
22 decommissioning plan?

23 MR. CLARK: We also oppose the proposed
24 cap in the decommissioning plan. But currently,
25 there's no cover on the slag, and we believe that is

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1 the reason why the Hudson Creek branch that runs
2 through the property is currently contaminated with
3 radium and thorium, to levels that violate -

4 CHAIRMAN ROSENTHAL: What I don't get is -
5 - I mean, you have this concern about the
6 contamination, and yet you sort of sat idly by while
7 the rains have fallen year in, year out on this pile
8 without any cap at all. I mean, I would have thought
9 off-hand that New Jersey would have been, in the
10 vernacular, raising hell over the fact that this thing
11 has extended for this period of time. And the fact
12 that I haven't heard any large noises on the part of
13 New Jersey raises, at least in my mind, the question
14 as to how serious New Jersey is with respect to this
15 concern that the aquifer is going to be impacted by
16 rain passing through the pile in circumstances where
17 now there isn't any cap at all, not even the cap that
18 was proposed in the DP, which New Jersey ostensibly
19 finds inadequate.

20 MR. CLARK: Your Honor, we have been
21 writing the NRC numbers -- I'm sorry. We've been
22 writing them letters over the years complaining about
23 the contamination to the creek, and the response we
24 always get is that the NRC has exclusive jurisdiction
25 over the slag. New Jersey has been working quite

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1 diligently since the 1970s in terms of cleaning up the
2 other contamination at the site. There was chromium,
3 and still is chromium contamination to the
4 groundwater. We were able to get a \$22 million
5 bankruptcy settlement for them to clean up the
6 chromium, and have a consent order with them to get it
7 cleaned up.

8 During the 1990s, we were allowed to
9 require them to remove the ferrovanadium slag because
10 it doesn't fall within the NRC's exclusive
11 jurisdiction. And we actually did require the
12 ShieldAlloy facility to remove the ferrovanadium from
13 the site in the 1990s, and so the remaining slag,
14 which we don't have jurisdiction over, is really just
15 the last piece of the puzzle of to clean up the
16 ShieldAlloy site.

17 So we've been doing a massive amount of
18 work to try and get this site cleaned up, and we're
19 hoping that this decommissioning process, once it's
20 completed, would resolve the remaining contamination
21 there, but we have just been really frustrated by the
22 delay in the decommissioning process. So we were
23 hoping that the NRC staff and ShieldAlloy can come up
24 with at least an interim solution to prevent further
25 contamination of the Hudson Creek.

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1 CHAIRMAN ROSENTHAL: Isn't the issue here,
2 as I understand it, again, the adequacy of the
3 proposed engineering barrier, or engineered barrier?
4 I mean, I thought that basically the question was
5 whether by putting on this cap, proposed cap of soil
6 and rock there would be adequate protection to the
7 environment.

8 MR. CLARK: We clearly believe that the
9 proposed cap is not going to be protective of the
10 aquifer into the environment.

11 CHAIRMAN ROSENTHAL: That's your
12 contention.

13 MR. CLARK: Yes. And we also believe that
14 interim measures should be taken also right now before
15 the site -- before the decommissioning plan is
16 approved, because we believe -- well, as the NRC
17 staff, and as we've been talking about, it's going to
18 be at least until August 2009 before the
19 decommissioning plan is approved, so we would like
20 ShieldAlloy and the NRC staff to come up with an
21 interim plan to prevent the contamination that's
22 occurring right now.

23 The creek also hasn't yet been adequately
24 characterized. The results that we have get radium
25 contamination all the way down to the end. They

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1 haven't found any clean samples yet. They need to
2 continue to do more sampling further down the creek.

3 CHAIRMAN ROSENTHAL: All right.

4 MR. CLARK: Your Honor, there are two more
5 issues that I would just like to quickly bring up, if
6 I may. The first is the groundwater hasn't been
7 adequately sampled also, and we would refer to the
8 EPA's letter that was sent September 26, 2007, which
9 says that ShieldAlloy has not collected sufficiently
10 representative -

11 CHAIRMAN ROSENTHAL: Those are issues that
12 I think you have to address with ShieldAlloy and the
13 staff. I mean, I don't think at this point that we're
14 in a position to deal with that. I mean, our concern,
15 again, and the reason for this conference call was
16 over what seems to us to be an unwarranted protracted
17 delay in getting all of this in such a position that
18 the Board then can go forward and consider any
19 remaining issues following the completion of the
20 staff's technical review. But what the staff is
21 specifically doing, or should be doing at this point
22 as part of its review is clearly not before us.

23 MR. CLARK: Very well. That goes with my
24 last issue, which is ShieldAlloy, we believe, should
25 be required to act in good faith to look at other

1 alternatives to just on-site disposal. We have a list
2 of six uranium mills that may be able to take the slag
3 and reprocess the uranium and dispose of it on-site,
4 so we feel they should take a look at that in a good
5 manner, as Commissioner Merrifield -

6 CHAIRMAN ROSENTHAL: I would think,
7 myself, that the staff will be required as part of its
8 environmental review to consider that alternative.
9 That was one, as I think we noted, the Board noted in
10 its decision, had been adjusted as a possible course
11 of action by then Commissioner Merrifield. I mean,
12 even quite apart from that Commissioner's suggestion,
13 I would think that the staff's NEPA obligations would
14 require it to consider that alternative along with any
15 others.

16 MR. CLARK: I believe they're only
17 considering the disposal site in Utah, which is owned
18 by Energy Solutions, but they are not, to my
19 knowledge, considering any of the six uranium mill
20 tailing sites either in the United States or in Canada
21 that may be able to take these materials.

22 CHAIRMAN ROSENTHAL: Well, we can't pass
23 judgment at this point on whether NEPA review would
24 require it to consider other sites. I mean, that may
25 or may not become an issue once this case gets to us.

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1 Judge Reed, is there anything you want to
2 add to this discussion?

3 ADMIN. JUDGE REED: No, Judge Rosenthal.
4 I think you have adequately covered any issues I would
5 choose to bring up.

6 CHAIRMAN ROSENTHAL: Okay. Judge
7 Wardwell?

8 ADMIN. JUDGE WARDWELL: I'm all set.
9 Thank you.

10 CHAIRMAN ROSENTHAL: All right. I think
11 what I will ask is that within ten days from this
12 date, that would be a week from this Thursday, I don't
13 know what - Johanna may tell me what day of May that
14 is.

15 MS. THIBAUT: 8th.

16 CHAIRMAN ROSENTHAL: May 8th, I would like
17 both ShieldAlloy and the NRC staff to file memoranda
18 addressed to the matters that we've discussed, because
19 the Board would like to have before it a complete
20 picture of just what has transpired since production
21 ceased in '98, both on the part of ShieldAlloy, and on
22 the part of the staff, that has brought us to the
23 point where it now appears it will be over another
24 year before technical review is completed.

25 So if that's -- if no counsel has anything

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1 further, I will ask everyone with the exception of
2 Judge Reed, to terminate the call.

3 Thank you very much on behalf of the
4 Board.

5 (Whereupon, the proceedings went off the
6 record at 10:20:34 a.m.)

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CERTIFICATE

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

Name of Proceeding: Prehearing Conference

Docket Number: 40-7102-MLA

Location: (conference call)

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.



Christina Warner
Official Reporter
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