

Sollenberger, Dennis

From: Janet Schlueter [JRS1@nrc.gov]
Sent: Monday, October 02, 2006 1:19 PM
To: Aaron McCraw; Dennis Sollenberger; Kathleen Schneider; Dennis Rathbun
Subject: Fwd: letter to the editor
Attachments: Fwd: letter to the editor.txt

I hope someone in STP that was here last week saw this before OPA let it go. I did not.

N/2

Sollenberger, Dennis

From: Eliot Brenner
Sent: Tuesday, September 26, 2006 1:32 PM
To: Janet Schlueter; Rebecca Schmidt
Subject: Fwd: letter to the editor
Attachments: letter to the editor.txt

FYI: unless I hear someone scream bloody murder in the next couple of hours, we're sending the attached letter to the editor off to the newark star-ledger to counter a story (attached) that they wrote sept. 12. I pass this on because it touches both on the agreement state issue and because the two NJ senators have asked us for hearings on one of the sites involved.

eliot

Sollenberger, Dennis

From: Diane Screnci
Sent: Tuesday, September 26, 2006 12:57 PM
To: Eliot Brenner
Subject: letter to the editor
Attachments: Heritage article rebuttal.wpd; NJCleanupCriticism.9-12-2006.pdf

After much procrastination on my part and noodling on the part of the staff, I've come up with a letter to the editor to respond to the attached article in the Newark Star Ledger.

Your comments?

Diane Screnci
Sr. Public Affairs Officer
USNRC, RI
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A September 12 article, "Plans to Clean Radioactive Sites Assailed as Deficient" contains assertions that the NRC has been lax in its oversight of two sites in New Jersey. On the contrary, these two sites are considered by NRC as "complex decommissioning sites," which require increased management attention and detailed safety and environmental reviews.

Shieldalloy Metallurgical Corporation in Newfield has submitted a decommissioning plan to the NRC that includes leaving NRC-licensed material at the site under very restrictive conditions. NRC is currently reviewing that plan to determine whether it meets NRC requirements. Those requirements ensure that there is no undue risk to public health and safety. We've rejected the decommissioning plan twice previously because it did not contain the information necessary for us to complete a technical review.

NRC's oversight of Heritage Minerals in Manchester Township was also discussed in your article. NRC issued a license to Heritage Minerals in 1991 because concentrations of radionuclides in a small area of the site met the criteria for requiring an NRC license. The NRC license applied to only about one-acre of the 7,000 acre site. Once Heritage decided to permanently cease operations and decommission the site, it was required to submit a decommissioning plan to the NRC for that area under its NRC license.

Since receiving Heritage's decommissioning plan in 1997, the NRC reviewed the plan for acceptability, conducted surveys, performed independent dose assessments, analyzed data and performed inspections to verify that activities were conducted safely and in compliance with the NRC-approved decommissioning plan. Additionally, NRC met with the New Jersey Department of Environmental Protection throughout the process to share results and discuss our mutual responsibilities for the site. It was only after a comprehensive review and independent sampling to verify the company survey results that the NRC determined the NRC-licensed portion of the site met the criteria for release for unrestricted use. NRC has never said the entire site was cleaned-up.

There also seems to be some confusion about whether the State of New Jersey needs to become an Agreement State in order to exert its authority at Heritage Minerals. The Atomic Energy Act permits the NRC to enter into agreements with the governors of states to turn over regulatory authority for certain nuclear materials to the state if conditions are met. Two-thirds of the states have already chosen to become agreement states. New Jersey recently sent NRC a letter indicating its plans to submit an application, but has not yet done so. Regardless of the status of its agreement state application, the New Jersey Department of Environmental Protection already has the authority to oversee cleanup of the site. Oversight authority for the clean-up of the areas which contained NRC-licensed material was reserved to the NRC. The NRC has already ensured that those areas have been cleaned to federal standards - standards which do ensure adequate protection of public health and safety. According to the NJDEP, the entire area potentially impacted by the mining process is about a thousand acres. NJDEP entered into an agreement with the company in 1993 to remediate all areas impacted by the mining process. The NJDEP says that work is still years from being completed.

The NRC's mission is to protect public health and safety and the environment. Our work

at Heritage Minerals and Shieldalloy shows we take that mission very seriously.