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NUCLEAR REGULATORY COMMISSION

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Review of the Decommissioning Plan for the
Shieldalloy Metallurgical Corporation Facility
in Newfield, New Jersey

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC INFORMATION SESSION ON THE SAFETY REVIEW OF
THE DECOMMISSIONING PLAN FOR THE SHIELDALLOY
METALLURGICAL CORPORATION FACILITY IN NEWFIELD,
NEW JERSEY

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TUESDAY, DECEMBER 12, 2006

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The meeting came to order at 7:00 p.m. in the
cafeteria of the Edgerton Memorial School, 212 Catawba
Ave, Newfield, NJ. Lance Rakovan, Communications
Assistant, presiding.

PRESENT:

- Lance Rakovan, Communications Assistant, NRC
- Scott Flanders, Deputy Director, DWMEP, NRC
- B. Jennifer Davis, Branch Chief, DWMEP, NRC
- Rebecca Tadesse, Branch Chief, Material
Decommissioning, NRC
- Gregory Suber, Environmental Project Manager, DWMEP,
NRC
- Robert L. Johnson, Senior Project Manager, NRC
- Ken Kalman, Project Manager, NRC

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P R O C E E D I N G S

7:06 p.m.

1
2
3 MR. RAKOVAN: If you could take your
4 seats, I believe we're going to get started.

5 I'd like to thank you all for coming out
6 tonight. I see a lot of familiar faces, people who
7 were here last week. Just to get an idea, could I get
8 a show of hands just to see how many people were here
9 last week. I'll raise my hand. I was here. Okay,
10 looks like the majority of the crowd was. Thank you.

11 For those of you who weren't here last
12 week and for those of you who don't remember, my name
13 is Lance Rakovan. I am a Communications Assistant at
14 the Nuclear Regulatory Commission or NRC. I will be
15 facilitating and moderating tonight's meeting, so I
16 will be trying to keep things moving and make sure
17 that everybody who has something to say has a chance
18 to say what they have to say.

19 The purpose of tonight's meeting is to
20 give you information on NRC's environmental review of
21 the Shieldalloy decommissioning plan and also to get
22 your comments on what should be included in the scope
23 of the review. In other words, we kind of need your
24 help here. The NRC employs a lot of professionals
25 with a lot of different expertise, but we're hoping

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1 that you can help us out in terms of seeing what
2 should be included when we look at the environmental
3 scope of this project.

4 Similar to last week's meeting, we're
5 going to start out with a couple of presentations by
6 NRC personnel. Specifically, we're going to be going
7 over the decommissioning review process and also go
8 into an explanation of the environmental scoping
9 process, including public participation, how you can
10 be involved. After we're done with presentations,
11 we're going to have hopefully a brief question and
12 answer session, specifically to focus on clarifying
13 any questions you might have on the presentations,
14 hoping to keep that brief because really, like I said,
15 the reason that we're here tonight is to get your
16 thoughts and to hear from you.

17 At last count, I had over 20 comment
18 cards, so once we move on to the comment period, I'm
19 going to ask that when you come up, if you use the
20 podium mike or if you use the hand mike, try to keep
21 your question or your comments brief, to allow all
22 your neighbors a chance to comment as well, as we will
23 be discussing a few times tonight, if you don't have
24 a chance to say everything you want to say tonight, or
25 if you don't have a chance to speak tonight, in

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1 general, you will be able to submit your comments in
2 written form, and again, we'll go over that later
3 tonight.

4 If you could, please hold your questions
5 to the end of the presentations like we did last week
6 and that way we can get done with our presentations
7 and we can essentially turn the meeting over to you.

8
9 If you do have a question, signal me
10 somehow. I've got two of the wireless mikes here. I
11 thought it worked very well last week being able to
12 pass around and bring it to you, so you could ask your
13 questions. At least the first time that you ask a
14 question or make a comment, if you could identify
15 yourself and if you could let us know if you're with
16 any group, if that's applicable. We are transcribing
17 tonight's meeting, just like we did last week and it
18 really helps if only one person speaks at a time, and
19 if you let us know who you are, so we can make sure we
20 have a clear transcript of tonight's meeting.

21 As I said before, we have over 20 comment
22 cards that I have. I've shuffled the order a little
23 bit, but in general, I'm going to take them as they
24 were handed to me. I am going to try to stick to the
25 cards this week because this is a meeting where we're

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1 trying to get your comments. Last week, things kind
2 of took control as people had questions and I tried to
3 take them and we kind of threw the cards to a side and
4 I apologize for doing that. So this week, I'm going
5 to try to stick to the cards a little better.

6 Again, please silence your cell phones,
7 put them on vibrate or turn off, if possible, so we
8 don't have any interruptions during the meeting.
9 Similar to last week, we have some meeting feedback
10 forms on the table. You can either hand those to any
11 of the NRC people here or you can drop those in the
12 mail for free and those really do help us out in terms
13 of planning future public meetings and we appreciate
14 your feedback on that.

15 Having gone through all that, I'll
16 introduce tonight's speakers. Our first speaker
17 tonight will be Jennifer Davis. Jennifer has been
18 with the NRC for over 15 years. She's currently the
19 Chief of the Environmental Review Branch in the Office
20 of Federal and State Materials and Environmental
21 Programs. She has a Bachelor's and a Master's in
22 Material Engineering. Jen's going to be giving the
23 introduction tonight.

24 After Jen, we'll have Ken Kalman. Ken's
25 been with the NRC for about 20 years. He's the

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1 project manager for the decommissioning of the
2 Shieldalloy site. He has a Bachelor's in Geology and
3 a Master's of Science in Writing and Communication
4 Research. He spent some time as an environmental
5 specialist with the Department of the Interior prior
6 to coming to the NRC and those of you who were here
7 last week will recognize Ken because he gave a similar
8 presentation to the one he'll be giving tonight.

9 Finally, we'll have Gregory Suber.
10 Gregory has been with the NRC for about six years.
11 He's the Senior Project Manager for Environmental
12 Review, Shieldalloy site. He has a Bachelor's in
13 Mechanical Engineering and a Master's in Environmental
14 Science and Environmental Engineering. Prior to
15 coming to the NRC, he spent some time with Bechtel
16 Power Company and Woodward-Clyde Federal Services.

17 A few other people I'd like to point out
18 up here tonight, one is Scott Flanders. Scott is the
19 Deputy Division Director of the Waste Management and
20 Environmental Protection at the NRC. We also have
21 Bryan Holian who is here from our regional office.
22 He's the Director of our Division of Nuclear Material
23 Safety and also as last week, we have Rebecca Tadesse
24 who some of you might recognize.

25 Having said that, I'm going to turn things

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1 over. Hopefully, we'll get through the presentations
2 quickly because like I said, we're here to listen to
3 you tonight. And with that, I'll turn things over to
4 Jen.

5 MS. DAVIS: Hi, everyone. My name is
6 Jennifer Davis. I am the Chief of the Environmental
7 Review Branch at the Nuclear Regulatory Commission and
8 the first thing I want to do is thank you all for
9 coming out tonight. I know that you all have homes
10 and families and it's an effort to come out on a week
11 night, particularly two weeks in a row and we do
12 appreciate it. We're here to hear what you have to
13 say tonight, so we certainly appreciate your showing
14 up.

15 The focus of the previous meeting was the
16 safety review. Tonight, we're going to talk to you
17 more about the environmental review. We are going to
18 go a little bit into the safety review for anyone who
19 wasn't here last time, so that you have a context for
20 what's going on.

21 Can you change the slide, please?

22 Tonight, we're going to start off talking
23 about the NRC's role in this process and our
24 responsibilities. Then we're going to discuss -- Ken
25 Kalman is going to go through a presentation on the

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1 safety review process. Then Gregory Suber is going to
2 talk about the environmental review process that we do
3 under the National Environmental Policy Act.

4 Finally, we're going to talk about --
5 we're going to talk actually throughout our
6 presentation about how you all can participate in this
7 process. The environmental review process is
8 particularly geared toward public participation. And
9 then finally, the bulk of the meeting is we want to
10 gather comments on the scope of our review.

11 If you could change the slide, please.

12 So just to give you a general idea, give
13 you some context, we are an independent regulatory
14 agency. We report directly to Congress and that means
15 we're somewhat less subject to political pressure than
16 some of the other government agencies.

17 We do have a mission. Our mission is to
18 protect the public health and safety and the
19 environment and we do take that very seriously. We
20 are as well an experienced regulator. One of the ways
21 that we regulate is by developing and then enforcing
22 our regulations.

23 If you could turn to the next slide,
24 please?

25 The way that that works in this process is

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1 we start out with two aspects of the review. We do a
2 safety review and at the same time, we do an
3 environmental review. Both of these reviews are used
4 to inform our decision maker. And in addition, the
5 environmental review is used to inform the public and
6 is used to gather public input. We're here tonight to
7 get your comments on the scope of this review and what
8 that means is we're interested in what should we focus
9 our draft environmental impact statement on,
10 particularly impact areas or alternatives to the
11 proposed action by Shieldalloy.

12 So we're out here tonight. We'll come out
13 again once we've published the draft environmental
14 impact statement. We will be here again to gather
15 your comments on the draft environmental impact
16 statement. And then once we've gotten all the
17 comments, and in both cases we do have opportunity for
18 written comment as well. So if you don't get an
19 opportunity tonight to speak, you can submit your
20 comments in written form and Greg Suber is going to go
21 over how to do that in a little while.

22 With a draft environmental impact
23 statement, when we publish that, we're going to come
24 out again to talk to you about what we found in our
25 review to that point and get your comments on that

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1 document. Those comments will then, all of them will
2 be considered when we prepare our final environmental
3 impact statement. So the final environmental impact
4 statement is different from the draft environmental
5 impact statement in that it incorporates all of the
6 comments that we receive, our responses to those
7 comments and then as well any changes we need to make
8 to the document in response to those comments.

9 If you could change the next slide.

10 So once the final EIS is published, the
11 final environmental impact statement is published, and
12 the safety review is complete, there are three
13 potential outcomes to this process. One is that we
14 would approve the Shieldalloy decommissioning plan
15 and/or license amendment. We're going to review to
16 them, refer to that in both ways this evening.

17 We would either approve the
18 decommissioning plan as it was presented to us, or we
19 can approve the decommissioning plan with conditions
20 and those conditions might be something like actions
21 that Shieldalloy must take to reduce say specific
22 impacts that we have found as part of our
23 environmental review. Or finally, we could deny their
24 application, their decommissioning plan, the license
25 amendment.

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1 Before we get to that point, I want to
2 touch again briefly on how you all can participate.
3 Again, we're out here tonight to get scoping comments.
4 We're going to be out here again after we publish the
5 draft EIS and so we are here tonight to get scoping
6 comments, as Lance said. We're going to try to keep
7 our presentations brief. We're going to allow some
8 time for clarifying questions on the presentations.
9 We want the bulk of the meeting to hear from you. So
10 that's what we're here for this evening.

11 There is also opportunity to participate
12 in a formal hearing and if you're interested in
13 participating in a formal hearing, then you would need
14 to submit a petition to intervene by January 16th of
15 2007. And that's been published in the Federal
16 Register. I'm not sure if it's on our web page or
17 not. But if it's not, we're going to make sure that
18 it's up there.

19 So with that, I just wanted to kind of
20 give you all a brief introduction, give you some of
21 the context. I'm going to turn it over to Ken Kalman,
22 and he's going to talk about the safety review
23 tonight.

24 Thank you.

25 MR. KALMAN: Hi, I'm Ken Kalman. I have

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1 been the NRC Project Manager for the decommissioning
2 of the Shieldalloy site for about three years now.
3 During that time, I've had opportunities to talk to
4 quite a few of you on the phone or in person, and I've
5 heard your comments. I was also here last week and
6 had a lot of conversations with quite a few of you --
7 I recognize quite a few familiar faces here.

8 I just want to say that I appreciate the
9 candor of the comments that we received from you and
10 I appreciate you all being here tonight.

11 That being said, let's move to the next
12 slide. What I'm going to do tonight is just a brief
13 synopsis of the material that we covered last week.
14 All I'll be talking about is Shieldalloy operations,
15 their decommissioning proposal, how NRC conducts its
16 decommissioning review process, and I'll conclude by
17 giving you information on how you can submit your
18 comments and where you can get additional information.

19 Next slide.

20 Okay, let's get oriented real quickly.
21 There is the Shieldalloy facility. It is located on
22 the northeast intersection of West and Weymouth. The
23 area that we're concerned with is this large area
24 here. It's a 68-acre area. Down on the bottom left
25 corner of the map on the Hudson branch, Shieldalloy

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1 owns a smaller piece of property of about 20 acres
2 there. But that area has been completely unaffected
3 by any of the operations, so we're not going to be
4 talking about that one at all tonight.

5 Next slide.

6 This is an aerial photograph of the
7 Shieldalloy operations area. You can see off to the
8 left side is where all the process buildings and
9 administrative buildings are, and then all the way off
10 that little corner, you know pinching off on the right
11 side, that is the slag pile and that area is what is
12 known as the storage area.

13 Next slide.

14 To briefly discuss the operations at
15 Shieldalloy, from 1955 to 1998, Shieldalloy used a
16 niobium ore called pyrochlore. The ore contains
17 natural uranium and thorium in quantities, in
18 concentrations that we regulate. We ended up
19 licensing Shieldalloy to possess 45,000 kilograms of
20 uranium and 303,050 kilograms of thorium.

21 Next slide.

22 While they were in operations, they
23 generated 18,000 cubic meters of slag, and 15,000
24 cubic meters of baghouse dust. The slag is a
25 vitrified material that remains after the metal is

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1 extracted from the ore and baghouse dust is
2 particulate matter that is trapped as it goes up the
3 stacks in the baghouse area and is contained in bags.

4 In August 2001, Shieldalloy notified the
5 NRC that it was terminating its operations and
6 intended to decommission. One thing that's important
7 to note is that Shieldalloy was still within its
8 limits for possession of uranium and thorium. While
9 it was in operations, it made quite a few attempts to
10 sell the slag and baghouse dust for its uranium
11 content, but it was unsuccessful in being able to find
12 a buyer.

13 Next slide.

14 We're going to be talking about the slag
15 and baghouse dust. This is part of the slag pile.
16 This is the northwest corner of the slag pile. Off to
17 the left side, you can see that little yellow and
18 green radiation marker, just to give you an idea of
19 the scale that we're dealing with. That sign is about
20 six feet tall.

21 Next slide, please.

22 And those are the bags that were used in
23 the baghouse to contain the particulate matter.

24 Next.

25 As I mentioned, with the main portion of

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1 Shieldalloy that we're concerned with is the 68 acres
2 that was used for metallurgical activities. As I
3 point out on that first slide, off to the left side,
4 we have the process area and they have parking lots
5 and administrative offices and manufacturing
6 buildings. And for the most part, that area was
7 unaffected by any of their operations. Some of the
8 buildings did have a little bit of contamination in
9 them, and they were remediated to meet the standards
10 for unrestricted use.

11 Next slide.

12 What I'm going to jump to now is
13 Shieldalloy's proposal. What Shieldalloy has stated
14 in their decommissioning plans, they intend to release
15 most of the site for unrestricted use. As I said, the
16 process area is pretty much unaffected. The storage
17 yard where the slag is contained now is the area that
18 they're proposing to move all the slag together. It
19 would be contoured and covered with a protected cover
20 to minimize exposure to the environment and to the
21 public. During that time, they'll also have a long-
22 term maintenance and control of the site, and
23 financial assurance will be set up to support these
24 operations.

25 Next.

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1 Okay, I'm now going to quickly jump to the
2 decommissioning process. This is the topic that
3 Rebecca covered last week. Just briefly, if you look
4 at the yellow slide, when the decommissioning plan is
5 submitted the first thing that we do is we take 60
6 days to conduct an acceptance review. The acceptance
7 review is basically just to determine whether or not
8 the licensee has provided us with sufficient
9 information for us to conduct the detailed technical
10 review. It doesn't mean that we've accepted the
11 proposal. It just means that we've accepted the
12 document for the detailed review.

13 Once we get to that point, we've accepted
14 it and then we publish a Federal Register notice like
15 the one we've published back in November. And that
16 announced that we have received the decommissioning
17 plan, we're reviewing it. It also announced the
18 guidelines for the opportunity to request a hearing.
19 And at that time, we also began our public outreach
20 activity, such as the meeting we had last week and the
21 meeting that we're having here tonight.

22 Then we move into the detailed technical
23 review. Typically, it takes one year for us to
24 conduct our detailed technical review. The outcome of
25 that is that we end up drafting a safety evaluation

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1 report. The main distinction between what we're doing
2 and what the rest of my counterparts here are doing is
3 we're looking more at the safety end of things.
4 They'll be looking at the environmental impacts.

5 Once we do the draft SER, it gets reviewed
6 in-house until it's finalized as a final safety
7 evaluation report. One thing I wanted to point out as
8 well, we're doing the detailed technical review. It's
9 fairly common for us not to have all the information
10 that we need, whereas once we start reviewing things,
11 we start finding that there's additional needs for
12 information. So we'll write back to the licensee and
13 request additional information. You hear the term
14 RAIs -- that's requests for additional information.
15 That's an iterative process, sometimes it goes back
16 and forth a couple of times. But again, once we have
17 the information that's how we are able to complete our
18 technical review.

19 Now going back to the bottom here, if a
20 hearing is requested, you know, we have the hearing.
21 And between the hearing and the final SER, that all
22 gets compounded into the final agency decision.

23 Next slide.

24 As I mentioned, there's quite a few
25 sources where you can get additional information.

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1 Documents pertaining to the decommissioning of the
2 Shieldalloy facility will be housed in the Newfield
3 Public Library. There's also several websites you can
4 go to. There's a handout in the back that lists these
5 different websites. Again, you don't have to write
6 this stuff down now.

7 Next slide please.

8 And there's two important dates to
9 remember. The first is there's a cut-off of January
10 16, 2007 to request a hearing, and we'd like to have
11 any comments on the decommissioning plan by March 16
12 of 2007. That will enable us to have enough time to
13 work through the comments and incorporate them into
14 our safety evaluation report. Over here is the mail
15 and the email addresses where you can send your
16 comments. Again, this is all in the handout in the
17 back.

18 And next slide?

19 That is it. Greg Suber will be our next
20 speaker. Again, I'd like to thank you all for being
21 here tonight. I know we're looking forward to hearing
22 your comments.

23 MR. SUBER: Good evening everyone. First
24 of all, I'd like to thank you all for coming out
25 today. I see we got much better weather this week

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1 than we did last week, seeing it was about 20 degrees
2 outside.

3 My name is Gregory Suber and I am a Senior
4 Project Manager in the Environmental Section at the
5 NRC. My colleagues talked to you about the way we
6 address decommissioning. Jennifer Davis talked about
7 the parallel process of the environmental review,
8 going concurrently with the safety review. Mr. Ken
9 Kalman gave you an overview of the safety review.

10 What I would like to do now is talk to you
11 for a few minutes about the environmental review
12 process, and also explain to you how you can
13 participate in that process.

14 Next slide.

15 The National Environmental Policy Act, or
16 NEPA, was enacted in 1969. NEPA is what we call a
17 disclosure statute, and what it does is it requires
18 that all federal agencies conduct a rigorous process
19 when trying to discern the environmental impacts of
20 any actions that they're undertaking. Okay, so what
21 does that mean? What that means is that we at the NRC
22 have to take a hard look at the environmental
23 consequences of actions that we approve. That's part
24 of the reason we're here today. We do two things. We
25 disclose to the public what information we're using in

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1 our review, and then we invite the public to have
2 input on that information. So we tell you that this
3 is the category or this is the universe of information
4 that we're considering, and we look to you to say hey,
5 Mister NRC, you also need to consider those things.
6 So that's part of the disclosure in inviting the
7 public to participate.

8 Now what that does is when we get to the
9 point where we're finalizing a review, it informs the
10 decision maker of the environmental impacts of the
11 action. So those are the three major goals of how we
12 operate NEPA. It's to disclose to the public what
13 we're doing, to invite the public to participate in
14 the process, and to inform the decision maker of the
15 environmental impacts of the alternatives in a
16 proposal that is before the Commission.

17 Next slide, please.

18 Right here we have a schematic, and the
19 schematic tells us how the review process works. As
20 you can see, we're at the beginning of the process.
21 SMC has -- Shieldalloy has submitted an application,
22 and we are preparing a notice of intent to prepare an
23 environmental impact statement that's going to go out
24 in the Federal Register. And what it's going to do is
25 it's just going to introduce the comment period.

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1 Right now we're at the beginning of the
2 comment period, which means you have ample time to get
3 your comments together and to submit them to the NRC.
4 And that's what we call a scoping process. The
5 starred areas here are all areas where we allow the
6 public to give us feedback on our process. As you
7 see, we're going to issue a draft environmental impact
8 statement. And after we issue that draft
9 environmental impact statement, we're going to come to
10 Newfield again and we're going to say, citizens of
11 Gloucester County citizens, of Cumberland County, here
12 is how we understood your comments and here is how we
13 incorporated your comments in our environmental impact
14 statement. And you will have another opportunity to
15 say okay, yes, Mr. NRC, you did okay. Or Mr. NRC, you
16 got my comment wrong. This is how I meant it, and you
17 can once again, give us information to improve our
18 process.

19 Next slide, please.

20 Okay, I would like to address a couple of
21 things about scoping. Okay, first of all I want to
22 kind of describe what is environmental scoping and how
23 can you participate in environmental scoping. When we
24 talk about environmental scoping, what we talk about
25 is looking at how we are going to address

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1 environmental factors within our scoping process. We
2 have to set bounds for our scoping process. We've got
3 to decide what's going to be included in our process,
4 but also we have to decide where we are going to spend
5 more attention, or where we're going to apply more of
6 our resources to. There may be particular areas that
7 are more important or are more highly impacted than
8 other areas.

9 So you have a whole universe of
10 consequences that you can look at, but what scoping
11 does is scoping allows us to concentrate and to focus
12 on things that are important to you, that are
13 important to the citizens of this community. And
14 that's why we come out to get your comments. Now we
15 take your comments seriously, because what your
16 comments do is it improves our evaluation. When we
17 listen to you, and when you come and you give us your
18 feedback, then that increases our knowledge base. The
19 first thing that anyone here up here will admit is
20 that we are not from Gloucester County. We're not
21 from Cumberland County. We don't live here. We don't
22 know everything about your community.

23 Now we have expertise in all kinds of
24 areas. We have expertise in geology, expertise in
25 hydrology. But we don't know this neighborhood the

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1 way you know it, and we need to benefit from your
2 knowledge. What your comments do is it improves our
3 review. In turn, that improves the information that
4 goes before the decision maker. So when the decision
5 maker receives our environmental impact statement,
6 that he looks at the environmental impact statement
7 that has the input from the community, and he can take
8 that input under advisement when he makes his decision
9 about this process, and that's why it's so important
10 for you to participate.

11 Next slide, please.

12 Now I crafted this slide to make a point.
13 Generally, when people think of the environment, they
14 think of birds and they think of trees and they think
15 of rivers and they think of streams. But when we talk
16 about the environment at the NRC, we talk about the
17 entire human environment and we include in that
18 environment things like socio-economics, because yes,
19 you have to drink water but you also have to be able
20 to earn a wage. You have to be able to live. You
21 know, we talk about things like environmental justice.
22 We don't want our decisions to adversely impact
23 minority groups or low-income groups. We talk about
24 things like land use. What's going to happen to this
25 plot of land? Will we be able to put another industry

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1 there? Will it be a heavy industry? Could it be an
2 agri-industry? You know, we ask these questions in
3 our review because those things determine the quality
4 of the human environment, and we want to positively
5 impact that or at the very least, not negatively
6 impact that in our review.

7 Next slide, please.

8 These are the list of 13 areas that we
9 typically cover in our environmental review. The
10 point I want to make right now is that this is not an
11 all-inclusive list. We're going to make these slides
12 available to you on the website. I mean, if you want
13 to jot them down, you can, but we're going to try to
14 make these slides available on our website.

15 So you can see the 13 areas. And these 13
16 areas are also listed in our guidance, which is NUREG-
17 1748. But what this does, it's like a mark. These
18 are the areas that we typically look at. Pardon me,
19 these are the areas that we typically look at. These
20 are not the only areas that we'll look at. And if you
21 look at that and you notice that something is missing,
22 that's what we need to hear. We need you to come to
23 us and say there is an important aspect of this
24 community that is not reflected in that list. There
25 is something special about Newfield, there's something

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1 special about this area of Gloucester County and this
2 area of Cumberland County that you need to consider
3 that's not up there on that list. Those are exactly
4 the kinds of comments that we're looking for today.

5 Next slide, please.

6 Now where do we get our information from?
7 We get our information from a variety of sources.
8 With respect to federal agencies, we have what we call
9 consultations, and that's where we send letters to
10 Fish and Wildlife Service, because once again, the NRC
11 is not a repository of all knowledge in the universe,
12 and we recognize that. So we send letters to other
13 federal agencies and we say hey, Mr. Fish and Wildlife
14 Service, we are thinking about this particular action
15 in this particular area. Do you have anything that we
16 need to know? Is there something that we need to know
17 about endangered species? Is there something we need
18 to know about historic places? What do we need to
19 know when we consider our review? So we contact
20 Federal Agencies. We contact state and local
21 agencies, and we use information that is submitted in
22 the environmental report that we get from Shieldalloy.

23 But there is another important constituent
24 that I'll talk about that I want to emphasize again,
25 is the public comments. Public comments are important

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1 to us. Public comments can only make our review
2 better. Public comments can only make our review more
3 acceptable to you, because you have a part in this,
4 because you can stake your claim and you can put
5 something down that we have to consider. So that way,
6 you're more vested in our review, and hopefully, that
7 the outcome will be a better outcome because of your
8 interaction.

9 Next slide, please.

10 We have a number of ways that you can
11 communicate with the NRC. The first way is at this
12 meeting. We're going to allow, after the question and
13 answer period, we're going to allow people to get up
14 and I think Lance said he had about 20 cards. But we
15 don't want to limit it to that 20. We have time after
16 that, then feel free to get up and to speak at this
17 meeting.

18 The meeting is being transcribed and
19 everything that you say in this meeting will carry the
20 same weight as if you said sat down and you wrote a
21 letter and you sent it to the NRC. It carries the
22 same weight. Having said that, you can always submit
23 written comments to the NRC at an address that I
24 believe is on the handout. So you speak this meeting,
25 you can send written comments to the NRC and in

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1 addition, we set up a web address so that you can
2 email us comments and that we'll also consider those
3 comments during our comment period.

4 Now our comment period will probably end,
5 it's going to end at the end of January. I want to
6 make sure I said that right, the end of January, not
7 the end of December like I was about to say. And so
8 you still have time to go home, if you leave this
9 meeting today and you think of something that you wish
10 you had said at this meeting, you still have the
11 opportunity to submit that to the NRC. And like I
12 said, a comment is a comment is a comment, whether
13 it's an oral comment, whether it's a formal, written
14 letter, or whether it's an email. Your comments will
15 be accepted when they're submitted within the comment
16 period and they all carry the same weight.

17 Next slide, please.

18 Okay, so what is the outcome of this?
19 Okay, you come and you give us comments. We go back
20 and what we do is we use those comments to decide what
21 the scope of our review is going to be. Then we
22 undergo, we participate in an evaluation where we go
23 out and we take the proposed action which Shieldalloy
24 has in their decommissioning plant, but in addition to
25 that, we come up with things that we call alternatives

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1 to the proposed action. And what we do is we make --
2 we create a group of alternatives to a proposed
3 action, based on what the scope is and then we compare
4 the proposed action to the alternatives and come out
5 with some analysis of what the environmental impacts
6 are. And we take that analysis and we put it in our
7 draft environmental impact statement which I spoke of
8 earlier. And then we come back to the community and
9 we say okay, this is the analysis that we have
10 performed and these are our preliminary conclusions
11 that we have reached in this draft environmental
12 impact statement. Tell us what you think. And like
13 I said, you guys have another opportunity to submit
14 comments on the draft EIS at that meeting.

15 Next slide, please.

16 So to recap, quickly, your participation
17 is important. Your participation actually improves
18 our process and is welcome. Remember, anyone can
19 submit comments. I know last week we talked about
20 standing and things like that. Well, anyone can
21 submit a comment in the environmental process. We'll
22 accept a comment from anyone in the environmental
23 process, as long as it's submitted in a timely way.
24 There are three different ways that you can do it.
25 You can write us a letter. You can state it at this

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1 meeting. Or you can send us an email. No matter
2 which way you choose to communicate with us, no matter
3 which way you choose, it all carries the same weight.

4 And the only correction that I have with
5 the slide is the fact that the scoping period will end
6 at the end of January as opposed to January 15th which
7 gives you more time.

8 Next slide, please.

9 Okay, I'd like to thank the Buena Regional
10 School District for allowing us to use this
11 auditorium. I'd like to thank the people at Edgerton
12 Memorial Elementary School for setting up the
13 equipment and being gracious hosts. And I'd like to
14 thank the Newfield Public Library for housing the
15 application. Now all the information that we use in
16 our review is going to be available to the citizens of
17 Newfield at the Newfield Public Library. They were
18 gracious enough to set aside space in the library for
19 people who may not have electronic internet access.
20 They can come in and you can look at hard copies of
21 our documents and our correspondence.

22 Next slide.

23 Okay, and with that, I thank you and I'll
24 turn it over to Mr. Rakovan.

25 MR. RAKOVAN: Thanks, Greg, and thanks

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1 also to the other speakers.

2 I'd like to take a couple of minutes or I
3 guess however much time we need, just to see if anyone
4 has questions specifically about the presentations
5 that were given. I'd like to open up the meeting to
6 comments as soon as possible, but just in case anyone
7 wants clarification on something.

8 Okay, I'm going to go with the hand that
9 I saw first.

10 Sir, if you could identify yourself,
11 please?

12 MR. MCKEE: Yes. My name is Tom McKee,
13 I'm here tonight representing the New Jersey Sierra
14 Club. The first speaker told us about the four
15 outcomes that were possible from this and one of them
16 was the denial of the decommissioning plan. What are
17 the options for Shieldalloy upon that denial? Can you
18 then ask them to actually clean up the radioactive
19 waste?

20 MS. DAVIS: What would probably end up
21 happening if we end up denying the decommissioning
22 plan is that we would have evaluated all the
23 reasonable alternatives in the environmental review
24 process and it's likely that one of those might end up
25 being a more appropriate outcome. So I can't tell you

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1 now; we haven't done the analysis, but it's likely
2 that something that we have analyzed as part of the
3 environmental review would end up being the outcome.

4 MR. MCKEE: So then you can prescribe a
5 remedy at that point?

6 MS. DAVIS: It's not up to us to prescribe
7 a remedy per se, but when we evaluate all the impacts,
8 what we're going to do is out of the group of
9 reasonable alternatives that we come up with, we will
10 come up with a preferred environmental alternative as
11 well, and that will be something that our decision
12 maker at the NRC is going to use to make his decision.
13 So he'll compare that preferred alternative if it is
14 different to what Shieldalloy has proposed to the
15 proposed action. So there are going to be options.

16 MR. MCKEE: Are there options other than
17 landfilling and removing the waste?

18 MS. DAVIS: I don't know at this point.
19 We're just beginning our review. That's something
20 that you all, part of the scoping process is if you
21 suggest alternatives for us to look at in other
22 environmental reviews that we have performed, we have
23 looked at alternatives that we might not have
24 otherwise considered that have come out of the scoping
25 process.

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1 So if you have suggestions, that's one of
2 the things we want to hear.

3 MR. MCKEE: From my review of the
4 decommissioning plan, those are basically the two
5 options.

6 MS. DAVIS: Did you want to say something,
7 Rebecca?

8 MS. TADESSE: Rebecca Tadesse, Branch
9 Chief for Decommissioning.

10 Basically what happens is that we look at
11 the decommissioning plan from the safety perspective
12 and when we look at that, if we have questions,
13 whether or not it meets our regulations, we'll ask the
14 licensee to provide that information. Within that
15 framework if they still don't meet our safety
16 regulation, then we deny the DP and at that point we
17 look at other options that are put in place. The
18 environmental assessment as well as the safety
19 evaluation has to go together, so the regulation, as
20 long as they meet the regulation, then within the DP
21 safety review process, if it meets it, it gets
22 approved.

23 However, all the information gets input
24 into the process. So if they don't meet the
25 regulation per se, we look at other options that they

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1 might have.

2 MR. RAKOVAN: Did that address your
3 question, sir?

4 MR. MCKEE: Now I am confused about the
5 process. It seems like there's no end to it. That if
6 you deny it, what does that denial mean? Do they then
7 have to clean it up or not? I mean that's a simple
8 question.

9 MS. TADESSE: It's difficult for us to say
10 right now, because they could mitigate and there might
11 be options that the licensee would consider. They can
12 look at some of the areas that they might be able to
13 clean up, so there's a lot of options. Without having
14 done the analysis, it's very difficult to say these
15 are the next steps that we'll --

16 MR. MCKEE: So upon denial, this process,
17 after two years of review and denial, the process
18 could go on for years and years more?

19 MS. TADESSE: I wouldn't say that might be
20 the case, but we look at the response that they give
21 us during the RAI response time and if there's things
22 that they need to modify they would modify it within
23 that framework.

24 MR. RAKOVAN: I saw some hands here. If
25 you could introduce yourself, please?

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1 MR. McGOVERN: Good evening. My name is
2 Joe McGovern. I'm an attorney with Park and McCay Law
3 Firm and we are special environmental counsel to the
4 Gloucester County Board of Freeholders.

5 The question I have tonight is that I see
6 that we have to request a hearing by January 15th.
7 And I'm a little bit confused about that in the
8 context of the NRC regulations. Normally, when I
9 request a hearing, I have some kind of final Agency
10 action that I'm appealing.

11 I'm trying to figure out in the context of
12 these proceedings what is it exactly that I'd be
13 challenging as of January 15th. There's no NRC action
14 at that point in time yet that I can understand the
15 basis of an appeal or a challenge. I'm trying to
16 figure out in order to get ready for that kind of a
17 challenge and meet that deadline, exactly what type of
18 filing the NRC is looking for by January 15th.

19 MR. RAKOVAN: John, do you want to address
20 that, at least briefly and then maybe you can talk
21 with him after because I know that chances are I'm
22 probably not going to understand three-fourths of the
23 things you're about to say.

24 MR. HALL: I'm John Hall. I'm an attorney
25 with the NRC. Let me try to briefly answer your

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1 question.

2 The obligation of somebody requesting an
3 adjuratory hearing would be to review Shieldalloy's
4 decommissioning plan that has been filed, review the
5 environmental report that SMC has filed which is part
6 of the decommissioning plan and you would have to
7 assert one or more contentions based on the
8 information that's in the decommissioning plan where
9 you can allege deficiencies, as you see it in the
10 decommissioning plan or the environmental report.
11 Those deficiencies would form contentions and then a
12 legal panel at the NRC would decide whether your
13 contentions are admissible and whether your hearing
14 request can be granted.

15 MR. McGOVERN: Just a quick follow-up
16 question. In the event a hearing is granted, based on
17 our contentions, is that hearing held in abeyance
18 pending the outcome of the NRC consideration of the
19 application?

20 MR. HALL: It's sort of a parallel
21 process. The adjudicatory hearing would take place at
22 the same time, but the staff is still evaluating doing
23 a safety evaluation and environmental review. So it
24 will be a parallel process.

25 MR. McGOVERN: And is the adjudicatory

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1 hearing in Washington, D.C. or is it here in this
2 locality?

3 MR. HALL: Typically, the hearings are in
4 the locale, where the facility is located.

5 MR. McGOVERN: Thank you.

6 MR. RAKOVAN: Thanks, John. I see a hand
7 over there.

8 MR. AKRES: Hi, my name is Fred Akres.
9 I'm the Water Quality Project Manager for Citizens
10 United to Protect the Maurice River. I have a pretty
11 technical question, if I can get this right.

12 In your license requirement that you
13 showed in the slide you talk about the quantity of
14 material that was licensed in kilograms, but then when
15 you talk about how much material is on the site, you
16 talk about it in terms of cubic meters. And I can't
17 convert that. I'm not too metric knowledgeable to
18 convert kilograms to cubic meters.

19 MR. KALMAN: Actually, what it was was you
20 had 18,000 cubic meters of slag; 15,000 meters of
21 baghouse dust. When I talked about the
22 concentrations, excuse me, the quantity of nuclear
23 material that Shieldalloy was licensed to possess,
24 that was the kilogram numbers that I gave. It's two
25 completely different things.

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1 I'm getting close, not quite.

2 (Laughter.)

3 MR. RAKOVAN: Do you guys want to handle
4 this off the meeting or does the general want to hear
5 about this?

6 MR. KALMAN: Let me have three more
7 seconds.

8 MR. RAKOVAN: Please, please.

9 MR. KALMAN: Shieldalloy was licensed to
10 possess a certain amount of nuclear material. That
11 was numbered in kilograms. The slag is like a
12 byproduct of their operations. The slag is not just
13 that nuclear material. There's remnants of the
14 vitrified metal, whatever else came out of the
15 process. Does that make sense?

16 MR. AKRES: So how much nuclear material
17 do they possess on the site?

18 MR. KALMAN: Right now, I don't know the
19 exact -- all I know it was -- I don't have the exact
20 numbers in front of me, but I believe it was -- they
21 were holding, I think it was somewhere around 90
22 percent of the amount of uranium and I think like 86
23 percent of the amount of thorium that they were
24 licensed to possess.

25 Okay?

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1 MR. RAKOVAN: Any other questions before
2 we go to the comment period?

3 Okay, I see a hand. Can you introduce
4 yourself, please?

5 MS. WILLIAMS: Loretta Williams. Last
6 week, they had -- where the slides showed that this
7 could drag on to 2011 because if NRC actually denies
8 their decommission plan, they can resubmit. So they
9 could resubmit several times between now and 2011?

10 MR. RAKOVAN: Somebody want to address
11 that? Thanks, Rebecca.

12 MS. TADESSE: I think that 2011 was once
13 a decommissioning plan was approved, they have to do
14 clean up for the unrestricted part of the release.
15 And once they have finished that have done engineering
16 barrier, the cover is in place. 2011, we expect that
17 we will be able to issue the possession, the long-term
18 possession license. That's what the 2011 was
19 described. Correct? Yes. That's what -- it's not
20 that they can submit the decommissioning plan until
21 2011. It's if, in case we approve in two years, the
22 decommissioning plan, it would take until 2011 for
23 them to complete the work that needs to be done before
24 we issue the long-term possession license.

25 MS. WILLIAMS: Do you know that Energy

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1 Solutions can clean this up in less than a year by
2 removing it off-site and burying it in their site in
3 Utah? Are you aware of that?

4 MS. TADESSE: Yes, yes. We are.

5 MS. WILLIAMS: Why would you let it go to
6 2011?

7 MS. TADESSE: We look what the licensee
8 has proposed and during the decommissioning plan
9 process, they have options as to how they propose to
10 decommission the site. They have chosen to go through
11 a possession, long-term possession license with
12 restricted release. We evaluate that. That is what
13 is in front of the Commission.

14 The way we're set up is that the licensee
15 submits a proposal. We review their proposal, whether
16 or not it meets our regulation. So yes, there is an
17 option that the licensee could choose to do
18 unrestricted release and send all the material to
19 Envirocare, that is an option that they have. But
20 what is in front of the Commission right now is a
21 proposal that says restricted release based on our
22 regulation and we are reviewing that process. We're
23 reviewing that proposal. So we are not in a position
24 to tell the licensee this is what you need to propose.
25 They propose and we make sure that it meets our

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1 regulation.

2 MS. WILLIAMS: What if in two years the
3 NRC denies their DP? Is that the end of it? Or can
4 they resubmit again?

5 MS. TADESSE: We're early in our process
6 to say whether or not we're going to approve it or
7 disapprove it. If the DP is disapproved, they have a
8 timeliness rule that it takes place that they have to
9 decommission one way, whether it is restricted release
10 or unrestricted release. The licensee has to -- has
11 to take an action. What that action might be or not,
12 I'm not in a position to tell you right now because
13 we're looking at what is their proposal.

14 MS. WILLIAMS: If you deny it, and they
15 resubmit it --

16 MS. TADESSE: Yes.

17 MS. WILLIAMS: Well, then it can drag on
18 and on and on. I mean there has to be a point in this
19 process where it has to end for the sake of this town
20 and surrounding area it has to end. This is the third
21 time you're reviewing their decommissioning plan. It
22 was rejected twice.

23 MS. TADESSE: The reason it was rejected
24 twice previously was that we have a process where we
25 look at acceptance review which means that do we have

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1 enough information to do our detailed technical
2 review? We rejected twice because they did not meet
3 our detailed technical review, so we did not evaluate
4 technically whether or not the application was
5 adequate. We looked at it and said there's not enough
6 information for us to do a technical review, a
7 detailed technical review. Those are the two
8 rejections. It wasn't that we went through the
9 process and evaluated the proposal and it was
10 inadequate. The information they provided was not
11 adequate enough for us to start our technical review.
12 Those were the two -- basically, rejections.

13 MR. RAKOVAN: If you could introduce
14 yourself?

15 MR. FLANDERS: My name is Scott Flanders.
16 If I could just add to Rebecca's comments. We did
17 reject the previous decommission plans as Rebecca
18 stated.

19 MS. TADESSE: It was three, wasn't it?

20 MR. FLANDERS: Right. Not having
21 sufficient information for us to do a detailed
22 technical review. Now that we've accepted it for the
23 purposes of doing the detailed technical review as Ken
24 Kalman described. As part of that detailed technical
25 review, if we end up rejecting it now, we're rejecting

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1 it based on the proposal and the technical merit to
2 the proposal. They can't satisfy our regulations. If
3 they can't satisfy our regulations, they, as Rebecca
4 stated, they would have to still decommission, but
5 they are going to have to come up with a different
6 proposal because obviously if we rejected that
7 proposal that they had because it can't meet our
8 requirements, then they would have to provide us with
9 a different proposal in order to satisfy our
10 requirements.

11 So that's the benefit. So it's not time
12 lost. This is an important part of the process. We
13 have the benefit of actually doing the detailed
14 technical review to assess whether or not what's being
15 proposed now is acceptable and will meet our
16 regulations. And if it is acceptable and meets our
17 regulations, then we continue to do the process and we
18 evaluate the environmental impact statements and the
19 decision maker will make a decision based on that. If
20 it does not, then they would have to come in with a
21 different proposal.

22 MS. WILLIAMS: How about telling them they
23 have to remove it?

24 MR. FLANDERS: Certainly if the result is
25 that it's denied, that was something that they would

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1 have to -- they would likely need to consider. Again,
2 the process is that they would propose an alternative
3 approach of decommissioning and we would evaluate that
4 to assess whether or not it meets the regulations.

5 MR. RAKOVAN: Hold on. I'll get to the
6 other questions.

7 Sir, if you could introduce yourself,
8 please?

9 MR. McCOUCH: Kevin McCouch from
10 Cumberland County. A question for you. The
11 contaminated materials that will result from the
12 cleanup of the processing buildings on the 67 acres
13 that they've asked to have for unrestricted release,
14 where does that contaminated material go, left on site
15 or does it have to be taken off site to another low-
16 level dump?

17 MR. RAKOVAN: And you are speaking about
18 the plan that they've proposed, correct? Okay.

19 MR. KALMAN: The material that is in the
20 process area that is not quite as affected, that
21 material is all removed now to the storage yard and
22 that is now part of the pile.

23 MR. McCOUCH: So it stays on site?

24 MR. KALMAN: Right.

25 MR. RAKOVAN: I saw a couple more hands.

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1 I saw one back here. Sir, if you could introduce
2 yourself, please.

3 MR. SHANE: My name is Jeremy Shane and I
4 live at 335 Catawba Avenue. I want to know a little
5 more about the baghouse dust. I want to know what
6 it's stored in, if there's any danger of the
7 containers bursting or breaking and having the dust
8 being spread by the wind until the cleanup process is
9 done.

10 MR. KALMAN: Right now, the baghouse dust
11 is essentially piled. Unfortunately, I didn't have a
12 better picture of it, but it's sitting amongst the
13 slag pile. It looks like a pile of sand scattered
14 around. As far as airborne, I really don't know
15 exactly how much of it is airborne.

16 What I talked about last week was that NRC
17 inspectors have been going out to the site.
18 Shieldalloy has TLD batches at 16 locations here on
19 the site. The NRC inspectors go out. We check the TLD
20 batches with independent measurements. We look for
21 exposure around the site. And so far we have not
22 found anything exceeding the limits of the boundary of
23 the site.

24 MR. SHANE: So you're saying it's not
25 stored in any containers, it's just there like in a

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1 granular form?

2 MR. KALMAN: Just piled up, yes.

3 MR. RAKOVAN: Okay, a hand here, sir.

4 MR. BARSE: Perry Barse. I live in
5 Vineland. A quick question. Maybe this is something
6 you can let us know at some point in time. How many
7 of these different types of processes such as we're
8 going through tonight are going on nationwide right
9 now? That's one question.

10 How many different municipalities or
11 corporations or businesses are going through this very
12 process?

13 I'd also be curious to find out at some
14 point in time, I know you don't have that information
15 with you tonight, but what has been the result of
16 these various hearings on these different sites around
17 the country? I'm sure NRC is the body that handles
18 all of these. I really would be curious to see how
19 many have been involved. How many are currently going
20 on and also what have been the results? I think it
21 would be very interesting for our region to know
22 exactly what the results of these processes are. I
23 know there's different circumstances for different
24 situations. I think it might be good for our
25 residents to know basically what happens with this

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1 process.

2 MR. FLANDERS: Just a slight clarification.
3 Are you speaking specifically of the decommissioning
4 process, decommissioning activities?

5 MR. BARSE: Yes. Again, I'm a CPA by
6 trade, so I don't know what the exact technical terms
7 are, but processes of this sort where municipalities
8 or districts are left with serious health problems
9 regarding nuclear waste. I believe NRC would be the
10 agency to handle all of this, correct?

11 MR. RAKOVAN: That is correct.

12 MR. BARSE: I think in generic, general
13 terms, how many have you handled? How many are
14 currently in process and what have been the results of
15 this? Again, I know it's not scientific, but it might
16 be good for people to know what could possibly be
17 expected from the process.

18 MR. FLANDERS: I don't have the numbers
19 off the top of my head, but we had in the
20 decommissioning process and I look to Rebecca to help
21 me with some of this. We have at least 16 or 17
22 reactors, power reactors in the decommissioning
23 process for which they're going through a similar
24 approach where they have to decommission the facility
25 and cleanup to satisfy our regulatory requirements.

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1 There's at least another 43 or so or 35 or
2 so complex, what we consider to be complex sites,
3 similar to this that have issues such as groundwater
4 contamination that are also going through the
5 decommissioning process and being evaluated to assess
6 whether or not the cleanup can satisfy our regulatory
7 requirements.

8 And then we also have what's called
9 research and test reactors that are also going through
10 the process. So there are quite a few number of
11 facilities that are currently going through the
12 decommissioning process. And they have to satisfy our
13 regulatory requirements for various levels of cleanup,
14 whether it be an unrestricted cleanup or a restricted
15 cleanup as is the case here. And we evaluate that and
16 assess whether or not they can satisfy our regulatory
17 requirements.

18 So there's a number of activities going on
19 in the process as described by the staff, has us look
20 at detailed technical issues, both on safety and
21 environmental standpoint. We assess the impacts. We
22 assess whether or not they can satisfy our safety
23 regulations and make a decision as to whether or not
24 they adequately cleaned up the site.

25 MR. RAKOVAN: Yes, if you could introduce

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1 yourself, please?

2 MS. BONO: Christina Bono. I have two
3 questions.

4 MR. RAKOVAN: If you could speak up a
5 little bit. They're having problems hearing you.

6 MS. BONO: One question is why did it get
7 this far? Why can't there be some form of a
8 containment right now to get this cleaned up? The
9 longer it sits out, the longer we're all subjected to
10 everything.

11 The second is what happens if Shieldalloy
12 bankrupts? They Chapter 11. Who gets the bill? Do
13 citizens, do we have to pay for the cleanup?

14 MR. FLANDERS: You asked a number of good
15 questions. Let me take them, attempt to take them one
16 at a time.

17 How we got here and whether or not the
18 current condition is in a safe configuration. As was
19 mentioned earlier, and we also have our regional staff
20 here, we have regional inspectors who go to the site
21 to look at the current condition and as we said also
22 we collect measurements of data to assess whether or
23 not the material in its current configuration is
24 maintained in a safe state, so we've been doing that
25 for some time. We continue to do that and we'll

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1 continue to do that as part of the process.

2 So at this time, as it's currently
3 configured our inspectors have indicated it's in a
4 safe state. So that addresses the current condition,
5 in its current form it's safe.

6 The issue of financial assurance, and
7 bankruptcy, is part of our safety review, to ensure
8 that sufficient funds are there to decommission the
9 site. And that's part of the evaluation process that
10 we look at.

11 In terms of the -- how the financial
12 assurance is set up, the structure of the plan, I
13 can't speak to that, we're in the process of
14 evaluating that, but as part of our evaluation
15 process, we look to see if there are ways to protect
16 against or mitigate the impact associated with
17 bankruptcy. So that will be part of our evaluation.

18 MR. RAKOVAN: Did you have a follow-up?

19 MS. BONO: Is there a bond establishment?

20 MR. FLANDERS: Right, now, we're looking
21 at part of the process of financial assurance. It can
22 take various forms. I'm not sure what the exact form
23 is in this case or have we agreed to a particular
24 form. So that's part of the evaluation. I think that
25 information we provided is part of our review.

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1 MS. BONO: Thank you.

2 MS. MAVILLA: Yes, my name is Sue Mavilla.

3 MR. KALMAN: Excuse me, if I could just
4 add one thing. What happens in financial assurance is
5 until we get closer to coming towards the end of our
6 review process and having a better feel for what the
7 decommissioning activity is going to be, we really
8 don't know exactly how much money is going to be
9 needed for that. So that's why, the financial
10 assurance, we'll have to get decided as we go further
11 into the review process.

12 MS. MAVILLA: My name is Sue Mavilla, 600
13 Drive, Newfield. I've been a resident here for about
14 30 years. I chose to move to Newfield from North
15 Jersey where there are refineries and a lot of
16 different corporate business. I chose Newfield 30
17 years ago and the question I have is I think NRC has
18 a responsibility to this town to return this town and
19 to return the land to where it was in 1955. I
20 personally don't care how much money it takes. I
21 don't care what the engineers are saying. I believe
22 that this land should be the way it was in 1955 when
23 Shieldalloy moved into town.

24 I have to tell this room that I was a
25 supporter of Shieldalloy in the 30 years that I've

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1 lived here. I'm embarrassed that they've left us with
2 this mess. I believe you're talking about land that
3 they own on the other side of town that has nothing to
4 do with this. I think their assets have everything to
5 do with this and I think the NRC should look into the
6 rules and regs or whatever will allow them to attach
7 any assets that they have right now so that this can
8 be cleaned up, moved out of town.

9 The community, the legislators, everybody
10 has advocated that we want it out of town. And I
11 think it's Shieldalloy's responsibility and I think
12 it's NRC's responsibility to find out whatever is in
13 the regs they can attach whatever assets they have
14 left and basically clean it up. Thank you.

15 (Applause.)

16 MR. RAKOVAN: Thanks. Just any more
17 clarifying comments on the presentations? And by the
18 way, for the people sitting in the back, there's
19 almost an entire row of seats available up there near
20 the front, if you'd like a seat.

21 If you could introduce yourself, please?

22 MS. MARCYNIUK: Yes. Barbara Marcyniuk.
23 I've lived here for 13 years. I just want to support
24 the lady before me. If I will leave a trash on the
25 street, I would be put in the jail, fined and I will

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1 have to clean up after myself. With Shieldalloy, they
2 are not allowed even to clean up? This is ridiculous.

3 Another thing. I would love to ask you,
4 all of you, if you will put yourself in our shoes here
5 in Newfield, then maybe you will try to understand us
6 better, what we are coming from.

7

8 Thank you.

9 (Applause.)

10 MS. BIRCH: Hi, my name is Sue Birch and
11 I've been a resident of North Vineland all of my life,
12 a potential home owner for Newfield, coming up at the
13 end of the month here.

14 I want some clarification on what you
15 consider safe levels. That's some of the comments
16 that you've been giving us about what is actually
17 stored on the property currently? I know that there
18 are considered safe levels of contamination in food
19 products that are produced. Where do you come up with
20 your safe levels and how many illnesses are considered
21 safe for your statistics?

22 MR. FLANDERS: One of the activities in
23 order for us to evaluate what's exactly a safe level
24 in our view is we go through a rulemaking process and
25 we establish rules and regulations. They govern what

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1 we consider to be safe. And that rulemaking process
2 is fairly extensive and it includes a public comment
3 and public participation process and documentation of
4 the rule, the bases for the rule and also for major
5 rules such as the license termination of the rule,
6 includes an environmental impact statement which says
7 a full assessment and provides a basis for how we
8 determine what is an appropriate level to meet in
9 order to be safe.

10 So our rulemaking process, it's not that
11 we pick an arbitrary value to determine what is safe,
12 we actually go through a rigorous process to establish
13 a regulation, based on scientific information and
14 evaluation as well as the impacts associated with that
15 rule and its implementation to establish rules
16 considered a safe limit.

17 That process was actually done for this
18 license termination and I don't know if we have it on
19 our website or not or if we can provide it to folks,
20 but there's a whole basis document that establishes
21 how we came up with the limits we did for the license
22 termination rule and in the environmental impact
23 statement it also describes that which you can look at
24 and better understand as to how we reached the
25 conclusion with the limits that we have, are in fact,

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1 safe. So it's a process that we go through to
2 establish it. It's not something that's done in an
3 arbitrary way and it requires public input as part of
4 the process to establish that as well as input from
5 other expertise from other federal agencies as well in
6 the process.

7 I think right now, I think we're getting
8 into some of the public comments which are valuable to
9 us as we look at the scope of the environmental impact
10 statement. So it may be useful, unless there's a very
11 specific clarifying comment we can give on a
12 particular aspect of the presentation, to really move
13 into the comment section because what we're hearing is
14 valuable information for our environmental impact
15 statement.

16 MR. RAKOVAN: Yes, I agree, and as I
17 promised, I wanted to try to stick more to the yellow
18 cards tonight.

19 We're going to go ahead and start going to
20 the pile of comments that I have. Is everybody okay
21 with that? I just want to clarify.

22 Okay, hold on one sec. We're going to
23 start with Freeholder Director Rainier. Would you
24 like to come to the podium? Thank you, sir.

25 MR. RAINIER: For the record, I am Douglas

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1 Rainier, Director of the Cumberland County Board of
2 Chosen Freeholders and I am here tonight representing
3 our board and Cumberland County's more than 150,000
4 residents. Also Senator Sweeney asked me to represent
5 Gloucester County Freeholder Board. He had a previous
6 engagement and had to leave.

7 Let me first of all give thanks to the
8 Commission for holding this public hearing and
9 allowing ample opportunity for those impacted by this
10 odious plan to be heard.

11 I know many, many people wish to comment,
12 so I will keep my prepared remarks as brief as
13 possible, while still touching on some key
14 considerations which must be brought to the attention
15 of those charged with resolving this storage issue.

16 I am providing the Commission with
17 resolutions that were passed unanimously by the
18 Cumberland County Board of Chosen Freeholders, the
19 Cumberland County Economic Development Committee and
20 the Cumberland County Planning Board, all in total
21 opposition to the proposal submitted by Shieldalloy
22 Corporation. I would request those documents be made
23 a part of the official record.

24 We are also in the process of soliciting
25 other resolutions from Salem County, Cape May County,

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1 Atlantic County, as well as the South Jersey
2 Freeholders Association and the New Jersey
3 Associations of Counties.

4 Let me be clear and unequivocal concerning
5 our collective distaste for the proposal by
6 Shieldalloy to leave this radioactive waste product in
7 its present place. This is especially true in light
8 of the fact there are other options at facilities
9 designed to store these materials safely and at a
10 price that is not unreasonable when balanced against
11 the hazard they present to this area.

12 Should this plan be allowed to stand, who
13 is most threatened besides the residents of the
14 Borough of Newfield and Gloucester County? The answer
15 is the residents of Cumberland County who live
16 downstream of the watershed of the Maurice River.

17 Let me tell the shills of Shieldalloy we
18 will be unrelenting in our opposition to yet another
19 toxic attack on Cumberland County. We're damn sick
20 and tired of fending off noxious attempts to use our
21 section of the State of New Jersey as a waste bin for
22 undesirable materials.

23 (Applause.)

24 For the past 20 years, we've been fending
25 off predators who would use and abuse us for their

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1 personal profit. First, an attempt was made to place
2 a hazardous waste dump in Maurice River Township. It
3 did not happen.

4 Then, there were those who wanted to churn
5 our beautiful rivers with garbage. It did not happen.
6 Attempts were made to lure Fairfield Township into
7 accepting a low-level radioactive dump. It did not
8 happen.

9 The State even wanted to place sexual
10 predators in Cumberland County. Again, it did not
11 happen.

12 Now, as we also face those who want to
13 dump VX nerve gas remnants in the Delaware Bay, we
14 also face this prospect of tainted, radioactive soil
15 left upstream. I tell you, it will not happen.

16 (Applause.)

17 We, as a county, will use every resource
18 and every method available to us to protect our
19 citizens and our environment. Tell Shieldalloy to do
20 the right and proper thing, to exercise corporate
21 responsibility and not to waste its time and money on
22 a scheme which we will never accept.

23 Thank you for your time and consideration.

24 (Applause.)

25 MR. RAKOVAN: Thank you, sir. Freeholder

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1 Magazzu.

2 MR. MAGAZZU: Thank you very much, and I
3 will not be repetitive of my colleague.

4 I am a Cumberland County Freeholder, but
5 probably more to the point this evening in about a
6 month, I'll be President of the New Jersey Association
7 of Counties which means I will be speaking for all of
8 the county-elected officials in state.

9 And I can assure you that I will bringing
10 to bear that organization's strength and resources to
11 oppose this ill-thought out plan.

12 A couple of folks spoke and I found it
13 interesting. There's a lady who has lived here for a
14 long time and someone who has been here very recently.
15 This is an area where we all chose to either stay or
16 come back because of its pristine nature, because we
17 love the environment.

18 That doesn't mean we don't like good,
19 economic development. God knows, I've been an
20 advocate of that in my own county. But we expect
21 corporate responsibility. And clearly, in this
22 instance, there was an absolute lack of corporate
23 responsibility.

24 And as my friend, the Director indicated,
25 in many Administrations, Democrat or Republican,

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1 there's been an indication to try to dump things on
2 South Jersey. That time is over. It's not going to
3 be tolerated any more.

4 It may have been because we didn't have
5 the bodies, or we didn't have the brains, or we didn't
6 have the energy, but I can assure you, that the
7 elected officials and the residents, more importantly,
8 of this area, have the brains and the energy and will
9 not be run over by an irresponsible company.

10 I was struck by the response, a very good
11 question was asked about the bond. And I was struck
12 by the response which was we just don't know. Well,
13 let's understand what we do know. We do know that
14 there's radioactive contaminants that have the
15 opportunity to have a half life for literally a
16 million years. We know that.

17 And what we also know is that the NRC has
18 experience in similar circumstances throughout this
19 country.

20 This is part of your business. So there
21 are other cases that are similar. So I would urge you
22 and I'm going to make this a formal request that I
23 will be expecting a response to and this gentleman has
24 my information, I would urge you to do a study of the
25 most similar situation right now and demand that a

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1 bond be posted, and ensure if it means to go to
2 Federal Court in order to show cause, to ensure that
3 money does not go off shore.

4 What we cannot afford in our respective
5 communities, is 4 or 5 or 10 years of hearings and
6 considerations through which time the corporate
7 leaders who did all of this, drained the financial
8 essence of the company so there's nothing left. And
9 then it puts the burden on the federal taxpayers and
10 with competing interest we become low on the totem
11 pole.

12 So tomorrow, tomorrow, some action should
13 be done, and I have to believe that a tool exists
14 where the assets can be preserved, so that they cannot
15 be squandered in the interim, so that they can be used
16 for the cleanup.

17 As a final point, this record should be
18 tomorrow or as soon as it's a permanent condition, be
19 forwarded to the U.S. Attorney's Office. Somebody
20 should go to jail. Somebody should go to jail for a
21 long, long time.

22 (Applause.)

23 I'm a former prosecutor. It's
24 inconceivable to me that criminal acts were not
25 conducted, that laws were not broken for us to have

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1 this type of consequence.

2 My final point is that this is an
3 emotional issue, not only for the people of Newfield,
4 but as the Director, as I said, for South Jersey,
5 because of the aquifer, because of the impact.

6 And you should know and to the extent, my
7 guess is, there are counselors or attorneys from
8 Shieldalloy in this room, you should know that the
9 resolve will not change tomorrow, next month, next
10 year or 10 years from now.

11 All of South Jersey will be together on
12 this issue.

13 Thank you very much.

14 (Applause.)

15 MR. RAKOVAN: Thank you very much, sir.
16 Mayor Westergaard.

17 MAYOR WESTERGAARD: Good evening. As the
18 Mayor of this community, let me set forth as plainly
19 as I can that the desire of the Borough of Newfield is
20 for the U.S. Nuclear Regulatory Commission's review
21 process to end with one conclusion, leaving the
22 material on site is totally unacceptable. It is
23 unacceptable in terms of the cost benefit analysis you
24 must conduct. It is unacceptable in terms of a
25 comparison as to removal costs compared to benefits.

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1 It is unacceptable in terms of the restricted use
2 proposed. It is unacceptable in terms of the long-
3 term needs of the project oversight to protect the
4 community.

5 Simply, in a word, the plan in
6 unacceptable. Robert Lane, the CEO of Deer Company,
7 recently wrote about the standard of review used at
8 his company. It is a standard which I hope guide your
9 actions. He said no smoke, no mirrors, no tricks.
10 Straight down the middle. It means no exaggeration.
11 No disassembling, just the real deal.

12 I was struck recently by a statement by a
13 spokesman for Shieldalloy that there may be a danger
14 of removing the material out of Newfield. Our country
15 is loaded with failed landfills and storage sites that
16 do not stop contaminants leaking into the environment.
17 The past failures include Hazelwood, Missouri,
18 Shattuck site in Denver, and Shpack Landfill in
19 Norton, Massachusetts.

20 Excuse us for not wanting little Newfield
21 to join that list. If it is dangerous to remove it,
22 it is more dangerous to leave it in our town.

23 (Applause.)

24 Our state VP said this weekend, they doubt
25 the plan this weekend meets the state's standards. We

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1 totally agree that the NRC cannot accept the plan when
2 the state has not yet made a decision.

3 We were already aware of a migrating
4 chromium plume at Shieldalloy. They claim the
5 material does not dissolve easily, and they can cap
6 the waste to stop it from migrating with the rain
7 water. There is no plan that we will be satisfied
8 with or will accept to ensure if the cap cracks, have
9 some guidance because of Shieldalloy's contamination,
10 downgradient from Shieldalloy, has already been
11 designated as a well restriction area requiring
12 mandatory connections to water systems.

13 The past legacy of Shieldalloy has not
14 been kind or fair to our community. The determination
15 that the NRC, that the protection sustained over a
16 long time period is not achievable, should be your
17 final conclusion. It would be terrible if at the end
18 of our process, our residents are left with yet
19 another battle to remove this massive contamination.
20 Any cost benefit analysis which concludes that the
21 dangers to health and safety, plus the existence of a
22 viable alternative of shipping the material off site,
23 doesn't outweigh the financial concerns of
24 Shieldalloy, is it in word again, unacceptable.

25 I want to express the need of your

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1 analysis to include costs left out of the Shieldalloy
2 plan. These include sampling of surface water and
3 ground water, security monitoring, cap and fence
4 repair and replacement, the devastating impact on
5 property values in the region if the material remains,
6 the danger of a clean up of groundwater in the event
7 of cell leaks. Your agency calls it a safety net. We
8 call it a disaster.

9 On and off soil sampling, sediment
10 analysis of the Hudson branch, stormwater sampling of
11 run off from the site pile, and groundwater modeling
12 of the plume. Excuse me. The Shieldalloy plan is not
13 the only course. The continued submission and
14 rejection by the NRC of their plans continues to
15 provide an economic windfall to the company by delay.
16 Even your projected two-year review of this newest
17 plan means the borough and region will remain at risk.

18 I understand that the NRC cannot dictate
19 removal, but you must accept the simple fact that
20 Shieldalloy has an alternative. The waste can be
21 safely and quickly excavated and remove the secured
22 containers without danger. One year from the start of
23 a project, we will have a clean property and safety
24 for our area. If you will, that's what I call an
25 acceptable plan.

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1 (Applause.)

2 MR. RAKOVAN: Thank you, sir. Newfield
3 Councilman Jim Milton.

4 MR. MILTON: Hello, my name is Jim Milton.
5 I'm a Council member in Newfield. First of all, I'm
6 very proud of our mayor, Mr. Westergaard. He deserves
7 another hand. He's been very, very -- has worked very
8 hard at bringing this over the last few years.

9 (Applause.)

10 A particular thanks for allowing me to
11 help you work with this, and God bless our
12 legislators, because without them we wouldn't be here
13 tonight if this plan had been approved last year. And
14 I can guarantee that that would have happened. So
15 there is some people have really worked really hard,
16 especially the legislators.

17 People need to know -- there's one simple
18 thing, there's a lot of things that are going to be
19 said here tonight, and there's one fact that I want to
20 bring out. The company has hired some -- the company
21 has hired the largest public relations firm in the
22 country, pretty much. The one that McDonald's uses.
23 And this is a public relations/lobbying firm. And
24 they have had little success here in New Jersey, as
25 you can see from the legislators here tonight and last

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1 week. But it seems like they've had some success in
2 Washington, D.C. If you were here at last week's
3 meeting, you can see that these people here, I mean,
4 they're very knowledgeable and respectable. But they
5 come off with -- they're defending this company on
6 every question that's brought out here, and that's not
7 just me. I think everyone in the room would agree
8 with that. And why, I don't know. But maybe -- I
9 just question the fact that by hiring the largest
10 lobbying firm in the country, was that a wise decision
11 for Shieldalloy? They spent of money doing it, I
12 don't know.

13 And last of all, you see this ugly
14 handout. This is for a citizen's group in the area.
15 There's a website, there's a wealth of information
16 that you will find there and if you go there often, if
17 you want to get involved with the group, please do.
18 But also you can read. If you don't want to get
19 involved or you have information that you don't want
20 to bring forth publicly, you can leave it there on the
21 message boards and what have you. Thank you very
22 much.

23 (Applause.)

24 MR. RAKOVAN: Thank you, sir. Steve
25 Schultz, from Senator Lautenberg's office.

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1 MR. SCHULTZ: I'm Steve Schultz, I'm a
2 South Jersey Director for Senator Lautenberg. The
3 Senator asked me to come out and make a brief
4 statement. He wanted me to make sure that I thanked
5 the Free Holders, the Councilmen, and the Mayor for
6 their continual opposition of this. And in
7 particular, thanks to Senator Menendez for his
8 opposition, and their hard work on behalf for all the
9 residents in Newfield and Cumberland County and
10 Gloucester County. Here is his statement:

11 I would like to express my strong
12 opposition to the decommissioning plan recently
13 submitted by Shieldalloy regarding its site in
14 Newfield, New Jersey. During last week's meeting, the
15 public voiced their opposition to the plan and
16 described the past and present environmental impact of
17 the site on their town. They described the
18 particulate that flows through the air and lays on
19 their homes and in their cars. They talk about the
20 many instances of cancer that they feel are directly
21 related to the mismatch at Shieldalloy. They're
22 concerned about the groundwater and do not want their
23 health and the health of their families put at risk.
24 These are all valid concerns which must be considered
25 before the final plan is set in motion.

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The focus of tonight's meeting was supposed to be the environmental impact of the decommissioning plan. I am very concerned that this plan may put the health and well-being of the residents and the fragile eco-system surrounding the site at risk. At the previous meeting, members of the public educated on nuclear materials informed the audience that radioactive slag will take anywhere from 500,000 years to 14 billion years to break down. 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.

No cost benefit analysis can accurately account for the environmental and health risks that this community faces for potentially thousands of years. I urge you to support a decommissioning plan that is protective of the health of Newfield's residents and of the environment and one that includes a removal of the slag. Thank you for your time and consideration.

(Applause.)

MR. RAKOVAN: Thank you, sir. I would

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1 like to introduce for comments next. U.S. Senator
2 Robert Menendez.

3 (Applause.)

4 And Senator Fred Madden, from the Fourth
5 Legislative District of New Jersey.

6 (Applause.)

7 SEN. MENENDEZ: Thank you very much. Good
8 evening. I appreciate the Nuclear Regulatory
9 Commission holding these hearings. I am here in
10 Newfield borough to voice my concerns about something
11 that I consider an incredibly important issue, and I
12 appreciate being accompanied by Senator Madden who has
13 voiced his concerns to me as well as other officials
14 representing both the county legislative district as
15 well as the municipalities.

16 Several months ago, Senator Lautenberg and
17 I wrote to Chairman Klein of the Nuclear Regulatory
18 Commission and asked him to hold public hearings on
19 the Shieldalloy decommissioning plan as soon as
20 possible, and I greatly appreciate the fact that we
21 are now having those hearings. As I know the
22 Commission's staff are certainly aware after last
23 week's hearing, this is an issue of tremendous
24 importance to the local community and the state, and
25 one that I have been following closely since being

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1 given the honor of representing New Jersey in the
2 United States Senate.

3 I have read much of the material enjoined
4 with my staff in Washington, and I am not a scientist,
5 so I am not going to talk about the details of the
6 Shieldalloy plan and its deficiencies. I will leave
7 that to others who have made the case against such a
8 plan. But as an elected representative of the people
9 of New Jersey, I want to join my voice in vigorous
10 protest whenever a company proposes to skip town and
11 leave its toxic garbage behind.

12 This is not simply about one large pile of
13 radioactive waste. This is about a fundamental
14 principle. New Jersey is not a toxic dumping ground,
15 and if you make a mess, you better be prepared to
16 clean it up. Twenty-six years ago yesterday,
17 President Carter signed the comprehensive
18 Environmental Response Compensation and Liability Act,
19 which is far better known as Superfund. The idea
20 behind Superfund was simple, straightforward, and
21 fair. Polluters should pay for cleaning up their
22 toxic messes, not the public.

23 But ten years ago, something changed. A
24 different leadership in Congress allowed the fees
25 levied on corporations to expire and the Superfund

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1 trust fund was gradually whittled away. A few years
2 ago, it went bankrupt and tax payers are now forced to
3 pay the full funding cost of cleanup sites where the
4 responsible party cannot be found or no longer exists.
5 Worse yet, the current Administration has slowed the
6 program down. We are cleaning over 80 Superfund sites
7 a year in the late 1990s, now barely reaching 40.

8 Taxpayers are not only paying financially
9 to clean up these sites, they are paying with their
10 health as families drink polluted water and children
11 play in contaminated soil. Now I know that we're not
12 talking in this context as it relates to the
13 Commission about a Superfund site. That's already --
14 it's a Superfund site, but in a different context.
15 This is particularly, however, relevant here, because
16 Shieldalloy has been a Superfund site for over 22
17 years, with extensive contamination of the soil,
18 river, and groundwater by chromium and other toxic
19 compounds. Shieldalloy has been cleaning up since the
20 late 1970s, as they should. But there is no denying
21 that the residents of Newfield have been exposed to a
22 serious health hazard for quite some time, one that
23 still lingers to this day.

24 I am aware of concerns in the community
25 that a cancer cluster may exist here and those

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1 concerns need to be investigated. While I understand
2 that this is a separate issue, I think it is relevant
3 to mention it because on top of this existing
4 hardship, the community has experienced, it is simply
5 too much to ask them to also accept a 30 foot high
6 pile of radioactive waste that will supposedly need to
7 be monitored for a thousand years.

8 I believe the Nuclear Regulatory
9 Commission has to take into account the well-being of
10 the community in making the decision to accept or
11 reject this plan. And there is absolutely no benefit
12 for the people of Newfield in allowing this pile to
13 stay, which is why it is unacceptable to force them to
14 be stewards of this for a millennium. The idea that
15 companies can simply sweep problems under the rug -
16 or, in this case, under a pile of dirt - and call it
17 a day is not the way that this country should do
18 business, and certainly not something that should be
19 approved by the NRC.

20 Just last week, a Shieldalloy spokesman
21 said the company's decision to leave the material here
22 was not based on economics, but on the public
23 interest. I find that hard to believe. They want the
24 people of Newfield to be content to live near this
25 radioactive waste for a thousand years because it is

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1 so harmless, but say they don't want to transport it
2 because of the threat of an accident that would expose
3 people to the material. They can't have it both ways.
4 If the material is so dangerous that it should be
5 transported, then it certainly shouldn't be encased in
6 Newfield. If the material is safe enough that you
7 wouldn't mind your children playing next to it, then
8 there's no reason not to move it. It seems obvious
9 that this is truly a question of economics, and the
10 people of this community should not be forced to pay
11 because a company is unwilling to do so.

12 It seems to me that if we start down that
13 road, if the Commission accepts that proposition, then
14 what we will have across the landscape of the country
15 is a series of sites which was never, I think, within
16 the policy, domain, of the Nuclear Regulatory
17 Commission to permit, a series of sites where the
18 responsibility can be left behind by a private entity
19 left and shifted to the taxpayers of this country.
20 That is the wrong statement to make as a public
21 policy.

22 For me, these hearings are not about the
23 technical details of Shieldalloy's plan. They are
24 about the principle of the matter, and, more
25 importantly, they are about the interests of the

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1 people of the Borough of Newfield, the Township of
2 Franklin, the City of Vineland, and the Counties of
3 Gloucester, Cumberland and Atlantic, as well as the
4 State of New Jersey. The principle we would set by
5 approving this plan would be a very dangerous one. It
6 would say to polluters that they can take the cheap
7 way out. That we will not hold them fully responsible
8 for the messes they create. And the interests of the
9 people would not be served by accepting this plan. It
10 would not be served by cordoning off a portion of
11 their town for a thousand years. It would not be
12 served by adding one more threat to an already
13 contaminated environment.

14 The mission of the Federal Government is
15 to serve the public's interest, and in this case the
16 right decision to me is clear. I urge the Commission
17 to reject this plan and force Shieldalloy to clean
18 this site up right. Let us do it right. Let us do
19 what is in the public interest. It is not to leave a
20 contaminated site for a thousand years even capped as
21 is proposed by this plant. It is to clean the site up
22 and to appropriately dispose of it in an appropriate
23 site. That's what I hope the Commission will
24 determine. I will be vigilant as you pursue your
25 deliberations and we look forward to the right

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1 decision.

2 Thank you very much for the opportunity.

3 (Applause.)

4 SENATOR MADDEN: Ladies and gentlemen, I
5 would like to just publicly thank Senator Menendez for
6 his commitment to South Jersey. I have dealt with the
7 Senator now for a number of months, actually almost a
8 year. The reality of it is simply this. He has
9 embraced the need, partnered with Senator Lautenberg.
10 Suffice it to say that we need their voice to lead us
11 in Washington because that's where the decisions are
12 going to be made. I would simply say to clone an old
13 phrase I think with their strong voice, their
14 commitment and us staying together in New Jersey, we
15 look to move mountains. We look to move mountains of
16 slag someplace where it truly belongs.

17 (Applause.)

18 SENATOR MADDEN: There's a whole lot that
19 goes on and every week that goes by another story
20 comes out. I recently received a call regarding a
21 report, an agreement the State of New Jersey made
22 regarding a bankruptcy claim with the Shieldalloy
23 organization and I was presented with this information
24 a couple of days ago and followed up with the New
25 Jersey Department of Environmental Protection and what

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1 you'll find is there was a bankruptcy claim by
2 Shieldalloy back in the early `90s and in order to get
3 out from under that bankruptcy claim, there was a
4 recommendation as to how to move forward financially
5 and it was simply a financial decision on
6 Shieldalloy's part in some kind of negotiations with
7 the federal and the state governments and just
8 basically a bankruptcy claim. And it's the position
9 that the Shieldalloy or the parent company, that that
10 was also an environmental remedy claim and decision
11 also. It's the position I will tell you now as early
12 as this evening again from the New Jersey Department
13 of Environmental Protection that that agreement back
14 in 1997 if you recall it, a white agreement, in no way
15 represented the State of New Jersey's commitment or
16 agreement to a remedy solution for the slug and the
17 slag in the low level radioactive waste that's here.

18 You will probably hear more of that as it
19 starts to become more public and I'm expecting that
20 the -- I'm going to call on the Department of
21 Environmental Protection Commissioner to come out with
22 a public statement and position on that just so we
23 keep clarity within our people. I believe strongly in
24 leadership that one of the biggest damages we can do
25 to our people is not keep them totally informed.

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1 And it's my goal to keep you totally
2 informed in a timely and most honest and accurate way
3 that I can regarding the decisions and the discussions
4 that take place under the dome in this capital city of
5 Trenton. That is my personal vow and commitment to
6 you. It has always been that way. We are in this
7 together. We need to know the truth and you need
8 somebody to be able to do that. I expect to be that
9 person and I will do my best.

10 For Senator Menendez and Senator
11 Lautenberg, their partnership in this issue is
12 paramount. They are two tremendous gentlemen and I
13 look forward to continued stewardship with them on
14 this matter. Please keep my legislative district
15 informed. My partner, Assemblyman Mayer, who was here
16 the other night had lost his grandfather. He passed
17 away this morning or Assemblyman Mayer would be with
18 me today.

19 So please stay in touch with us. Email
20 us. Write us letters and calls. Keep us apprised.
21 If you have questions on articles that you read, don't
22 hesitate to pick up the phone. And again, the most
23 straightforward, honest and timely answer that we can
24 give you, that's our vow or our commitment to fight
25 for this cause. But we have to move this pile out of

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1 here. It's absolutely ridiculous and I just hope that
2 the honesty and the sincerity of the people in
3 Newfield and the surrounding area comes through for
4 the NRC and much like the Senator said, this is really
5 kind of like, reminds me, a slippery slope to take
6 small slag piles and start letting them sit in little
7 towns for millenniums is just a very, very bad policy
8 from either a health or environmental protection
9 sense, for either not just Newfield or Southern New
10 Jersey, but it just doesn't make sense even on a
11 nationwide basis and I think the government needs to
12 step up and see that and do what government's doing,
13 leading the people and giving us the services at a
14 governmental level which we've become accustomed to as
15 American people. So let's stay together, keep our
16 prayers and just stay the fight. May God bless each
17 and every one of you as we move down this path. Thank
18 you.

19 (Applause.)

20 FACILITATOR RAKOVAN: Thank you gentlemen.
21 I'm going to continue on with the cards as I have
22 them. Just to point out, it's about 8:40 p.m. So we
23 have an hour and some change to continue with
24 comments. If you could keep it concise, it would be
25 great so that everybody that wants to speak as a

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1 chance to do so. If you just agree with something
2 someone else had said and you just want to refer to
3 what they said, that's great. It keeps things brief.
4 If you have something specific to the environmental
5 scoping, please share that with us. But if you could
6 keep your comments down to a couple of minutes,
7 hopefully that will allow a chance for everyone to
8 come up and have a chance at the mike.

9 Craig Minarich, would you like to come up
10 to the podium or would you like the hand mike?

11 MR. MINARICH: Sure. My name is Craig
12 Minarich. I just have a few comments. The first one,
13 I want to basically reiterate what the Mayor said.
14 The economic analysis that he did is in a word just
15 woefully inadequate. They basically don't take into
16 account they make the effects of losing the taxation
17 of any sort of industry there and the fact that
18 there's a low level waste site, what they are
19 proposing there, they are going to be hard-pressed to
20 find any industry that's going to want to move in next
21 door.

22 We talk about a thousand years, but last
23 time, if you were here, we mentioned that a thousand
24 years was just a measure to see how things go. That
25 place is going to be radioactive from now until the

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1 end of time. So there's not going to be a time where
2 we're going to get it back where it's going to get
3 better and basically it's lost revenue for the Borough
4 of Newfield forever.

5 One time in which it actually had and the
6 plan which I thought was a little interesting is they
7 claimed that they feel that there's a chance that
8 property values are going to actually increase as a
9 result of them making the engineering of the cap look
10 more aesthetically pleasing. I don't know about you
11 guys but I really don't buy that.

12 The other thing is right now what we're
13 doing is we're going to plan for this LTC plan which
14 was originally designed for uranium mines basically.
15 The whole idea is you're out in the boonies in the
16 mountains, covered up, walk away. You're okay. Well,
17 the Commission really considers the fact that Newfield
18 is not in the middle of the boonies. I have some
19 friends who might argue that, but there's a lot of
20 people there. It's a small community and this isn't
21 really the right application of this rule and it
22 strikes them a little bit closer about their
23 application of that rule.

24 Then the third comment I have is last week
25 you made the comment that resurgence in the nuclear

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1 power industry, uranium is going up higher in demand
2 and one of the comments that was made was that
3 Shieldalloy looked into the possibility selling this
4 to somebody for its uranium content and that the fact
5 that the price of uranium would have to go up by a
6 factor of eight. Well, there's a recent article in
7 the *Wall Street Journal* that actually made that
8 similar comment that it has actually happened. So
9 there's been an 800 percent increase in the price of
10 uranium since 2001 and based on that, if the original
11 analysis which I'm assuming they probably would have
12 done around 2001 or 2003 said that things had to go up
13 by a factor of eight to make it worthwhile to sell it
14 to somebody and right now last week, the *Wall Street*
15 *Journal* says the price has gone up over 800 percent.
16 I think there's a real good case here for having
17 Shieldalloy reanalyze this.

18 Speaking with the staff a little bit
19 earlier, I understand that's part of the process that
20 they will be looking at that in current day dollars
21 which really gives us a little bit better hope that
22 they will find that there's a better alternative out
23 there other than just leaving it here for Newfield.
24 That's it. Thank you.

25 (Applause.)

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1 FACILITATOR RAKOVAN: Thank you sir. Ed
2 Norr from the Green Action Alliance.

3 MR. NORR: Good evening. My name is Ed
4 Norr, Chairman of the Green Action Alliance. We're a
5 small environmental health group out of Williamstown,
6 a neighbor next door here and our concern is of course
7 with the people of Newfield.

8 To start off with, our position is we're
9 in opposition to any plan that leaves the material
10 here in Newfield. There's a concern that we don't
11 solve problems by putting Band-aids over them.
12 Shakespeare once said, "All the world's a stage and we
13 are the actors." I think tonight we have sort of a
14 similar situation here.

15 I don't think Shakespeare ever thought
16 about radioactivity but the concern I have is
17 wondering if the stage here is set for the people in
18 Newfield to be pacified by certain information. I
19 don't know and I don't want to take this as a slight
20 to the NRC, but I'm really concerned whose side the
21 NRC is really on. The reason I said that is if I came
22 in late to the meeting last week I would have sworn
23 that some of the speakers up here were actually from
24 Shieldalloy and one reason with that is that it seems
25 that as I went through information over the past week

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1 everything is pointing to cost analysis.

2 My question is who are we trying to solve
3 the issue with, Shieldalloy or the people of Newfield,
4 the people of Cumberland, Gloucester, Atlantic and
5 South Jersey area? There are issues here that need to
6 be resolved.

7 It's tough shoes to come up here after
8 Senator Menendez who did an excellent job, Senator
9 Madden and one of the concerns that we may look at is
10 is the NRC's regulations equipped to be able to take
11 these sites and do what is right because right now, it
12 seems that the polluter is running the show here, not
13 the NRC. The NRC is going to review what's happening.
14 You know that's like going to the henhouse, the
15 farmer, and asking about the wolf, "How are we going
16 to better protect this henhouse" and he's going to
17 say, "We're putting the wolf at the back door." One
18 day the farmer comes out and there are no hens left.
19 The next day he comes out, the wolves are gone.

20 The concern is do we have a -- do we have
21 a process in this country that's going to protect all
22 the people from the cut, cap and run of the polluters.
23 I don't think we're seeing it here right now.
24 Everything I looked at on the websites and all looks
25 at the LTC which is the long-term control plan. This

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1 is not what's necessary here. We spent a lot of time.
2 2012 we're looking at. The concern is do we have that
3 time available while the dust is still blowing in the
4 area, while the slag is still sitting there.

5 Who knows how long the contamination? The
6 interesting thing with the dust contamination from an
7 environmental standpoint which is my field is the fact
8 that the dust, you could put dosimeters on the fence,
9 you could stick something around the site, but that
10 doesn't tell you the whole story. The dust could be
11 throughout the township. People could be breathing it
12 for years and years in the past.

13 That's why I think when Senator Menendez,
14 you know, in the Nevada cancer cluster, I think he's
15 absolutely right. There are issues here that need to
16 be looked at aggressively. Shieldalloy is not a good
17 neighbor. A good neighbor company, yes, they may have
18 paid their taxes, but a good neighbor company doesn't
19 leave domestic doom and walk away from it.

20 There was a lot of questions I had. I
21 will send them through an email and in our report
22 because I don't want to take the time here to go
23 through the questions. But they're involved and some
24 of the concern has to deal with what is the makeup of
25 the dust. Is it just the dust or is there chemicals

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1 within that dust because there are certain issues with
2 the plans that they submit that they seem to think
3 that they have a relationship with the NRC that's
4 going to put the plan about capping it into effect.
5 There's no question about it. I'm concerned about
6 that. Everything I looked at shows that they've blown
7 over this one and only option.

8 What are the real options? Cap and go.
9 And what does that do for Newfield? A thousand year
10 plan is an embarrassment to the intelligent and the
11 normal citizen. We don't look at things with a
12 thousand years. A foreseeable future - hundred years.
13 What do we go and look at in a thousand years? In
14 thousand years, the price of a dollar, I did it
15 quickly just looking at escalating it, there's no
16 concept available. We don't even know if money will
17 be around in a thousand years and with the way global
18 warming is and the Bush Administration, we don't know
19 who is going to be around.

20 (Applause.)

21 MR. NORR: But the concern I have that
22 we're looking at uranium. We're looking at thorium.
23 We're looking at ionizing radiation but maybe low
24 level and the question was asked how low is a safe
25 level. I think we all kind of know and, in fact,

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1 without going into detail the low linear threshold --

2 MR. SUBER: Threshold values.

3 MR. NORR: -- values and those are very
4 important because really whether we talk about what
5 values are or are not there is not safe level
6 radiation at this point. And any doctor would come
7 out and tell you that, you'd have a lawsuit in a
8 second. The concern is that as you look at the
9 effects that this plant has in the past, in the
10 present and if the NRC allows this material to stay
11 onsite, the future, there's a serious concern for the
12 men, the women and the children of this area. There
13 is no question about it.

14 We cannot afford to have this material sit
15 on the site when it can be removed and taken to a site
16 in Utah by Envirocare and disposed of properly. And
17 isn't that the way we're supposed to look at things in
18 the future? As a contractor, as an environmental
19 specialist, if I did some of the things that
20 Shieldalloy did I'd be probably on video from some
21 prison out west trying to tell you what the concerns
22 are here.

23 But it seems that they can do this and get
24 away with this and the question is why has it -- There
25 was a question earlier of why has this gone on so

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1 long. Why has all this material sat on this site?
2 Why hasn't some of it been removed? And why hasn't
3 this company taken the responsibility that it needed?

4 The last thing I would want to wrap up and
5 said is this isn't a question about economics versus
6 the environment. This is about the people of
7 Newfield, the people of South Jersey. Where is their
8 concern shown in the cost analysis? That's what I
9 want to ask the NRC. When you do your cost analysis,
10 where do you plug in the factors of the people of
11 Newfield, the children of Newfield? Putting a fence
12 around an area and turning your head doesn't solve the
13 problem. It will only create more and, throughout the
14 country, is that the probable long-term concerns of
15 putting Band-aids on all these issues?

16 That's why I say that the NRC has to go
17 back, look at its regulations, tell Congress we need
18 to change. We need to have a backbone to go in there
19 and tell Shieldalloy and companies alike that "Listen.
20 Give us your option, but we're going to tell you what
21 you're going to. You're under our guidance. You're
22 a licensee to us" and yet right now, Shieldalloy is
23 dictating that we'll do this or maybe we'll go
24 bankrupt. We need a better commitment from federal
25 agencies to ensure the protection of everyone,

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1 especially Newfield. Thank you.

2 (Applause.)

3 FACILITATOR RAKOVAN: Thank you, Mr. Norr.
4 John Paladino. Would you like to come to the podium
5 or would you just like the mike?

6 MR. PALADINO: Yes. I'm a resident of
7 Newfield 62 years and I just have one question. Why
8 are you continuing to let them pollute the area with
9 the slag pile there and this dust that's just laying
10 on top? Why are you allowing this to still happen?

11 FACILITATOR RAKOVAN: Can someone answer
12 please?

13 MR. HOLIAN: Yes, Bryan Holian, Region I,
14 Division Director, Material Safety. I have two
15 comments to make. So I'm glad to get to the
16 microphone on this. I want to make another comment in
17 general. We are not allowing them to pollute the
18 site, you know, right now. There was a question
19 earlier and I went back and talked to the lady about
20 inspections that the NRC does regularly at the site
21 and they're within federal limits. I know some of you
22 saw an NRC inspector with a picture last time with a
23 meter on the slag pile. So I want you to know those
24 inspection reports get done. Water samples are taken.
25 Dosimetry are taken. They are well within federal

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1 limits.

2 The question was answered also on why if
3 it was to be decommissioned why that would also be
4 done and kept within federal limits. There are a lot
5 of questions tonight about are those federal limits
6 right or not or is that the right choice and I
7 understand those questions. But the NRC is here to
8 enforce the regulations that we have.

9 And that broaches into the second comment
10 I had in general and I think it was a councilman who
11 made it earlier and one other gentleman referred to it
12 and it was that the NRC is being influenced by public
13 relations firms or that the NRC is talking as if they
14 are Shieldalloy employees and I maybe can understand
15 those perceptions in some way, but I want to tell you
16 that's not the case. We are public servants. I want
17 to make sure that you know that we have an Inspector
18 General Corps that looks out. They are independent of
19 the NRC. They come under Congress and you all have
20 the right to call up the Inspector General and you can
21 call him up and say, "I think Brian Holian said
22 something wrong or lied to us. I think the inspection
23 staff from Region I didn't so something in accordance
24 with the regulations." I just want to let you know
25 that that's available. We do not live to be

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1 influenced by licensees. We live to enforce the
2 regulations. I just wanted to make sure the public
3 just knew that aspect because I just wanted to make
4 sure you knew that and I know you might get it in a
5 perception one way, but I wanted to make sure that
6 we're here to enforce regulations.

7 FACILITATOR RAKOVAN: Ernest Alvino.

8 MR. ALVINO: My question has been
9 answered.

10 FACILITATOR RAKOVAN: Your question has
11 been answered. Okay. Ken McCouch.

12 MR. MCCOUCH: Good evening, everyone.
13 Several comments. I would like to ask the NRC when
14 they're going over their scoping project here, the
15 evaluation, that they certainly consider the economic
16 impact on the housing values, on the industrial values
17 here in this area. As previously stated, whether the
18 values go up, there is always going to be a public
19 perception in this area of a radioactive dump. Who
20 wants to move next to a radioactive dump or to put
21 industry on a 67 acre site where they have a half mile
22 away this radioactive site because nobody here can
23 tell us now or in the future what's going to happen in
24 a thousand years. You all don't know. None of us
25 know.

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1 I would also like to point out that this
2 sits on a stream that feeds into the upper Maurice
3 River. Just downstream there is a superfund, Vineland
4 Chemical. The arsenic from that site has migrated
5 down the river into Union Lake. I don't think anyone
6 here can tell us again now we're in the future what
7 acid rain might do that radioactive material if it's
8 left onsite or if there are any other heavy metals or
9 other contaminants that the acid rain may allow to
10 leach into the Cohansey Aquifer or into the Maurice
11 River and I'm not sure if the NRC knows but the
12 lowest, I'm sorry, the lower Maurice River below
13 Millville is designated by the Federal Government as
14 a wild and scenic river. There are several active
15 bald eagles nests on there. It's inconceivable to me
16 you would allow a radioactive dump to remain on the
17 site that feeds into a wild and scenic river. Thank
18 you.

19 (Applause.)

20 FACILITATOR RAKOVAN: I'm told that Mayor
21 Parson would like to speak next.

22 AUDIENCE MEMBER: Barse.

23 FACILITATOR RAKOVAN: Sorry?

24 AUDIENCE MEMBER: Barse.

25 FACILITATOR RAKOVAN: Sorry. I was passed

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1 that to me as talking was happening. I apologize.

2 MAYOR BARSE: No problem. Good evening.
3 Barry Barse. I'm the Mayor of the City of Vineland.
4 On behalf of myself and my colleagues and the
5 Municipal Government of the City of Vineland, I want
6 to reiterate our position in support of our neighbors
7 in Newfield. Approximately two and a half months ago,
8 I was out on a ball field just adjacent to this
9 building with Senator Sweeney and Senator Madden and
10 many of the legislators from the districts that are
11 part of the Newfield process here and we let the
12 Delaware Valley know our concern and I will tell you
13 again also through resolution of the Vineland City
14 Council and letters of support we will continue to be
15 there for the residents of Newfield in Gloucester
16 County and, of course, the City of Vineland. I can
17 tell you very clearly as a lifelong resident of
18 Vineland the suffering that North Vinelanders in
19 particular have suffered for well over three decades
20 as far as the residue, the results, of activities that
21 did not take place in our city. We have a good idea
22 where they came from. But we've been fighting those.
23 We've been working through these problems and we will
24 continue to do so to support Mayor Westergaard and the
25 good people of Newfield.

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1 And again, I'm not here to sing to the
2 choir. Many have done that tonight, all in the right
3 spirit. But we're here to support you. We'll do
4 whatever we need to do to help out but in listening to
5 some of the testimony from the NRC, and I appreciate
6 their forthrightness in trying to do the right thing,
7 but just two questions came to mind. One was with the
8 particulate site which is sort of scary to any
9 resident in that it's nice and comforting to know that
10 there's ongoing testing I believe that is going on and
11 monitoring of those particulates. But there's no
12 cover-up. There's no tarp or anything of that nature.

13 My question would be, and again we've had
14 similar issues in my city that we since have gotten
15 resolved with the EP, but when you're dealing with
16 particulates that are very suspect or subject to going
17 into the atmosphere, every day that problem I guess
18 gets a little smaller because every day the wind blows
19 that pile gets smaller which I guess maybe that 10,000
20 year thing or a thousand years, whatever it may be,
21 perhaps that problem will be gone some day.

22 But what happens on the day you're
23 monitoring and all of a sudden, oh my gosh, we have a
24 problem here. How long has the wind been blowing?
25 How many particulates have gone into the air? How

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1 many Vineland and Newfield and residents of this area
2 are breathing that? Today we have a problem. We
3 haven't it for months, but today we have a problem.
4 That day do we put a tarp on it? Do we get nervous?
5 Do we get concerned? What do we do? Again, it's a
6 rhetorical question, but it's something worth thinking
7 about. The day we have a problem do we tell the wind
8 to stop blowing? What do we do? I don't know. I get
9 told I'm a CPA. I don't have the engineering stuff,
10 but it's something to think about.

11 And the other piece is again, Mr. Suber,
12 I guess it is, I enjoyed your presentation, but we
13 know what we have in the borough of Newfield with
14 these nuclear wastes. We know what we have there and
15 we can speculate about 60 some acres of real estate.
16 We do a lot of economic development in Vineland and
17 let me tell you something. This is what it is and
18 it's not going to be something that's going to be
19 looked at in a positive vein by any stretch. Again,
20 I'm not an engineer but just doing a lot of economic
21 development.

22 I think we need to handle tangible
23 problems that are in front of us first, not bury them,
24 not think about them. I'm worried about those
25 particulates. What happens the day we find out that

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1 there's a problem there? We throw up our hands and
2 say we have to figure out something while everybody is
3 breathing it all over South Jersey, all over the
4 Delaware Valley. A bout of wind could create a lot
5 ill wind for a lot of people.

6 Again, I've had the good fortune to be the
7 mayor for the City of Vineland for the past six and a
8 half years. You prepare yourself for different
9 activities and different eventualities that you have
10 to face as a leader. This particular issue was the
11 second issue I faced. I never thought I would have to
12 deal with it. The first was 9/11 which was the
13 problem for all elected officials in office, a
14 national tragedy, and we all dealt with it the best we
15 could and we came together as Americans to do the
16 right thing.

17 The second, and again, not to be
18 melodramatic but to have to worry about a nuclear
19 waste dump on our northern border is just astonishing
20 and just flat out scary. That's what we're dealing
21 with now and we're here to tell you nothing is
22 acceptable except total removal of this dump as far as
23 my residents are concerned.

24 (Applause.)

25 MAYOR BARSE: We stand behind Newfield,

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1 our legislators. It's really scary when you have to
2 talk to residents and talk to good people and say a
3 nuclear dump that's out in the open literally a few
4 hundred yards away from our northern border with all
5 the issues we've had over the years. It's just scary
6 and we have to do something about it. We are here to
7 support this effort in any matter or form we can. God
8 bless each and all of you and let's keep up the good
9 fight. Thank you.

10 (Applause.)

11 FACILITATOR RAKOVAN: Thank you, Mayor.
12 I'd like to point out that it's about 9:05 p.m. My
13 last card count said that we had about 14 people yet
14 that wanted to speak. So again if you could please
15 keep your comments short and to the point, we would
16 appreciate it. Stina Capano.

17 MS. CAPANO: Hello. My name is Stina
18 Capano. I live in North Vineland. No one asked me if
19 they could put a test well in my front yard. I had no
20 voice. My voice is now for all the people who have
21 gone down because of the cancer. Okay. We know it's
22 there. I have it in my household. There isn't a
23 household that you talk to that hasn't had somebody
24 that has died or has had cancer.

25 I plead with the Commission to do the

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1 right thing. When you make your decision, think of
2 your children playing in that dirt. Think of it as
3 your family and please use your voices. Thank you.
4 God bless.

5 (Applause.)

6 FACILITATOR RAKOVAN: Thank you very much.
7 I believe it's Perry Barse.

8 AUDIENCE MEMBER: That was the mayor.

9 FACILITATOR RAKOVAN: Okay. I guess I did
10 have a card for him. John Nordberg.

11 MR. NORDBERG: I think I want to comment
12 that I'm trying over again. When they pick on the
13 NRC, I think they're picking on the wrong people. I
14 believe the NRC represents us in their capacity as
15 engineers and people to work with statistics.

16 I reviewed the disk that was given out
17 last week and there is all kind of calculations that
18 nobody unless they were physicist in nuclear energy
19 would understand any of it. But their calculations
20 are probably right. The right thing to do is probably
21 eliminate radiation and I'm not talking about the low
22 level. It's just the concept of saying it's radiation
23 because I think they agree that it's probably more
24 dangerous to smoke a cigarette than this dump.

25 But the dump is a problem because of,

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1 first of all, decommissioning and there's going to be
2 a dust problem. There will be traffic on our roads.
3 Our roads will be torn up. Wondering who will be
4 overseeing because there's approximately by my
5 calculations and I'm only a dummy that did this work
6 but basically I think there's around 17,384 yards of
7 material for the encapsulation of 636 X 246 area and
8 would be approximately 33 inches deep. By statistics,
9 if you had \$5 million work that there's probably five
10 debts accumulated by OSHA standards.

11 But the other question I have is because
12 of the fact in this tape in reviewing it, I see a
13 thing in there that says in a bankruptcy court in New
14 York, there was \$5 million and some oddball cents for
15 a stock remediation set aside, \$750,000 trust account
16 for the NRC to monitor and control this thing for the
17 next thousand years and \$6 million loan capacity for
18 bankruptcy court insurance and that's in this disk if
19 everybody -- I spent five hours going through this
20 thing. So I think my numbers are right but I could be
21 wrong. Because that's one of the things, I wanted to
22 make sure that this is being handled in the courts
23 right now.

24 I have a real, you know, like a comparison
25 to living where I live. Just out of curiosity, I

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1 bought a house four years ago and a coincidence
2 happens with this pile. The elevation of this pile is
3 an elevation above sea level of 100 feet according to
4 their work that I read on this tape. It's elevation
5 100 to ground area, elevation 100 to elevation 105.
6 My ground at my house is 100 by coincidence. My
7 finished floor of my house is 99.96. My house is 35
8 foot 9" tall. This dirt pile is going to be 30 feet
9 tall and my basement is ten feet below this and if the
10 area annual rainfall is 41 inches per year by this
11 tape but in 1996 we had a rain storm in South Jersey
12 with 16 inches in Mays' Landing. It busted road dams
13 that stood there since probably almost 100 years from
14 that 16 inch rainfall. There was lakes that were
15 effected. Houses were flooded that weren't even
16 thought that you could do it.

17 We see the Delaware River flood that you
18 people were to go up to there in Bucks County in the
19 last three years, they've had water five foot in -- I
20 forget the name of the hotel but five foot up in
21 elevation to this restaurant that's been rebuilt three
22 times from floods. I don't know if we could ever have
23 this in South Jersey because nobody knows what's going
24 to happen 100 years from now and this is some kind of
25 a plan for a thousand years we have to consider.

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1 But I would like to know if these facts
2 are true about this bankruptcy and if that's the money
3 that's been assigned because then that's probably
4 going to have a bigger effect because like you say,
5 you have an ALARA problem which is a protection for
6 the people saying it's as low as being reasonably
7 achievable. I think what Shieldalloy is doing is
8 seeing how they can get rid of this pile as low as
9 reasonably acceptable to them and who can get it
10 passed.

11 And one other thing, in the future, who
12 knows what kind of toys are children are going to have
13 and when I was a child here, there was a dump and a
14 gravel pit on Grubb Road that only had a hill that was
15 like maybe 12 feet tall. It was a challenge for me to
16 ride over there and ride on that hill. I wonder how
17 many kids are going to think that 30 foot hill is a
18 place to go snow riding, snowboarding, in the future,
19 going to have four wheelers, quad runners. How many
20 police officers are going to have to take it into
21 account in keeping these children off of it in the
22 future because our toys have improved from me having
23 a bicycle I had to built to people having \$9,000
24 motorcycles for their children.

25 That's the only thing I have. Nobody

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1 knows what kind of toys we're going to have, what kind
2 of things our children are going to have, but I think
3 we have to protect our children and the thing to do is
4 to get rid of this pile. Thank you.

5 (Applause.)

6 FACILITATOR RAKOVAN: Thank you sir. Tom
7 McKee from the New Jersey Sierra Club.

8 MR. MCKEE: Hello. My name is Tom McKee.
9 I'm representing the New Jersey Sierra Club and I just
10 want to read a brief statement here. The Sierra Club
11 feels that the NRC already has enough information to
12 make a decision on this application.

13 The Sierra Club objects to the NRC
14 considering a license for a radioactive waste landfill
15 that is designed to discharge to one of New Jersey's
16 most important aquifers, the Cohansey. This aquifer
17 has been designated by the United States Environmental
18 Protection Agency as a sole source aquifer. This
19 designation is reserved for groundwater supplies that
20 are recognized by the US EPA as a vital community
21 water supply. All federal agencies are supposed to
22 target these for special protections.

23 The United States Geological Survey has
24 reported that Shieldalloy's activities, disposal
25 activities, have already raised the level of

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1 radioactivity in the groundwater above the safe
2 drinking water limit. This alone is a basis for
3 rejecting the Shieldalloy plan.

4 It's time for the NRC to start listening
5 to our federal agencies, to the state agencies, to the
6 counties, to the local governments, who are all saying
7 that 30 years of pollution from Shieldalloy is enough.
8 The New Jersey Sierra Club says that no further
9 consideration of this plan should be given. Two more
10 years of review are not needed. The NRC is well
11 positioned at this point to say no now. Thank you
12 very much.

13 (Applause.)

14 FACILITATOR RAKOVAN: Thank you, sir.
15 Frank Capese.

16 MR. CAPESE: Good evening. I am New
17 Jersey counsel for EnergySolutions in Utah and I am
18 going to provide a statement, Lance, and I am going to
19 give it to you and I want to make sure you get it on
20 the record. But I'll just summarize from our
21 company's statement that was provided to Shieldalloy
22 back in October because I think it's relevant to your
23 discussion and I would ask you to consider it.

24 EnergySolutions has reviewed Shieldalloy
25 Corporation's decommissioning plan Revision 1 dated

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1 June 30, 2006. Additionally, based on the inquiries
2 of public agencies and the media, we wanted to renew
3 our effort for the cleanup, transportation and offsite
4 disposal service for Shieldalloy radioactive slag, ash
5 and soil material through a **turnkey** cleanup. Based on
6 Shieldalloy's decommissioning plan, our company has
7 offered a turnkey price and the reason we bring it to
8 you there seems to be some difficulty with the
9 *Vineland Daily Journal* and some of the other papers in
10 reporting an inaccurate number.

11 The number that the company has put forth
12 is \$33,056,000. These are fixed costs for a turnkey,
13 all-inclusive site cleanup with offsite disposal of
14 material. In essence what the company is saying is
15 that within one year of the commencement of the
16 operation the site can be cleaned and the material
17 removed to Utah.

18 I would just add a second point to that.
19 One of the public relation people referenced by the
20 company has made reference to the fact that in his
21 opinion it would be dangerous to remove the material.
22 *EnergySolutions* takes exception to that.
23 *EnergySolutions* has more than 30 years of experience
24 in transporting, packaging, licensing, managing and
25 shipping or products.

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1 The statistics provided today to me by the
2 company is that our estimates are that we transport
3 more than 70 percent of the large radioactive
4 components moved in the United States. So we would
5 respectfully submit to the NRC that in fact should the
6 determination be made at some time in the future to
7 remove the material the assertion that it would be
8 done in a dangerous manner is in fact erroneously. In
9 fact, the company stands by their recommendation that
10 in fact they can safely remove the material. Thank
11 you.

12 (Applause.)

13 FACILITATOR RAKOVAN: Thank you, sir.
14 Joseph LeShat. He left? Okay. Lawrence Thomas.
15 Lawrence Thomas going once. Okay. I guess not. John
16 Lisi.

17 MR. LISI: Who is the highest ranking
18 official here today? You are, sir?

19 FACILITATOR RAKOVAN: The highest ranking
20 official here today?

21 MR. LISI: Yes sir.

22 FACILITATOR RAKOVAN: That would be Scott
23 Flanders.

24 MR. LISI: Okay. Mr. Flanders. The
25 question is this has been going on for five years.

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1 How much longer will this take to get this resolved?

2 MR. FLANDERS: I think as we stated
3 earlier in the meeting we originally looked at the
4 decommissioning plan a few times and rejected it as
5 not having sufficient information first in the
6 technical review. Just recently, I think it was
7 October, October of this year, they finally submitted
8 a decommissioning plan that we felt was sufficient for
9 us to begin our technical review and that the folks
10 have laid out a time line to review that technical
11 review and we're going to work to meet that time line
12 and it looks like it's a two-year time period to do
13 the technical review and make an assessment as to
14 whether or not the staff believes that the plan is
15 either adequate and meets regulations or inadequate
16 and does not meet the regulations. So it's going to
17 be a two-year process for us to complete our review.
18 From that point forward depending upon the outcome of
19 the review, the rest of the process as it was laid out
20 would take, I think, as was described by Ken 2011 for
21 the entire process implemented.

22 I think Ken can clarify that and then if
23 it's not complete, then they would have to resubmit a
24 new decommissioning plan and we'd have to evaluate
25 that. So I think we've laid out the time lines. We

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1 need to do our technical review in order to assess
2 whether or not they meet those regulations. We need
3 to do our environmental impact statement so that we
4 can communicate to you, the public, what we see as the
5 environmental impacts from this proposed action and
6 get your comments on that environmental impact
7 statement. So we need to carry out those activities
8 as structured by our processes to ensure that the
9 appropriate consideration is given to make a good,
10 sound decision.

11 MR. LISI: Okay. 2011 is sort of
12 incredible to me. A followup question is with this
13 long time line that you have how concerned are you
14 personally that Shieldalloy will not be prepared to
15 fund this process however it is decided.

16 MR. FLANDERS: Part of the process is
17 looking the financial assurance to make sure they can
18 carry out the activities required to decommissioning
19 the site safely. So as a part of that process we look
20 at ensuring that we have financial assurance that
21 adequately would decommission it and that's an
22 important piece of the safety review. I don't know.
23 Rebecca, do you want to add?

24 MS. TADESSE: The decommissioning plan
25 will not be approved until they fulfill the financial

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1 assurance and once the financial assurance part of the
2 review has been approved, that's basically they would
3 have the money to complete the project. So in the two
4 years that we're going to take to do our technical and
5 environmental reviews, part of that review is the
6 financial assurance. By the time we approve, if we
7 approve the DP, the decommissioning plan, there will
8 be a financial assurance in place. We will not
9 approve it until we have that assurance in place.

10 MR. LISI: Now if they claim bankruptcy in
11 the meantime, what happens?

12 MS. TADESSE: John.

13 MR. HALL: It's already being allocated
14 now.

15 MS. TADESSE: It's allocated. I mean the
16 money is allocated so far to do the activity that they
17 have submitted. But if there is other issues in terms
18 of bankruptcy, I would have to defer to --

19 MR. LISI: Please. Can someone answer
20 that please?

21 MR. HALL: Yes. Hi. I'm John Hall, NRC
22 attorney. I don't know if I can answer your question
23 directly or specifically but our process is set up so
24 that part of their decommissioning plan has to include
25 what's called a decommissioning funding plan. We've

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1 reviewed the decommissioning funding plan as part of
2 the overall DP review. We're early in the process.
3 We can't make any conclusions at this point on what
4 would happen if Shieldalloy later claims bankruptcy.
5 It's a hypothetical and I'm sorry we can't answer that
6 right now. We're in the process, the early process,
7 of doing our review and we don't have any indication
8 at this point that Shieldalloy will later declare
9 bankruptcy.

10 MR. LISI: What does the law say with
11 regard to the subject here?

12 MR. HALL: Excuse me?

13 MR. LISI: What does the law say with
14 regard to the subject? Take the hypothetical
15 question. If they were to claim bankruptcy before you
16 decided on a binding, what would the financial
17 implications be for the cleanup?

18 MR. HALL: I haven't looked into that. I
19 can't answer the question.

20 FACILITATOR RAKOVAN: Can we get back to
21 him with that information? Is that something we can
22 get back to him on.

23 MR. HALL: Yes, that's a foremost question
24 on our mind.

25 MR. FLANDERS: We will. We can get back

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1 to him on that point.

2 FACILITATOR RAKOVAN: Okay.

3 MR. FLANDERS: I think it also should be
4 added --

5 MR. LISI: Thank you.

6 MR. FLANDERS: -- in previous cases where
7 we had to deal with bankruptcy when in the bankruptcy
8 court the NRC as part of the decommissioning process,
9 they were a party to the bankruptcy and had some
10 negotiation or part of the negotiations in terms of
11 assessing which assets could be set aside for
12 decommissioning. We can provide further clarification
13 on the process in more detail, but in this case I
14 think there are previous other cases where when the
15 decommissioning process enters bankruptcy, the NRC was
16 a party to that bankruptcy proceeding in trying to
17 carve out assets along with other creditors if you
18 will to try to get assets for decommissioning.

19 FACILITATOR RAKOVAN: Sir. A quick
20 question here?

21 MR. NORDBERG: Yes. I made a statement in
22 my report in that disk that I reviewed that was given
23 out by the NRC for decommissioning in Appendix J I
24 think it was, there are 52 pages on bankruptcy court
25 hearing. It's already done in these numbers that I

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1 said. There is \$5 million for stock pile remediation
2 set aside in the bankruptcy court. There's \$750,000,
3 a trust account for the NRC. I don't know if these
4 numbers are right because it's just part of this tape
5 and \$6 million and some odd dollars known capacity
6 which gives them a total of \$11,750,000 plus or minus
7 and it's already in the New York Bankruptcy Court
8 which is 52 pages which I was going to print out in
9 case it came up tonight, it's part of this right here
10 (Indicating.) for you people giving out information.

11 MR. HALL: Yes. I'm aware of the
12 settlement agreement. I think that what you're
13 referring was an agreement as entered into back in
14 1997. Keep in mind that that was four years before
15 Shieldalloy announced that it was going to submit
16 decommissioning plan to us. We are looking at that
17 settlement agreement but I can't say at this point
18 what if any effect that will have on the ongoing
19 process.

20 MS. TADESSE: Just to clarify. What you
21 read was the licensee's application where it says that
22 they have \$11 million in place for this
23 decommissioning and we're looking at that and that is
24 correct. There is \$11 million set aside but we look
25 at it to make sure if there is any additional money

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1 that is necessary or anything that we feel is not
2 adequate, we will look at it. That \$11 million that
3 they've said they have it I makes you wonder whether
4 or not to fulfill to the proposed action would it be
5 enough and is it exactly where it's supposed to be.
6 So that's the applicant's submittal and we look at it
7 internally to make sure we agree with their submittal.

8 MR. NORDBERG: But my question is if
9 they've already gone to court and had this taken care
10 of with these because I didn't write down all the
11 names, but the State of New Jersey was part of this
12 bankruptcy also. NRC had to be part of this that had
13 to go to this court hearing I'm assuming because
14 somebody in the bankruptcy court hearing, it's just
15 not words. It's a plan for them how to handle their
16 bankruptcy.

17 MS. TADESSE: Yes.

18 MR. NORDBERG: And it's already been done
19 in a New York court and I don't know how it would
20 stand up. It would be against the NRC and that was my
21 question when I made my original thing. Is it
22 protected by their bankruptcy thing that they've
23 already proposed which means that you're stuck with
24 \$11 million and then the taxpayer is stuck with the
25 rest.

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1 MS. TADESSE: I think we're looking at
2 that.

3 FACILITATOR RAKOVAN: Okay. I think we're
4 about -- Sir, we've passed your question and if you
5 have any further questions afterwards, I think we can
6 -- Hopefully someone will be around to talk to you.
7 There had better be. I have six more commentors here.
8 I'm going to try to get through them. We'll start
9 with Dawn Pennino.

10 MS. PENNINO: Yes. I'm Dawn Pennino. I
11 was born and raised in --

12 FACILITATOR RAKOVAN: I'm sorry to
13 interrupt. If everybody could please give her your
14 attention. If you're going to have side
15 conversations, if you could take them out to the hall.
16 I want to make sure that everybody could hear her make
17 her statements. Thank you.

18 MS. PENNINO: Really it's a comment that
19 I want to make. I want to put it on the record. I
20 was born and raised in Newfield. I left for a very
21 brief amount of time, came back to live on property
22 next to my parents' house which is the street right
23 adjacent to where Shieldalloy is. That would be Rena
24 Street.

25 A brief history of my family. I have had

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1 a grandmother who passed away from a brain tumor who
2 lived on Rena Street. I had a brother who has, he's
3 still living, but he was diagnosed with a sudotumor
4 when he was three years old. I have, thank God, a son
5 who survived a brain tumor at two and a half years
6 old. I myself am living with a brain tumor right now.
7 I'm not sure if they were cancerous. My son's was
8 not. My brother's was not. Mine, thank God to this
9 day, is not.

10 But the main thing that people need to
11 know, I did speak to the doctors in Philly where we
12 took my son, is none of these tumors were related. So
13 that they were definitely not genetic. It has to be
14 environmental. Now Shieldalloy is there. That is a
15 main concern. That's going back to 1955. My
16 grandmother passed away in 1975.

17 My concern is it's not just cancer. There
18 are other factors. I have lost a lot of very dear
19 friends to me and at a very young age. I have lost a
20 lot of family members. I am begging you. At the last
21 meeting, there was a statement made by your people
22 that you were not responsible to a health study and to
23 look into this. I beg of you. This is a very, very
24 important for the people in this town.

25 Like it was stated last week and it was

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1 stated tonight, there is nobody in here that can say
2 they were not affected by a cancer or unfortunately
3 brain tumors is a very, very big think in this town.
4 Now I don't know. I'm not a scientist. I don't know
5 if it has anything to do with that, but I think it's
6 an issue that needs to be addressed because I want to
7 stay here with my family. I want to continue to raise
8 my family here and it's funny. Most people when they
9 are growing up they can't wait to get out of here, but
10 they can't wait to get back in here to raise their
11 family. I mean that's a statement anybody will tell
12 you.

13 So I'm just begging you on behalf of my
14 children. My whole family lives on that street and I
15 beg of you to please do the health study or whoever it
16 is that needs to do the health study, then you need to
17 push that button and to follow up on it and to take
18 that into consideration when you make your decision.
19 Thank you.

20 (Applause.)

21 FACILITATOR RAKOVAN: Thank you very much.
22 Terry Ragone. Would you like to go to the podium or
23 would you just like to use the hand mike?

24 MS. RAGONE: I think you've heard an
25 incredible amount of articulate comments and I'm

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1 really reiterating. But I guess to repeat is to drive
2 the idea home. In mid December of 1993 which I might
3 add is peak holiday obligation time, the NRC held a
4 scoping meeting just like this one with the purpose to
5 encourage public involvement. It was not held in
6 Newfield and most neighbors like myself found out
7 about it and the extent of the pollution at
8 Shieldalloy by reading about it days later in the
9 newspaper. So at least you have taken a step in the
10 right direction 13 years later to hold the meetings
11 here in town.

12 Your recent communication says that
13 tonight you are scoping "what actions, alternatives
14 and impacts to consider for the NRC's EIS" which is
15 required for the decommissioning plan. While the NRC
16 has said it will take a year to do a detailed
17 assessment of the proposed plan, the public here is at
18 a disadvantage since comments to the plan are
19 requested by mid March of '07 from a community that at
20 present has no expertise in interpreting such a plan
21 and I respectfully request that we have more time to
22 do some independent, to have some independent
23 expertise here.

24 So this is what I think the residents here
25 and many of my friends and neighbors who are not able

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1 to attend tonight are asking the NRC to consider in
2 its scope and you state in your guidelines here for
3 the scoping meeting that under No. 3, Alternatives to
4 Evaluate, include proposed action and no action.
5 That's the extent of it. I think the alternative to
6 cap the waste is not "no action" but rather to -- The
7 alternative to capping the waste, is not "no action"
8 but rather the alternative is to haul away to a remote
9 licensed facility and that the NRC needs to strategize
10 and you've heard this again and again from this
11 gentleman, really needs to strategize legal ways to
12 enforce Shieldalloy's financial responsibility for a
13 thorough cleanup.

14 So we say do not approve the proposed
15 decommissioning plan, deny the license amendment which
16 is an unprecedented step on your part and do not keep
17 Shieldalloy's license in "timely renewal" which you
18 have been doing for the past 13 years even though all
19 the while they did not have sufficient funds in escrow
20 for cleanup or a feasible decommissioning plan which
21 are both required for holding such a license for
22 handling radioactive materials.

23 And finally, last week you stated that
24 your charge was the safety and protection of the
25 public. Then redeem your past actions which allowed

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1 this corporation to accumulate such massive amounts of
2 radioactive waste by figuring out the safest way that
3 Shieldalloy can remove it and please do that within
4 two years not 13. Thank you.

5 (Applause.)

6 FACILITATOR RAKOVAN: Thank you for your
7 comments. Jerry Jessick. He left. I'll apologize
8 before I say this name for slaughtering it, but my
9 Polish tongue can't get around it. Tammy DiGioia.
10 Thanks for the aid.

11 MS. DiGIOIA: Hi. My name is Tammy
12 DiGioia. I'm a resident of Newfield and I have a
13 couple questions. Number one, Shieldalloy is not just
14 a little tiny company and everybody is picking on
15 that. They're part of a large multi-national
16 corporation and we've heard considerations about the
17 financial part of this that that's a concern and I
18 don't see how that it should be. They also have
19 another facility in Cambridge, Ohio. Are you people
20 aware of that? Can you tell me what are the
21 differences and similarities between this
22 decommissioning and that decommissioning and what the
23 results were?

24 FACILITATOR RAKOVAN: Do we have anyone
25 who could speak to that at this point? Robert, if you

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1 could introduce yourself please.

2 MR. JOHNSON: I'm Rob Johnson, NRC. We
3 are aware of the work that has been done at
4 Shieldalloy in Cambridge, Ohio. Just some main
5 comparisons that you asked for. We understand that
6 similar slag from a similar process was generated at
7 that site. We understand a part of the settlement
8 agreement was that EPA and the State of Ohio approved
9 the plan for capping and leaving that slag in place
10 and we understand that that capping is virtually
11 complete at this time.

12 They also in addition to capping the slag
13 are using a possession only license under the State of
14 Ohio's licensing authority. So there's a similarity
15 between the approaches that Shieldalloy has virtually
16 completed at their Ohio site and the proposal for here
17 in Newfield.

18 MS. DiGIOIA: So are there any concerns
19 that they're going to have the costs of two
20 decommissionings, two monitorings, not just here in
21 Newfield, but also in Cambridge, Ohio?

22 MR. JOHNSON: I understand that they have
23 completed essentially their capping and all.

24 MS. DiGIOIA: But you still have to
25 monitor it. Is that also for a thousand years?

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1 MR. JOHNSON: The same amount of time and
2 I don't know the particulars about how they're funding
3 that or what kind of financial assurance that the
4 State of Ohio has but it would be compatible with ours
5 because when we transferred regulatory authority to
6 the State of Ohio their approach for regulating was
7 concluded to be compatible with our regulations.

8 MS. DiGIOIA: And also I just wanted to
9 point out that as the other lady was saying that the
10 NRC has said that first and foremost public safety is
11 the goal here. You have to be able to look me in the
12 eye, every one of you, and tell me that there's
13 absolutely no chance of any danger whatsoever to any
14 of my children or you have to make them move it out.
15 They can't leave it here if there's any danger
16 whatsoever to anybody's children or anybody's family.
17 Thank you.

18 (Applause.)

19 FACILITATOR RAKOVAN: Thank you. Carol
20 Paladino.

21 MS. PALADINO: Hello. I'm speaking as a
22 resident of Newfield. I'm also speaking as a mother
23 and grandmother of families that are being raised here
24 in Newfield. I have two very young granddaughters.
25 My daughter and son-in-law chose to live in Newfield

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1 because my daughter grew up here. We are a very warm
2 community. Everyone knows everyone else. Families.
3 Children do leave but they do come back to raise their
4 children.

5 I am very concerned about what is
6 happening to their bodies. Their bodies are smaller.
7 They absorb all kinds of materials much more quickly
8 than adults do. Their metabolic rate is much faster
9 than ours are and there is going to be some health
10 effect there. I know you're not concerned about
11 health effects, but we are.

12 And I also -- It just came to my mind as
13 I was thinking as you were all speaking I read my
14 granddaughter Dr. Seuss's book called Horton Hears a
15 Who. Horton is an elephant who hears voices coming
16 out of this little cloverleaf flower and he's the only
17 one who can hear the words coming out of it. No one
18 will believe that he can hear this, that there are
19 people there.

20 Well, we are Newfield. We're that little
21 flower. We are here. We are here. We are here and
22 we're going to keep telling you that we are here. We
23 want to be safe. We want it to be a safe and
24 healthful community for all of us. Thank you.

25 (Applause.)

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1 FACILITATOR RAKOVAN: I have a possibly on
2 this card, but John Nessel.

3 MR. NESSEL: Yes.

4 FACILITATOR RAKOVAN: Possibly goes to
5 yes. Excellent.

6 MR. NESSEL: You have to satisfy my
7 curious, I mean, my curiosity insomuch as because you
8 granted the decommissioning claim for Shieldalloy in
9 Ohio, this one here is going to be based on other
10 information that you're not guaranteeing Shieldalloy
11 that they're going to get a decommissioning plant
12 approved here. Is that correct?

13 MS. TADESSE: We look at the site
14 decommissioning plan for Shieldalloy in Newfield and
15 we are not guaranteeing Shieldalloy at all that we
16 will approve it because of Ohio. We do not look at
17 Ohio's decommissioning plan. Ohio is an agreement
18 state. The state looked at it and the EPA looked at
19 it. So we were not involved with the Shieldalloy in
20 Ohio. We are looking at the Newfield as its own.

21 MR. NESSEL: I'm sorry. Why wasn't the
22 NRC involved the Ohio decision?

23 MS. TADESSE: When a state decides to be
24 an agreement state, basically what we do is we
25 relinquish our authority to the state to manage the

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1 radioactive materials and anything that is produced,
2 their license. They decommission everything that has
3 to do with our regulation and they need to be
4 compatible to us.

5 As New Jersey indicated a week ago, they
6 are planning to be an agreement state which means that
7 we relinquish our authority to the State of New Jersey
8 when they become an agreement state and they will be
9 responsible to regulate radioactive material in the
10 State of New Jersey.

11 So Ohio had -- I don't know the year that
12 they became an agreement state but they became an
13 agreement state. We review their programs annually or
14 biannually to make sure that they're compatible with
15 our regulation. But they have the authority to
16 regulate radioactive materials except the nuclear
17 power plants which is always within the jurisdiction
18 of NRC.

19 FACILITATOR RAKOVAN: Okay. I have a
20 question from the front row.

21 MS. DiGIOIA: Hi. I'm Pammy DiGioia,
22 Newfield. Just one more question about the agreement
23 state thing. Last week, I believe somebody was here
24 from the EPA and they said New Jersey is going to
25 become an agreement state in two years.

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1 MS. TADESSE: There is an representative
2 from New Jersey.

3 MS. DiGIOIA: Is that -- We're becoming an
4 agreement state in two years?

5 MS. GARDNER: Hi. I'm Pat Gardner,
6 Manager of the Bureau of Environmental Radiation in
7 DEP and New Jersey has sent the NRC a letter of intent
8 to become an agreement state. That was sent this year
9 and it usually takes states somewhere between three to
10 five years to become an agreement state. So that's
11 kind of the time table we're on.

12 MS. DiGIOIA: So if this isn't completed
13 by the NRC in that time table, by the time we become
14 an agreement state, can the EPA take over or is it
15 because this is already in the works it's in the hands
16 of the NRC and that's the way it is?

17 MS. GARDNER: I think part of my comment
18 from last week is New Jersey has our own cleanup
19 standards. They're not exactly the same as the NRC.
20 If New Jersey was an agreement state and NRC was to
21 relinquish Shieldalloy's license to us as part of that
22 agreement, this decommissioning plan would not be
23 acceptable to New Jersey regulations as they stand
24 now.

25 MS. DiGIOIA: Okay. Thank you.

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1 MR. FLANDERS: I would just add one
2 clarification. At the end of the agreement state
3 process, I think it was stated correctly, but one of
4 the things is the NRC would for whatever regulatory
5 authority requested by the State of New Jersey we
6 would relinquish all of the sites and regulatory
7 authority to them unless otherwise, unless they
8 requested that we continue on with a particular site
9 or activity. So that would be a decision that would
10 be made by the state as opposed to the NRC.

11 FACILITATOR RAKOVAN: Okay. I see a
12 number of hands. I'm going to go with the one I saw
13 first just because I was looking this way.

14 MR. MCCOUCH: Ken McCough. I still didn't
15 hear an answer though to the question if during the
16 process that Shieldalloy has not been approved for
17 their DP and the State of New Jersey takes over as the
18 regulator do they now review it let's say in 2013 or
19 does NRC keep control of it until the process is over?

20 MR. FLANDERS: I guess the point I am
21 trying to make is if the State of New Jersey has been
22 granted authority to regulate this particular
23 activity, decommissioning activities, and we have not
24 completed, we can transfer our activities to the State
25 of New Jersey. We could transfer that license

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1 oversight to the State of New Jersey unless they
2 request that we continue on. Is that reasonable?

3 MS. TADESSE: I think the key point is
4 that when we relinquish our regulations we relinquish
5 per class. So New Jersey cannot say "No, I don't want
6 to take Shieldalloy. I want to take source material
7 licensee." There's a class of licensee. There is
8 source material license or byproduct material license
9 or special nuclear material license. Those type of
10 licenses are given to the state. The state could say
11 we do not want to regulate special nuclear materials
12 so that stays within the NRC purview. But it cannot
13 be site specific.

14 You know New Jersey cannot pick a site per
15 se like Shieldalloy or something else. It has to be
16 a class of sites. So if it's a source material site,
17 all source materials, they would not relinquish their
18 responsibility. So it's a class. It's not a site.
19 I just want to make sure that you understand that.

20 FACILITATOR RAKOVAN: Okay. I saw a
21 number of other hands go up. I'm going to go to the
22 back and I'm going to work to the front. Sir, if you
23 could introduce yourself please.

24 MR. KELTON: Hi. My name is Kevin Kelton,
25 Franklin Township Environmental Commission. The woman

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1 from -- Are you from DEP, Ms.? I'm sorry. Are you
2 from the New Jersey DEP?

3 MS. GARDNER: Yes, I am. I'm sorry. I
4 didn't say my name. Sorry.

5 MR. KELTON: I just have a question for
6 you. Why after all these years is the state deciding
7 to get involved with regulation of nuclear waste?

8 MS. GARDNER: Right now, New Jersey does
9 have regulatory authority over naturally occurring and
10 accelerated produced materials. When a state becomes
11 an agreement state, not only do they continue with
12 their state obligation for our material, naturally
13 occurring. They also take on some of the regulatory
14 authority of the NRC. So what New Jersey's intent
15 would be is to continue with the regulation of
16 naturally occurring and accelerated produced materials
17 and also add to that source, special nuclear and
18 byproduct material.

19 MR. KELTON: So up until now we've never
20 regulated that.

21 MS. GARDNER: We've never regulated
22 Shieldalloy because their license right now is for
23 source specialty, I'm sorry, source material with the
24 NRC. The State of New Jersey does not hold a rad
25 materials license for SMC right now.

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1 MR. KELTON: And if that transfer takes
2 place, is DEP standards more strict or less stringent
3 than NRC standards?

4 MS. GARDNER: They're different. Our
5 standards are more stringent in some cases.

6 MR. KELTON: And then other cases they're
7 not.

8 MS. GARDNER: They're probably similar.

9 MR. KELTON: Okay.

10 MS. GARDNER: The NRC has a 25 millirem
11 standard. New Jersey has a 15 millirem standard. So
12 depending on the nuclide they're closer and sometimes
13 we're more stringent. Okay.

14 FACILITATOR RAKOVAN: Okay. I saw some
15 other hands over here. Sir, if you could introduce
16 yourself please.

17 MR. McCULLOUGH: Tony McCullough,
18 Newfield. It's rather apparent that Shieldalloy is
19 going about the country making a pattern of polluting
20 the country. They're doing it in Ohio. They want to
21 do it here. The Federal Government went after the
22 officials of Enron and that was a white collar crime.
23 These people are putting the people's health in
24 jeopardy. There has to be something borderline
25 illegal.

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1 My suggestion would be to freeze their
2 assets and start an investigation against these
3 people. Somebody has to be held accountable.
4 Somebody should go to jail. Now if we have to I would
5 suggest that the people of Newfield start a class
6 action suit against each and every one of them, the
7 Shieldalloy and the parent company. Stop them in
8 their tracks. Don't let them go any further. Don't
9 let them get out of the country. Keep them where
10 they're at. Keep them at bay and I'm sure that once
11 that lawsuit settled that lawyer will make plenty of
12 money.

13 FACILITATOR RAKOVAN: Other hands that I
14 saw up? Sir.

15 MR. NORDBERG: I have a question because
16 I think this site is considered, I guess, low level,
17 low level radiation.

18 MR. FLANDERS: Yes.

19 FACILITATOR RAKOVAN: That was a yes. Can
20 you guys please use a mike?

21 MR. NORDBERG: It's a low level radiation.

22 MR. FLANDERS: Yes, it's considered low
23 level radioactive.

24 MR. NORDBERG: In one of your booklets
25 that I didn't have, I was trying to find a page. But

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1 somewhere I read that it said low level radiation such
2 as a hospital waste and other kinds of waste that
3 become low level classified are not to be stored
4 onsite. Is that something that's in your brochures or
5 not?

6 MR. FLANDERS: Low level waste can be
7 stored onsite, but the NRC's policy is that low level
8 waste should be disposed of. But low level waste can
9 be stored onsite.

10 MR. NORDBERG: But like hospital waste and
11 all that, I think it's specific to a certain kind. I
12 think thorium if I'm not mistaken used to be a
13 radiation medium for radiology. I don't know if they
14 use it much anymore. But different things. But I was
15 just curious to know.

16 MR. FLANDERS: There are specific
17 requirements as to how the waste could be stored.

18 MR. NORDBERG: Yes. Somewhere in here it
19 says low level. That's why I questioned about the low
20 level is not to be stored onsite in a final storage
21 and they show how it's to be stored like in containers
22 and stuff.

23 MR. FLANDERS: Right. There are
24 requirements in terms of how the waste can be stored
25 and it just has our requirements to ensure that it's

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1 stored in a way that's safe and protective of public
2 health and safety.

3 FACILITATOR RAKOVAN: Got a question over
4 here. If you could identify yourself please, sir.

5 MR. QUENE: Yes. My name is Doug Quene.
6 I just wanted to know how long have you folks been
7 monitoring Shieldalloy. How many years? You are the
8 ones that issued them the license to do what they've
9 done over there.

10 MR. KALMAN: Shieldalloy became a licensee
11 of the Atomic Energy Commission back in 1963.

12 MR. QUENE: Why were they allowed to put
13 a 35 foot high pile of crap in our yard?

14 MR. KALMAN: Well, there were several
15 things. Number one as I mentioned earlier, they were
16 allowed to possess a certain amount of this material,
17 source material.

18 MR. QUENE: But the figure that you gave
19 them that they were allowed to keep I mean over 20
20 years it had to keep climbing. I mean it can't be the
21 same amount 20 years ago.

22 MR. KALMAN: Our understanding is they
23 never exceeded the amounts of materials they were
24 licensed to possess. That was one part. The second
25 part was that the entire time they were in operation

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1 they were trying to find a buyer of this material. So
2 that kind of kept it out of the waste category. It
3 was still like a material of some economic value that
4 they were trying to get off the site in some way.

5 MR. QUENE: But does the NRC feel that
6 they've monitored them properly and let them build up
7 a 35 foot pile in Newfield? It doesn't make sense to
8 -- It's not even common sense to do something like
9 that.

10 MR. KALMAN: They operated within their
11 license requirements.

12 MR. QUENE: Well, who makes their license
13 and allows them to do that? I mean you say you've
14 been checking them and monitoring them since 1963.
15 You never had a question about what they've doing
16 there. I mean this stuff has been blowing in our
17 yards since `63. I mean I know that some of the
18 discoloration of some of the houses on Rena Street and
19 the cars.

20 In the night time, there used to be cloud
21 of smoke blowing over this town when nobody was
22 watching it. No, it's ridiculous what these people
23 have been able to do and I mean you guys are supposed
24 to be monitoring them. I don't understand it. I mean
25 I have grandkids and kids and when you go up and down

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1 Rena Street, you're not talking just one family that's
2 been affected with cancer. I mean you can take about
3 six or seven families right down the street that all
4 have had cancer in their homes. It's not right.

5 (Applause.)

6 FACILITATOR RAKOVAN: Okay. We're slowly
7 approaching 10:00 p.m. I see a hand in the back. If
8 you could identify yourself, sir.

9 MR. PRICE: Robert Price. I live in
10 Newfield. One question.

11 FACILITATOR RAKOVAN: If everyone could
12 give him your attention please.

13 MR. PRICE: This radioactive pile, the so-
14 called slag, the pile, how did they come up with the
15 upper licensing for the quantity? Is that by the
16 volume that they see on top? Because we all know that
17 some of that stuff can be heavier than dirt and can be
18 pushing the dirt away. I'm a scientist, but in a
19 geology, magna flows through dirt, pushes it and this
20 for slag 20 feet down can it be impeding the
21 groundwater. Is it larger than what they say it is?

22 I was out there working for a company that
23 was crushing the big pieces of slag, taking them out
24 of the earth. I wasn't told that that stuff was
25 radioactive. I have a right to know. Can somebody

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1 answer that? How do we judge how much tonnage was
2 their license allowed?

3 MS. TADESSE: Their license is allowed in
4 terms of concentration per grams. So what we're
5 assuming is what has come in is still there. In terms
6 of volume, the slag, the estimation -- It's an
7 estimation, right, in terms of how much they have come
8 up with? But the concentrations, it's any time when
9 you have material being shipped to a licensed facility
10 we have an inventory that comes in and says this is
11 what's been brought into the site. So with the
12 assumption that nothing has left the site, this is the
13 value of the concentration that we are looking at.

14 So in terms of if you're asking me the
15 volume of what the licensee has said when we toured
16 the facility, it's an estimation. They're not 100
17 percent sure that it's 64,000 or 30,000, the number,
18 whatever number that Ken said, it's exact value. It's
19 an estimation. But in terms of concentration, it's
20 what comes into the site with the licensee is required
21 by regulation that they have to keep a log of the
22 materials. So that's how we're calculating the
23 concentration.

24 MR. FRAZIER: Somebody raised a question
25 earlier at the last meeting about some of the material

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1 that was removed and taken someplace else that we
2 aren't aware of.

3 MS. TADESSE: We have put that through our
4 allegation process and we are looking into it. To
5 make sure that that is not the case, we will do an
6 evaluation and the region does our allegation. Any
7 time a comment like that comes in we put it into our
8 process for investigation to make sure that that has
9 not happened. If it has happened, then we'll address
10 it within that process, but we have put that into our
11 allegation process.

12 MR. FRAZIER: Thank you.

13 FACILITATOR RAKOVAN: Okay. Behind me?
14 Somebody snuck up on me. Okay. Identify yourself
15 please.

16 MS. LOBB: My name is Sandy Lobb and I
17 live on Hunter Drive in Newfield. I would just like
18 to go back to Mr. Quene's comments a little bit and
19 have it clarified to me that if Shieldalloy was given
20 licensing from the NRC is there no type of monitoring
21 on a yearly basis that you come in? Whose
22 responsibility would this be? I mean I realize we're
23 way after the fact and I've had devastation in my
24 life. I don't know if it's because of that or not,
25 but is there no monitoring on this plants and

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1 companies that you give licenses to?

2 MR. HOLIAN: Yes, Brian Holian, Region I,
3 Division of Nuclear Material Safety. Yes, there are
4 inspections that we do onsite and I don't know if you
5 were here for the first meeting. One of the pictures
6 we put up there was an inspector just seven months ago
7 with his RAD meter on the site and verifying fence
8 boundary dose limits. So I gave a little bit of
9 information to a couple of people who had similar
10 questions and I'll do that to you also for some
11 inspection reports that cover those from year to year.

12 MS. LOBB: From the time they were
13 licensed, how often was this regulated?

14 MR. HOLIAN: Yes. We have routine
15 inspections depending on the class of material every
16 couple years.

17 MS. LOBB: Every couple years?

18 MR. HOLIAN: That's right.

19 MS. LOBB: And yet now all of a sudden
20 this is here. It doesn't make sense to us peons here.

21 MR. HOLIAN: That's right.

22 MS. LOBB: Does it, Doug?

23 MR. QUENE: Did you check the --

24 MS. LOBB: I don't know.

25 MR. QUENE: Is that public knowledge?

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1 FACILITATOR RAKOVAN: Sir, do you want --

2 MR. QUENE: Is that public knowledge, the
3 reports that they -- Yes. Doug Quene.

4 FACILITATOR RAKOVAN: Can you phrase your
5 question for the media? I don't think they heard you.

6 MR. QUENE: I just said is there way that
7 the people of Newfield can get these reports to verify
8 that they've been monitored properly. How do we know
9 that this has been done properly?

10 MR. HOLIAN: Yes.

11 MR. QUENE: I mean you're the watchdogs.
12 You're the ones that are supposed to be watching them.

13 MR. HOLIAN: That's exactly right. Every
14 inspection report is a public document. We have on
15 our slides a way you can get them electronically.

16 MR. QUENE: Not me.

17 MR. HOLIAN: And the process. Well, not
18 you. We can make arrangements through our public
19 affairs to get them to you.

20 MR. QUENE: I used to use Pony Express.

21 MR. HOLIAN: That's okay. We can get you
22 there. Public documents that go in public document
23 rooms and libraries. So we can get that for you.

24 MR. QUENE: Thank you.

25 FACILITATOR RAKOVAN: Okay. I see it's

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1 coming a little after 10:00 p.m. and we've been told
2 that we have to end at 10:00 p.m. If there's one more
3 question, we might be able to take it. Sir, last
4 question of the evening.

5 MR. ALVINO: Yes. My name is Ernest
6 Alvino and the question is if this Commission approves
7 the plan by Shieldalloy what is our recourse.

8 MR. FLANDERS: We talked about a hearing
9 which is part of the licensing process and the
10 hearing, the way it's constructed is it's a formal
11 adjudicatory proceeding which we have five
12 administrative law judges proceeding over the hearing
13 and evaluating the contentions. They will make a
14 ruling on the contentions.

15 Following their ruling on the contentions,
16 there's an opportunity for either party whether it be
17 Shieldalloy or the party opposing Shieldalloy to
18 appeal, appeal to the Commission. The Commission
19 would then make a ruling and then after the
20 Commission's ruling there's an opportunity for an
21 appeal of the Commission's ruling. That process is
22 then played and completed.

23 The Commission will make a decision
24 whether or not to license the facility. So in this
25 case, if the Commission decides to license, then it

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1 would go outside into the Federal court systems for
2 the legal process. John, do you want to add to that?

3 MR. HALL: Yes.

4 MR. ALVINO: If there is a process for
5 appeal if the Commission approves who appeals?

6 MR. HALL: Let me add to what Mr. Flanders
7 just said. Once the Commission, the five
8 commissioners that are appointed by the President,
9 once they make a decision, it's considered a final NRC
10 decision. At that point, it's appealable to which
11 ever party feels dissatisfied with the decision. It's
12 appealable into the United States Court of Appeal.
13 You don't have to go through to the Federal District
14 Courts. You go to the Courts of Appeal.

15 MR. ALVINO: All right. Thank you.

16 FACILITATOR RAKOVAN: Okay. I think we're
17 going to have to close things down for the evening.
18 If you have any other questions, I'm sure we'll up
19 here to answer them. Scott, did you want to say
20 something real quick?

21 MR. FLANDERS: Yes, if we could. We just
22 want to thank you all for coming out. We appreciate
23 all your comments. We're going to take these comments
24 back and take them into consideration as we prepare
25 our draft of the environmental impact statement. Once

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1 we issue that draft environmental impact statement,
2 we'll be back for an opportunity for you to provide us
3 comments on that draft and we will take those into
4 consideration as well. So we thank you for your time.

5 FACILITATOR RAKOVAN: Off the record.

6 (Whereupon, at 10:06 p.m., the above-
7 entitled matter was concluded.)

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