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NUCLEAR REGULATORY COMMISSION

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WASTE AND DECOMMISSIONING PROJECTS BRANCH

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DRAFT ENVIRONMENTAL IMPACT STATEMENT

SHIELD ALLOY FACILITY

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PUBLIC MEETING

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MONDAY

SEPTEMBER 16, 1996

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CAMBRIDGE, OHIO

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The public meeting commenced, pursuant to notice, at the Pritchard Laughlin Civic Center, 7033 West Glenn Highway, at 7:00 p.m., Michael Weber, presiding.

NUCLEAR REGULATORY COMMISSION REPRESENTATIVES:

MICHAEL WEBER

FRANCES CAMERON

ROBERT NELSON

MARK THAGGARD

JAMES KENNEDY

APPEARANCES:

U.S. Nuclear Regulatory Commission Staff:

Michael Weber
Chief
Low-Level Waste and Decommissioning Projects Branch
Division of Waste Management
Office of Nuclear Material Safety and Safeguards

Frances (Chip) Cameron
Office of General Counsel

Robert Nelson
Division of Waste Management
Office of Nuclear Material Safety and Safeguards

Mark Thaggard
Division of Waste Management
Office of Nuclear Material Safety and Safeguards

James Kennedy
Division of Waste Management
Office of Nuclear Material Safety and Safeguards

MR. WEBER: Good evening ladies and gentlemen. I would like to welcome you here tonight. My name is Mike Weber. I am the chief of the Nuclear Regulatory Commission's Waste and Decommissioning Projects Branch. We are located in Rockville, Maryland, part of NRC headquarters and, we have the overall responsibility for licensing the Shieldalloy Facility including the fate of the west and east slag piles that you will be hearing about more this evening.

The purpose of our meeting tonight is really three-fold. The first purpose is to summarize the NRC staff analysis in the Draft Environmental Impact Statement.

You will hear us refer throughout the evening probably repeatedly to the letters DEIS. That's just shorthand for that long title of the document that we have sent out about our analysis of the slag at the Shieldalloy Facility.

The second purpose is to answer any questions that you may have from an informational standpoint, clarifications, that may have arisen in your minds as you read the document and finally, probably most importantly, is to hear your comments, questions.

Perhaps you have suggested alternatives or other

impacts that you believe we should assess. That's really our fundamental purpose here tonight is to get that kind of comment, concern and input from you.

I would like to introduce first the people in the NRC staff that are here. My name, as I said, is Michael Weber.

On the far side of this table we have Mark Thaggard. Mark is one of the principal analysts that contributed to the Environmental Impact Statement. To his left is Jim Kennedy. Jim is NRC's project manager for the Shieldalloy Facility.

If I go to the other table on this end is Jim McCormack. Jim is the chief of the Decommissioning Branch in our Region III office.

To his left is John House. John is one of the principal inspectors in Region III for the Shieldalloy Facility.

We have Bruce Jergensen who is in the front row also of NRC Region III and Angela Dugen in the back from our Public Affairs Office in NRC, Region III.

We also are fortunate to have four members of the staff of Oak Ridge National Laboratory that assisted the NRC in actually preparing the Environmental Impact Statement.

Let me introduce him. We have Murray Wade.

Murray, raise your hand. We have Art Kurtis. We have Pauline Rizzy and then TJ Brazik. We thank them for their participation tonight.

I also will, when I am finished with my presentation, turn it over to Chip Cameron, facilitator for this evening's meeting. Chip is the special counsel for grievance and public liaisons.

It is a fortuante occurrence to have him here tonight to facilitate our meeting. Robert Nelson, who is flipping the slides right now, Robert is the chief within my branch for the alloy and regulatory issues section.

I want to start with the bottom line and, that is we have conducted analyses of the large volume of radioactive slag at the Shieldalloy Facility, about 7 million cubic feet. The best analysis we have done to date shows that outside of the property boundary facilities there has been minimal impact on the environment.

Onsite there has been impacts. Wetlands have been filled. There have been radioactive contaminants placed in the soil and in the piles. There is some contamination, chemical contamination. That's onsite.

Finally, onsite disposal, which is one of the

alternatives you will hear about later this evening, appears to be acceptable based on the analysis that we have conducted to date.

At I said earlier, we are here to hear your comments. You may differ with our conclusion. You may raise issues that we did not consider in your view adequately as part of the development of the DEIS.

There may be other alternatives. In fact, we have already heard one other alternative we have committed to evaluate as part of our finalization of the Environmental Impact Statement.

I would like to end my little introduction this evening by briefly calling your attention to one related issue. That's the offsite slag issue.

In parallel with our evaluation of the onsite disposal options, we have been working with the State of Ohio in a cooperative effort to resolve this issue.

Many of you are probably aware that it appears some volume of radioactive slag from the Shieldalloy Facility was removed at some point prior to perhaps 1987. We have worked with the responsible parties.

Offsite slag is generally outside of the scope of the Environmental Impact Statement. However, there is one alternative or a couple alternatives that

physically consider the potential impact that would be associated with the return of that offsite slag to the Shieldalloy Facility.

We wanted to ensure that if in fact that happened that we had adequately bounded or evaluated the impacts that may be associated with that. Finally, I want to call your attention -- it has taken a long time. We know.

We know there is frustration in the community. I think we are frustrated. We would like to move forward with that.

In the interim we have also determined that in the immediate near term that offsite slag doesn't pose any kind of imminent risk to the people whose property that slag resides on. That's not an excuse.

All that is is an indication that what we need to do is focus on the long-term hazards that may be present from that offsite slag. There is a separate process to go about considering that.

At this time point I would like to turn over to Chip Cameron who will talk to us about the layout of the meeting and give us some ground rules.

MR. CAMERON: Hi. I would like to add my welcome to all of you tonight. Thanks for coming out. I know that there may be some questions on

Mike's introductory material and we will have questions on that material after we get through the first topic that we have on the agenda tonight.

I just want to go over some ground rules with all of you. As Mike mentioned, my name is Chip Cameron. I am the special counselor for public liaison at the Nuclear Regulatory Commission and the NRC asked me to facilitate the meeting tonight to help meet the objectives that Mike laid out in his introduction.

One is to provide you with an overview of what's in the Draft Environmental Impact Statement on the Shieldalloy site and the second is to hear your concerns, recommendations, clarifications on what's in the Draft Environmental Impact Statement and answer any questions you might have on the material in the draft DIS.

As the facilitator, I am going to try to help us keep on schedule and also make sure that we keep relevant tonight. There is lots of questions that I am sure you have.

The topic tonight is the Draft Environmental Impact Statement on the Shieldalloy site. We have lots of material to go over and we want to try to at least get as close as possible to our adjournment time

of 10:00.

Most importantly, I want to make sure that all of you who have come down here tonight get an opportunity to talk if you want to say anything, ask a question, whatever, we want to make sure you have that opportunity.

In fairness to all of you, I may have to ask some of you who are going on for a long time or have had repeat comments to just basically defer so that other people can ask their questions and comment.

In terms of the grounds rules for the meeting tonight, they are fairly simple. There is a sign-in sheet at the back that's labeled for anybody who wants to make a statement and, that's just for our planning purposes to figure out how we should allocate our time.

If you don't sign in, don't worry about it. If you just raise your hand, we will call on you for your question and comments.

For those of you who don't want to speak in public, there are some blue question cards that you can write your question down on and we will also address those particular questions.

Now, some of you who were here at our last meeting, which was some time ago, as you may recall,

we have a public round table convened for this particular site of various interests in the community.

Tonight we are not using the round table format because we are trying to focus on comments on the Draft Environmental Impact Statement.

However, if you look at your agenda for tonight, at 8:00 immediately after the NRC presentation, we are going to go to the round table participants to give them an opportunity to say anything that they might want to say first.

On a related point, I think that many of you are aware that Mr. Sherwood Bauman, who is the chairman of the Safe Wills Creek Water Resources Committee has submitted an alternative, an additional alternative, to the NRC for consideration and, the NRC staff has incorporated that particular alternative into its presentation but, I am also going to ask Mr. Bauman after the NRC presentation to elaborate on that particular alternative or to clarify anything that was said by the NRC staff.

If you want to speak, I would ask you to raise your hand. I will try to keep track of who has had their hand up first. I would ask you to come up to the microphone and state your name and if appropriate

the organization that you represent and, I would ask all of you to be respectful of whomever is speaking and not to interrupt them when they are talking and if we can all extend the same courtesy to one another.

In terms of the agenda, quickly, in about a minute we are going to go to Robert Nelson to give us an overview of the EIS process. We will then take questions on the EIS process.

This is to distinguish it from questions on the substance of the EIS, for example, how much material is in the east slag pile or in the west slag pile. This is a question -- there will be a question period in terms of the preparation and finalization of the Environmental Impact Statement.

We are then going to go into those substantive questions on what's in the Draft Environmental Impact Statement and you see four presentations listed.

Mark Thaggard and Jim Kennedy are going to alternate and do those for us and try to do a rather awesome job of summarizing the material that's in the Draft Environmental Impact Statement in a relatively short period of time.

That's so we can give you as much opportunity as possible to raise your concerns or ask questions.

After the NRC staff is done we are going to go

to the round table participants for a half hour. Then we are going to take a little bit of a break and then we are going to come back and open it up to all of you for comment.

Just one last note before I turn it over to Bob Nelson, Dave Heil from Congressman Ney's Washington Office is in the audience with us tonight if anybody has anything they want to express to the Congressman's Office. We also have a representative from Senator Glenn's staff with us tonight.

Without anything more, I will turn it over to Bob Nelson.

MR. NELSON: Can everyone hear me? I want to spend a few minutes before we get into the substance of the EIS and provide a common understanding of how we got here in the process and what's left of the process so you understand what NRC is doing and how we go about doing it.

Because I only have a few minutes, I prepared two documents if you need some more information. The first is U.S. Nuclear Regulatory Commission Process for Developing an Environmental Impact Statement.

This is a four-page summary of the regulations and how we go about developing an Environmental Impact Statement from start to finish.

If you don't have it, there are plenty of copies on the back table. Also accompanying that are excerpts from our applicable Regulation 10 CFR Part 51, the handout, those reference the regulations. I want to make sure you have an opportunity to look at the regulations.

The EIS is required under the National Environmental Policy Act and our implementing regulation for that act is 10 CFR Part 51. Now, what does that require and how do we implement it? That's what I am here to discuss very briefly this evening.

The process starts normally with an environmental report that would be submitted by the licensee. In this case we did not, by mutual agreement with Shieldalloy, we did not require an environmental report. There are several reasons for that.

First of all, we were under some time constraints. The cost of developing the report we thought would be unwarranted and that was in light of the third factor.

There was a lot of information that had already been submitted by the licensee on the site.

What does an environmental report do? Well, it lays out what the licensee wants to with the site and

provides characterization, information, what's there, how much of it, what's the geology of the site, so we can go into the EIS and start our analysis.

We had a lot that information already. We didn't require an environmental report. The first rule step in this particular case was our scoping process that some of you were involved in several years ago.

In November of '93 we issued an intent to publish an Environmental Impact Statement and we held a public meeting here in the community in December of that year.

The scoping process is a process by which the public has an opportunity to voice their opinion on what ought to be addressed within EIS.

We then summarized those comments and published the report in May of '94 that summarized and set out the initial scope of the EIS.

That laid out our framework, our outline, our what's going to be in this document. That's basically what the scoping report did. We then set out to develop the draft document that we now have.

What's in the Draft Environmental Impact Statement? Well, the alternatives that we are considering, the licensee's proposed alternative, the

no-action alternative, which is always in EIS because it forms a base line for which to compare everything else, and feasible alternatives.

It analyzes those alternatives, the costs and benefits of those alternatives, the impacts of those alternatives, various impacts on the community and the environment, human health and, it concludes with a preliminary finding.

We publish that document, make it available to you and hold this public meeting. The document is published from the Federal Register.

We have a public comment period. The regulations require a minimum of 45 days. In this case our public comment period is 90 days and, that can be extended for good reason.

We have this meeting. We solicit your comments. After the public comment period closes, we then move to the final Environmental Impact Statement.

That document is really a result of your comments, comments we receive from you, from other agencies involved in the process. That can be an oversight that you have found, another alternative you think ought to be considered, a factual error.

All of those things can be and are often

factored into a final EIS.

A final EIS is publisned. A notice of availability is published. Then we make a recommendation to our Commission and, the final EIS is the basis of that recommendation, what is the alternative the staff recommends for this site.

The Commission then formulates their decision in what's called the record of decision. They normally -- they are not bound by what's in the EIS.

Normally they would choose an alternative that is addressed by the staff but they are not legally bound to do so.

The record of decision is then made public. That's the decision. That's the alternative that would be implemented and then the licensee would be expected to submit a decommissioning plan for the site that would implement that alternative.

The decommissioning plan would have all the details about how that alternative would be implemented at this site.

That concludes my summary of this four-page document. I will take comments now or questions on that process if you have. Yes, sir?

MR. BAUMAN: I have several questions. My name is Sherwood Bauman of the Safe Wills Water Creek

Resources Committee. First I was wondering if you could be a little bit more specific in regards to exactly what is supposed to be included in a draft DIS.

For instance, are you supposed to include any and all environmental and socioeconomic costs associated with the site in a decommissioning alternatives in the DIES?

In other words, could you fill out in a more concrete form what the NRC should have in this document we are supposed to be reviewing?

MR. NELSON: I will try within the time I have available. I mentioned the alternatives, the alternatives that were decided during the scoping process, any alternatives that arose during the development of EIS would be addressed.

For those alternatives, we would look at things like land use. We would look at affects on environments, environmental species floor. We would look at ground water impacts, surface water impacts, noise and air pollution.

We would look at the cost of all of these alternatives, the benefits of the alternatives.

We would look at environmental justice. That is, are there significant portions of the community

minorities or other disadvantaged groups that would be adversely impacted more than other groups?

I think I have pretty much covered the range of things we would look at.

Then we make a recommendation based on our analysis and our review of those factors.

MR. BAUMAN: Let me be a little bit more specific. For instance, if you were evaluating a disposal, which is preferred by the company, and there were an up-and-running railroad owned by CSX Railroad and it runs within 10 foot of the east slag pile and the company's proposed cap was going to extend the cap line by 65 foot thereby covering that railroad under 15 foot of capping material, should that evaluation have been included in the DEIS?

MR. NELSON: Yes, it should have. We should have looked at the extent of the cap and where that cap edge would place the edge of the cap.

It is something we are going to have to look at in the final. That's a very good comment. It is something we are going to have to look at.

MR. BAUMAN: Should the DEIS also, in regards to the capping in the same east slag pile that's going to be extended 65 foot, should the DEIS have included evaluating the affect of 15 foot of capping material

on Vanadium Road in the DIS?

MR. NELSON: If it would extend to Vanadium Road, yes, it should.

MR. CAMERON: These questions about the Environmental Impact Statement are perfectly appropriate. Please feel free to offer them when we get to that substantive part of the agenda. Go ahead if you have one last question.

MR. BAUMAN: You also said that due to financial and time constraints regarding the licensing of federal bankruptcy case that you waived the portion of the DEIS requirement which I believe you called the environmental audit or report.

MR. NELSON: We did not waive a portion of the Environmental Impact Statement. We did not require them to submit an environmental report which is a normal precursor or predecessor, that is correct.

MR. BAUMAN: I guess my only question would be in regards to that because, you did specifically refer to the cost or time constraints the NRC was worried about.

In preparing this draft EIS and submitting the NRC's endorsement of the company's preferred plan, what if any of the federal bankruptcy in the NRC's own personal financial claims in said bankruptcy played a

part in your decisionmaking process in the creation of this document?

MR. NELSON: Let me answer your question but make a clarification. At the outset we did not endorse the licensee's proposal. That's the purpose of the EIS is to look at the licensee's proposal and other feasible alternatives.

It is our preliminary conclusion that the licensee's proposal with certain mitigating actions appears to be acceptable.

MR. BAUMAN: True or false, isn't it true if the NRC recommends any other disposal alternative that their multi-million dollar claim in federal bankruptcy court will not be paid?

MR. NELSON: I don't know the answer to that.

MR. BAUMAN: I do. It's true.

MR. NELSON: That may be. I don't know what the specific financial impacts would be to Shieldalloy of other alternatives.

Our concern at the beginning clearly was, part of that, was the bankruptcy proceeding and the need for the bankruptcy court to have some understanding of the liabilities that were facing Shieldalloy and to be able to get some grasp on that and what potential claims could be out there.

That was one of the reasons we chose not to require an environmental report. The other reason was because we already had a wealth of information that we felt we could begin the EIS process with and if necessary supplement that information with requests for additional information from the licensee.

MR. BAUMAN: Would all that previous information you had on the site be the same information that the NRC used when they approved a faulty decommissioning plan in '87 that had to be halted in '91 because all of your figures were wrong?

MR. NELSON: Well, I am not going to -- the last part of your statement I will not agree with. We can go over that point by point if you like.

Certainly some of the information that was in the decommissioning plan and technical basis document was, at the time, planned to be used within EIS. That's correct.

MR. CAMERON: We may come back to that issue later. Is there anybody else out here who would like to ask a question or make a comment about the EIS process?

MR. ELLISON: My name is David Ellison. I am with the Northeast Ohio Greens and I participated at the scoping meeting a few years ago but, I do have a

question.

In the Draft Environmental Impact Statement, is the financial condition of the company taken into consideration or is it treated totally separately?

How much of this financial condition of the company figured into the Draft Environmental Statement?

MR. NELSON: The Draft Statement looks at a comparison of costs and benefits. There is some discussion in the EIS regarding the bankruptcy.

The analysis that was done was based on the alternatives and the costs and the benefits weighed against each other of those alternatives.

It was on that alone that our preliminary decision was made that the cost of the alternatives versus the benefits said to us that the licensee's proposed alternative with certain other actions to be taken did appear acceptable.

To specifically answer your question of did the bankruptcy proceeding make us decide one way or the other? The answer to that question is no.

Are there any other questions on the process?

MR. MALLORY: I have a sign here. My name is Ed Mallory. My kids have played in this stuff. I want to know what you are going to do with the offsite

stuff.

Have you made plans to bring equipment in or taking it back to Shieldalloy?

MR. CAMERON: That's something, Mike, I think you agreed to take questions or provide a response on offsite.

MR. NELSON: I will try to address that. The part of that has been looked at in the EIS as I discussed with you a little bit earlier before the meeting.

The return of the offsite slag is part of one of the alternatives. The EIS looks at the impact of returning that slag to the site. Basically the bounds of the analysis is the site.

We looked at what impacts would result from putting this slag on the site. We did not look at the impacts of removing the slag from the effected properties.

That's the bounds of the EIS. What's going to happen with the offsite slag is an open question and one that is not being addressed within the EIS. It is being addressed via separate process.

The status of that is we are having discussions with the State of Ohio regarding the best way to remediate or resolve the offsite slag question.

MR. MALLORY: This stuff was capped up before they removed the offsite stuff. Where is it going to go?

MR. NELSON: Well, we are going to have to make a decision before that. That is part of the preferred alternative at this point.

So, something is going to have to be decided about offsite slag before we can move forward and finalize the EIS.

MR. CAMERON: One more quick question here and then go on to the next part of the agenda.

MR. BAUMAN: Since the issue of the offsite slag has been raised, for instance, Mr. Mallory's children played in this slag.

You have the Strassburg family who has 30 tons of this material underneath the family room where their children play. They had to move out of their house.

My question is in three parts. First I would like you to explain why it is that the NRC has seen fit to include returning the slag to the facility and yet at the same time has ignored the plight of these families and instead is sitting here playing twiddle dee twiddle dumb with the state deciding which of the two agencies is going to take regulatory control of

the materials while families' health is at stake. That's part one.

MR. NELSON: Do you want me to answer part one before you go on?

MR. BAUMAN: Yes.

MR. NELSON: Okay. The reason we are looking at the return of offsite slag is because, one, the licensee asked us to do that as part of their proposed alternative. We are obligated to look at the licensee's proposed alternative in EIS.

It makes a certain amount of sense to look at that alternative in that apparently the slag came from the site in the first place.

The logical question is why not return it back there from whence it came?

We made a decision early on in the process to expand the scope of the EIS to include that analysis of the return of the offsite slag so that if a decision was made downstream that the slag should be returned onsite that we would have the analysis done to support that. That's why it is in EIS.

The next question I believe was why aren't we doing anything about the offsite problem. We are doing something about the offsite problem albeit maybe not as fast as we would like to do.

We believe that there is no immediate health and safety concern to any of the offsite residents. The Cypress Foote Mineral has undertaken a program to determine the extent of the contamination at the property and we are trying to work with the State of Ohio, as you stated, to determine who has jurisdiction for this material and how to resolve the offsite slag question.

Those close conversations are going on now as we speak and that's an open question.

MR. BAUMAN: So, in two years you have not been able to make a simple decision, either the State of Ohio or NRC, in charge of the slag materials, but in the meantime if you will put your overhead projection back up on the screen in regards to the offsite slag please --

MR. NELSON: Certainly.

MR. BAUMAN: That's the one I would like. Now, Point Number 4 states: "Offsite slag does not pose a significant short-term risk." Now, I find it significant that you don't use your standard buzz word which is no immediate health risk.

For anybody that doesn't understand what "no immediate health risk" means, if I pick up a chunk of that slag and slap you upside the head with it and you

need to go get stitches, that's an immediate health threat. Okay.

I would like you to explain to me what that statement means when you say "offsite slag does not pose a significant short-term risk." I would like you to explain what you classify as significant.

I also would like you to explain to us what if any long-term health effects these children could be exposed to from this slag that the NRC has callously left at these people's homes even though they have known about it for over two and a half years.

MR. CAMERON: Would you like to answer that part of it, Bob? Then we will move on to the next segment.

MR. NELSON: What we mean by short-term or immediate health risk, the people living in the properties -- sorry -- for the people living in those affected properties there is no health risk to those people and those properties today.

The time span over which this material would cause a potential harm is many lifetimes. A person living on that property is not going to be exposed to a dose limit in excess of our public dose limits and significantly less than that during their lifetime.

MR. CAMERON: Is that your answer?

MR. NELSON: Yes.

MR. CAMERON: We really do need to start. Let me recognize Dave Heil. We will go to this gentleman here and then we absolutely have to go on.

MR. HEIL: I know you have a schedule you have to keep. I know we have a schedule but since we were talking about the offsite slag, Congressman Ney, shortly after coming into office in 1994, we corresponded with NRC regarding basically the Mallory problem.

At that time we talked about the possibility of aerial survey of the county, and after some investigation, it was decided that that probably would not be effective because this is such a low level contaminated source that a small amount of dirt covering it up will basically render it invisible from the air.

At that time we did however talk about maybe the possibility of a van, some sort of mobile survey from the ground, and I was curious as to if we made any determinations on that.

MR. WEBER: We did consider a van-type survey. For the same reasons the aerial overflight would not likely be productive, we decided that a van-type survey would not likely be productive.

That decision was made when we were working with the responsible parties, Cypress Foote Minerals specificallyl, in identifying what kind of follow-up surveys were appropriate.

We reviewed a proposal from Cypress Foote Mineral and provided them comments. They revised their plan to respond to those comments.

In fact, they implemented that plan. The problem is that most of the offsite slag, with one exception, doesn't emit the kind of penetrating gamma radiation that is most amenable to the kind of survey instrumentation like aerial overflight type surveys.

A lot of the radionuclide radioactive material in the slag emit alpha particles, and if you want more detail on what the relative risks are of these things and how you might measure them, we have a pamphlet in the back of the room.

The problem is the alpha particles don't penetrate very far in the air or in other materials and therefore it is difficult to see them if they are covered with soil or other building materials.

We did, as you point out, consider the alternatives.

MR. CAMERON: One last question. State your name. I would ask everybody to do that when they come

up.

MR. PELL: My name is Steve Pell. My question is after the NRC and Ohio EPA and the Ohio Attorney's Office and the Ohio Department of Health and the Ohio EPA has concluded their discussions with respect to the offsite slag, will there be a public meeting with public comment with respect to the disposition of offsite slag be considered?

Second, if that question involves offsite slag being taken to the Shieldalloy Facility, will the EIS process be reopened with respect to the record of decision for the Shieldalloy Facility?

MR. NELSON: Okay. The answer to your first question is yes. You had asked if we would have a public meeting on the offsite slag. Yes, we will. We committed to that a long time ago when we thought the process was moving faster than it was.

We are probably at least partly a year past our time line from when we had -- at least a year -- since we had promised to have that meeting.

There hasn't been anything to report to have a substantive meeting. We will have one as soon as there is a process agreed to to bring this matter to close.

On the second question, what will happen with

the EIS, I commented earlier that we have to come to some conclusion regarding the offsite slag before we can close EIS.

We either have to dismiss it as an alternative or we have to accept it as an alternative. If that alternative is finally decided to be the chosen alternative, then we are clearly going to have to have some resolution about the offsite slag before we can move forward to a record of decision.

MR. CAMERON: Thank you very much, Bob. We are going to go back up to the NRC folks for a presentation. They are going to go through this relatively quickly. Then we will go back to you specifically to the round table participants.

Thank you for your patience on all this. Jim, are you ready?

MR. KENNEDY: Yes, I am. Good evening everyone. It is a pleasure to be here again. I want to try to answer -- Mark and I both want to try to answer some basic questions tonight.

The first question I am going to answer are some background issues like where did the slag come from, what's it got in it, is it hazardous and what are the difference ways that can be used to clean it up and remediate so it will be safe?

Mark is going to be talking about the environmental impacts. That is what this slag will do to the environment, all different phases of the environment, aspects of the environment.

I will be coming back up to talk about cost benefit, not environmental costs but just financial costs and benefits.

Finally, Mark will conclude with conclusions. That is where we are today, what our preliminary thoughts are on the alternatives that we have examined.

This is the Shieldalloy Facility. It is a sketch or a schematic of the facility itself. I am sure you all know where it is. It is not far away down on Route 209.

It has got two large slag piles, the so-called west slag pile which is some 11 and 3 quarter acres and the east slag pile which is 1.5 acres.

These slag piles which have radioactive materials in them were produced beginning in 1952 and have been produced over the years.

As we mentioned a couple of times already, what Shieldalloy has proposed to the NRC is to decommission their facility, or the piles rather, is the onsite disposal also known as the instant to disposal of the

slag piles. That is to leave them in place. I will be talking more about that late other.

There is a very very large volume of slag piles in the two piles, some 14 acres as I said earlier. They both contain some 7 million cubic feet all tolled.

Seven million cubic feet might be hard to visualize. Think of it this way. It is as if you had a box whose bottom was the size of a football field that was roughly 50 yards by 100 yards long and the slag piles would take up a volume in the box that was 200 feet high.

The radioactivity that's there, on the other hand, is not all that much. It is 418 curies. A cury is the measure of the amount of radioactivity. It is 87 billion disintegrations per second. That is 87 billion atoms per second that are disintegrating and going through a nuclear reaction in the material.

What I did was compare this with other generators in the State of Ohio. There are some 59 other generators in the State of Ohio like universities, hospitals, research labs, nuclear power plants, the Nuclear Power Perry Plant in Cleveland, Davis Bessie in Toledo.

They generate only some 8,000 cubic feet per

year over the last four years. That's the average which is like a 20-foot cube. On the other hand, it's averaged something like 1,800 curies each of the last four years.

The number of curies is actually four times larger, approximately four times larger, and the volume is much much much smaller. It is much much more concentrated.

I think all you know the slag has been produced by past metal processing operations. Shieldalloy today produces ferroalloys, an alloy or element or metal that's used in steel manufacturing, and prior to that alloys which serve a similar function.

Let me describe what's in the slag. First off, I think most of you know it is a fairly hard rock-like material. It has got in it uranium and thorium which are naturally occurring radionuclides. That is, they occur naturally all over the world.

For example, all soils in the Cambridge area and all over the world actually. It has got all of their daughter products of uranium and thorium. That is, all the decay radionuclides that happen after thorium and uranium decay.

Thorium 230 is a major radionuclide. The important thing about thorium 230 is that is an alpha

emitter. An alpha emitter is a very large particle. It doesn't go very far.

The main way it causes the dose to people is if you ingest water that's contaminated with it or if you would ingest crops for example that have been irrigated with ground water that's contaminated with thorium 230 or if you inhale dust for example.

One of the ways that you don't get much of a dose from this thorium 230 is from gamma radiation. That is, for example, just standing next to it 10 feet away and getting a dose that way. That just doesn't happen with this particular radionuclide.

The east pile has thorium 230 that's got 500 times background levels. The west pile has 140 times natural background levels to give you the feeling for that.

The piles also have heavy metal contamination in them consisting of different metals such as barium, beryllium, arsenic, chromium, copper, lead, selenium and so forth. The principal one of all those is vanadium.

Let me turn now to the alternatives that we have examined in EIS. These are the different ways that the various slag piles or the two slag piles could be remediated and dealt with to ensure that there is no

harm to public health and safety.

The first overhead is a simplification. I have combined a number of the different variations on the single alternative into this one here.

The no action alternative, this is actually an alternative that's required under law for all the Environmental Impact Statements prepared under federal law.

We are required to look at the no action alternative as a base line. It turns out, at least in this case, if not with almost all cases, it is really not a practical, feasible or desirable alternative at all.

It does provide a base line against which the other alternatives can be looked at. In the case of Shieldalloy it is simply not one that we are giving any serious consideration to but it does enable you to see what the impacts are or how these other alternatives stack up against doing nothing at all.

What we are looking at carefully and have looked at carefully is the onsite stabilization. In the EIS we have got a number of variations on this. I don't want to get bogged down in the details.

They include bringing back offsite slag and putting it on the west pile. They include taking

onsite soils and sediments and offsite soils and sediments, some of which are from Chapman Run, for example, and putting those back on the west pile.

All of them are basically the same. That is to take the two existing piles there, and even with the extra material that's added, it doesn't add up to a whole lot more.

The alternative is basically the same. Leave the piles there. There are some other actions that would be taken. That is that the piles, east pile in particular, would be covered with a clay cap. That's one of the mitigating measures that we are recommending.

There would be land use restrictions and a monitoring program put in place for virtually indefinitely to ensure that people cannot get on the piles or build a house near the piles.

Another alternative we looked at and gave consideration to is offsite disposal. What we mean by that is to take the piles, load them on rail cars and send them out to a special facility that's a new operation in Utah about 70 or 80 miles west of Salt Lake City. That is one we are considering and one that's analyzed in the EIS.

The next one is an alternative that is not well

developed yet. Shieldalloy asked us to consider it. They haven't provided information on whether it is feasible or not. That is sale of the east pile.

What I mean by this is Shieldalloy believes that they may be able to sell the east pile to steel manufacturers to use in their process. In other words, Shieldalloy would recycle this to make some money off of it.

They have yet to demonstrate to us that would be a safe thing to do. Before the NRC could ever allow that, we would have to look at the analysis and look at the radioactive materials in the slag and how they might expose people, for example, steel workers, whether the doses are acceptable and so forth.

There is a lot of information that simply isn't available on this particular alternative at this time and we did not consider the environmental impacts as a result in the EIS.

Say Shieldalloy decides to submit additional information to us and try to make a case that this material can be sold and can be sold safely, we will consider that.

We may have to get their word to do that. We may have supplements to the EIS and go through a public comment process again.

It may just be -- I don't want to speak on Shieldalloy's behalf because I have no idea what they are going to do, but it may just be that they simply leave the pile there and put a cover on it as we analyzed in the EIS.

Another alternative we looked at -- actually, there are two we looked at that we examined and considered to not be practical or feasible. One was offsite disposal with onsite separation processing.

What that means in a nutshell is we would sort through both piles and take out the most radioactive material in the piles and send it off to a site in Utah and leave behind the stuff which isn't too radioactive.

It is very costly for one thing. Another thing, using the techniques that are available, you really don't get much of an advantage in terms of the radioactive material removed from the site.

A final alternative that we have looked at but not considered further, because it is not practical, is onsite disposal with dilution.

What this means is that the radioactive slag piles would be diluted with soil and other material to levels that meets our criteria for unrestricted release which is like two or three times the

background levels of uranium and thorium found in the soil.

This again is not very practical. It takes 64 times the current volume of the piles to dilute them down to the levels that are needed. What is that? What is 64 times 7 million? It is a lot of cubic feet.

There is one more alternative. Mr. Bauman from the Safe Wills Creek Resource Committee proposed an alternative shortly after the EIS came out. It is hybrid of onsite disposal and offsite disposal.

It is an alternative that involves sending the east pile out to Envirocare of Utah and leaving the west pile in place. Mr. Bauman will address that more tonight and make a presentation on it.

Mark is going to talk about all the different environmental impacts.

MR. THAGGARD: Good evening. As Jim pointed out, I am going to go over some of the environmental impacts. In particular, I will be looking at the environmental impact since the environmental areas are identified on the overhead.

A detailed discussion of these environmental areas are provided in Section 3 of the document and a more detailed discussion of the environmental impact

provided in Chapter 4.

I want to point out that a discussion on the proposed mitigated measures for each of the alternatives is provided in Section 4.8 of the document.

I will start by going over some of the existing environmental impacts at the site. There are several acres of wetlands that have been impacted. We don't know the exact amount of acreage that has been impacted.

However, we do believe that the existing piles, we believe the piles are at least partially in wetland areas.

There is also some elevated concentrations of vanadium in Chapman Run and also some elevated metal concentrations in some of the onsite channels.

As Jim pointed out, there is also elevated concentrations of metals in some of the sediments in Chapman Run and some of the onsite streams.

These environmental impacts don't seem to be too significant considering the fact that these piles have been in place for over 20 years and also the plant has been in operation for over 30 years.

Look at the sketch. I am talking about the land use impacts. For the onsite disposal alternative,

there would be indefinite land use restrictions for the site.

It would be possible that the site could continue to be used. However, uses on certain parts of the site obviously would not be allowed, and at least 20 acres of the site would no longer be available for use. This is the area where the piles are located.

The offsite disposals and the no action alternatives are not expected to have any significant land use impacts.

In terms of the community resources impact, the onsite disposal alternatives would result in a small amount of increased traffic. We anticipate this to be mostly on Route 209 south of Interstate 70.

This would mostly be during a three-month period while they are constructing covers over two piles. We estimate that the increase would be somewhere in the neighborhood of 110 to 130 vehicles per day.

This works out to somewhere around 11 to 13 additional vehicles per hour. There is currently somewhere in the neighborhood of 350 to 600 vehicles. You probably wouldn't hardly notice the increase.

The onsite disposal alternative would also result in a small increase in truck traffic. This

would be to haul the non-radioactive materials to a landfill outside of Byesville, Ohio.

We estimate that that would be require about 200 round trips. There would also be an increase in rail traffic for that alternative. That's to haul the radioactive material over to Clyde, Utah. We estimate about 5,500 rail cars would be needed for that.

Both the onsite disposal alternatives and the disposal onsite alternatives would have a benefit in terms of a temporary increase in the number of workers to carry out the remediation work.

The onsite disposal alternative would require somewhere in the neighborhood of 12 to 24 workers and the disposal onsite alternative would require somewhere around 36 to 72 workers.

The no action alternative is expected to have no significant community resources impact. We performed some calculations to try and estimate what would be the impacts to ground water. This would be in a distant future.

I need to emphasize that these are on calculations. They don't necessarily represent what's happening now or don't necessarily represent what would necessarily happen.

In trying to make calculations in the future,

there is a lot of assumptions that have to be made. We try to err on the high side so the numbers we came up with would be much higher than what would actually occur.

The onsite disposal alternative and the no action alternative would -- could, I should say could -- result in an elevated rating concentration above background.

Background concentration would be concentration in ground water that would occur irregardless of the site. The concentration near the east pile could be above the background.

The background is the second. Concentrations in the ground water will also exceed the drinking water standard which is five curies per leader.

Concentrations near the west pile for the onsite disposal alternatives would be below background and also below the standard for the no action alternative. It would exceed both.

The onsite disposal alternative and the no action alternative could also lead to elevated concentrations of uranium near the east pile that would be slightly above background.

Again, concentrations near the west pile would be below background. There is no ground water

standard for uranium.

I want to point out that these calculated numbers are concentration estimates that total the piles which are indicated by the two red dots close to the piles. Those are where the estimated concentrations would occur.

We also made some estimates on what would be concentrations further away from the piles at the fence line and, the estimated radiation concentrations were below background and fence line.

I also want to point out too that we also made some estimates on what would be the radiant and radiant concentrations for the covers over the east pile. That was also below background.

The estimated concentrations at the pile, where Mike is pointing out now, we also made some additional calculations at the fence line. Those were below background.

I might also add that in addition to the potential long-term ground level contamination, the no action alternative would also leave the sediments that have elevated metals, leave thos in place. Nothing would be done about those.

This particular overhead just kind of shows where some of the elevated metal concentration has

been identified.

In terms of air and noise effects, the mediation activity for the onsite disposal alternatives could generate temporary noise levels at the school.

The estimated noise level is somewhere around 65 decibels. To give you an idea of what that represents, the EPA recommends that outdoor noise level is 55 decibels. This would be 10 units above that.

The offsite disposal alternative could also lead to exceeding the ambient air quality for dust because all of the loading of material in the trucks could kick up a lot of dust.

It could cause exceeding of the standard of 150 micrograms per cubic meter. Just to give you an idea of what that represents, the highest measurements to date in the areas have been 82 micrograms per cubic meter.

The no action alternative is expected to have no significant air and noise quality impact.

In terms of impacts to human health, we make some calculations of what could be the long-term doses from this material.

As I pointed out before, keep in mind that these are only calculated. They don't necessarily represent

what will happen.

We try to err on the high side again. This figure is slightly different than what's in your handout. I changed it a little bit to make it easier to explain.

What I put on the bottom of each bar is the background radiation level. This is the dose radiation that people would typically get in the area irregardless of the site.

The first bar is the onsite disposal alternative. What this bar shows is that somebody living on the site, if the land use restrictions were to fail, this person would basically receive basically double their dose or somewhere in the neighborhood.

The second bar looks at a situation of somebody living on the site. We looked at the improved cover of the east pile which is one of the mitigating measures we are recommending. In this case, the doses are just slightly above background.

The third bar is for the disposal onsite alternative. You can't really see any dose above background so the doses would be negligible. The fourth one represents the no action alternative.

Again, the doses above background would be quite significant in that case. All those doses, assuming

somebody is living on the site, that would only occur if the land use restrictions were to fail.

The last bar represents the dose of somebody living offsite, somebody living at the fence line. Again, you can't really see the doses above background because they are practically negligible. Most of those are background.

In addition to the radiation doses, in carrying out the remediation, there is the possibility of at least one disabling injury to workers carrying out the onsite disposal alternative mediation and two disabling injuries for workers involved in the disposal offsite alternative.

I will conclude by going into the ecological resources. The onsite disposal alternatives could result in an additional 13.3 acres of wetlands being lost. This is in addition to the wetland areas that had already been lost.

This would be primarily in the areas where the piles or covers would stick out into the wetland areas. The offsite disposal alternative could actually result in reclamation of some wetlands because of the removing of the piles.

The no action alternative is expected to have no impact on ecological resources. With that, I turn it

over to Jim to talk about cost benefits.

MR. KENNEDY: Mark talked about impacts to the environment. I am going to talk about cost benefits. When I say cost benefit, I don't mean environmental costs or environmental benefits. That's covered under Mark's presentation of impacts.

What I mean is cost means money spent to implement an alternative. The benefit I would redefine as a positive impact to a community's economy such as jobs, property values, taxes, et cetera.

I mentioned this in relation to the environmental impacts Mark talked about. Here is a quick summary of the alternatives and what they cost and the benefits they will bring to the community in terms of money.

First, for stabilization in place, there is a disposal onsite. The cost ranges anywhere from 2.3 to 6.2 million dollars depending upon which of the variations that I mentioned earlier are implemented.

The variations being bringing back onsite slag and disposing of onsite and disposing of offsite soils and sediments are the variations.

The benefit to the community would be $54,000.00 principally, I believe, in taxes paid by income taxes and sales taxes paid by folks who would be working on

the project and from that alternative, 54,000 compared to 2.3 million.

Offsite disposal in Utah, we have an estimate of 102 to 112 million dollars to dispose of the material offsite. That includes everything, all the labor that's required to put the material on the rail cars, the transportation costs, shipping out by rail to Utah and then the disposal fees which are roughly $5.00 to $8.00 per cubic foot to dispose at the site out there.

Benefits are larger principally because there will be more people employed and paying income taxes and sales taxes. They will pay 360,000.

Finally, the no action alternative. We put a cost down of 300,000 $630,000.00. It is not truly a no action alternative the way it is defined in here. There is some monitoring.

We will see what happens to the slag piles in the future and set aside money for that.

We do not have costs for the other alternatives of the east pile because that's not a practical alternative at this point nor did we consider any further of the two alternatives, one by looking at the soil and so forth, the load limits.

The other was to separate out and segregate out

the material. Neither of those are considered to be practical or physical. They were not evaluated further. We did not get costs on them.

Mark is going to give a summary of our conclusions.

MR. THAGGARD: Briefly, in the conclusion, there are a lot of radioactive slag at the site of the 7 million cubic feet of material. The impact on the environment outside of the site to date have been somewhat minor.

The onsite disposal of alternative appears acceptable. This is with the proposed mitigating measures that we recommended in the DEIS. The last thing is we invite public comments.

MR. CAMERON: I would ask the round table from the community to make any comments they would care to make on the Draft Environmental Impact Statement.

As I mentioned earlier, Mr. Bauman has done his homework and did submit an alternative that Jim Kennedy addressed.

Mr. Bauman, would you like to elaborate on that at this point?

MR. BAUMAN: Should I come up there?

MR. CAMERON: It is up to you basically. Wherever you are more comfortable, go ahead.

MR. BAUMAN: Good evening. Everybody probably knows my name by now. I am Sherwood Bauman with the Safe Wills Creek Water Resources Committee. I would like to clear a few things off the table first.

This is a dual purpose. One, as a participating member of the round table, I have some comments on the drastically flawed DEIS that I would like to make.

I would also, at this particular point in time, in view of the fact that Dave Heil is here representing Congressman Ney, and a representative from Senator John Glenn's office is here, Congressman Ney and Senator Glenn are elected into office to represent the constituents of their elected area.

That being so and in view of the fact of some of the serious problems regarding this DEIS and the regulatory agencies in charge, i.e. the fact that the Mallory's and other families have gone now for two years without having anything done in regards to the contamination around their homes.

The fact that the NRC failed to release the licensee for a period of 12 years and then retired their license, the fact that there seems to be a conflict of interest in that the NRC has a claim pending in the Federal Bankruptcy Court which cannot be paid if the NRC approves any other remedial option

in the company's preferred choice.

I would officially, so it is on public record, like to request of Congressman Bob Ney and Senator John Glenn that they request a full and complete GAO investigation of the inspection and DEIS process that has transpired in regards to this licensing and the former license of Foote Mineral and that once that GAO report comes out to open up a congressional investigation of the NRC's activities as regards to these licenses.

Next thing I would like to address are some specific shortcomings in the DEIS. Could you put up Jim Kennedy's first map that he had in this portion?

The NRC, in Oak Ridge and a myriad number of other supposed professionals within our federal and state governmental agencies, spent three years developing the Draft Environmental Impact Statement on this site in conjunction with the company, Shieldalloy.

They come to us and they say: We have a plan that will work and will protect human health and the environment and addresses all the various assorted problems we might run into.

If you look at the DEIS, and specifically the portion that addresses the capping of the east slag

pile, first it tells you that the east slag pile's outer perimeter will be increased by approximately 65 foot around and then additionally 300 foot of space will be impacted with the use of heavy equipment and so forth and so on.

Why do I give you these figures? Because the proposed plan says we are going to cap the materials in place. Now, what I don't understand -- I am just a good old country boy living on 40 acres off 313, make pots for a living -- I had this plan for less than 15 minutes when I received it back in late July.

I noticed that there were 21 maps in this DEIS. On each and every single one of those maps, if you look at the east slag pile, you will see a line with cross hatches.

Now, I looked at that line and said it looks like a railroad. Guess what? It is a railroad. It is a railroad that supplies production materials to the Colegate Plant here in the community.

The railroad is owned by the CIA, which is the Community Industrial Association. Now, the plan would cover that up-and-running functioning railroad under 15-foot capping material. I say the plan has a little bit of a flaw, won't work.

I brought that to the attention of the Nuclear

Regulatory Commission. They said: Oh Gee, you are right, we will take that as a comment on the DEIS.

Were they willing to go back and rework the plans so that flaw were not there and so they could rework all the various assorted options in view of the fact that they were going to have to now push the pile back some 65 to 110 foot to cap it and not effect the railroad?

No. Why? Because their self-serving interest in their claim to Federal Bankruptcy Court was more important and they knew that to redo the DEIS would mean that Shieldalloy could not emerge out of federal bankruptcy on time.

Then I looked at the map further. You will notice that there is what appears to be a roadway that comes off of 209 and drives into the facility. So, I drove over and I looked at the plant.

Sure enough. It is a road. That road is within 12 and a half foot of the east slag pile on the eastern side.

Now we have not one but two sides that create a problem. Because, once again, if they cap the east slag pile as proposed in the DEIS, that road in the Shieldalloy Plant will be under 15 foot of capping material.

Now the old adage: Three strikes and you are out. Approximately three foot closer to the fence past the roadway is a little teeny marker that sticks up out of the ground. It says: "Caution. High voltage. Underground wires."

Well, guess what? That's three strikes because according to the company's preferred plan, that high voltage wire is also going to be buried under 15 foot of capping materials.

Now, one might think at this particular point in time that we should be asking the NRC how with all their site visits, how with their professionals from Oak Ridge, in consultation with the Ohio EPA, Department of the Interior, the various assorted agencies, how they could miss three glaring obvious problems with just the one pot.

Let's look at some of the other problems with the DEIS. Let's look at the fact that the average home site is only maybe half an acre. We will be generous and say an acre.

The east slag pile, when it is properly capping, is going to represent a site of approximately two and a half acres.

Now, looking at two and a half acres, that's more than adequate for a family to build a home on,

drill a water well on, plant vegetables. Why do I tell you this? Because in evaluating the company's preferred plan, the NRC is supposed to evaluate the exposure limits to an onsite farm family.

What they have done is deliberately and maliciously with callous disregard to our safety devised a modeling format that lowers our exposures.

How did they do that? They placed the family's farm well between the two slag piles instead of on top of the slag piles.

If you drill the family's well on top of the east slag pile, if you place their home on top of the east slag pile -- because remember all of the safeguards have failed. That family is building there.

They are going to dig into that cap with a backhoe. They are going to pour themselves a basement. They are going to build a home. They are going to drill their well beside the house like most of us would do and they are going to plant some vegetables.

No, the NRC didn't want to do that. Why? Because that would give us yearly exposure rates of over 3,600.

So, I propose to the NRC if they are going to

propose dose limits, let's be truthful and honest about it. Let's not hide by conveniently moving the location of the water well.

Even despite this, you will notice when they put their charts up on the wall that they will admit the farm families will receive, according to Mr. Mark Thaggard's draft that he put up there, a yearly exposure of about 850 millograms a year.

They admit in the EIS the 458 to 464. The 458 to 464 represents 30.8 times the allowable level for unrestricted use of the property.

You will also notice in the EIS there is another major flaw. If you look at 10 CFR, Rules and Regulations 61, which deals with the citing of an at ground or slightly below ground disposal facility, that our community is not being provided the same kind of protections as everybody else is entitled to.

For instance, there is no liner under the materials in either of the east or the west slag pile. We have the company looking at us.

Mr. Michael Finn has been in our community before. He eloquently told us that his company, to be able to emerge through the other side of the federal bankruptcy proceedings, needs our community to approve the disposal of all the materials, that they just

don't have anymore than 3 to 6 million dollars to spend on this.

Well, I thought that sort of a rather interesting position. I did a little homework. Anybody that knows me, knows that I love doing homework and looking at documents.

I pulled a copy of the docket journal entries in Michael Finn's federal bankruptcy case from the Fifth District Bankruptcy Court in New York City.

I started looking at all the money that's been approved and paid out by their company to their attorneys, their accountants, their financial advisors, whose one and only sole purpose in life is to protect their clients' financial interests.

While we are being told they can't afford anymore than to 3 to six 6 dollars, those companies in the last three years have spent over 14.3 million dollars protecting their own financial interests.

With that, what I would like to propose is that maybe there is another alternative. We know the federal government is not going to require anybody to spend 100 million dollars to protect our community.

What our proposal does is it looks at the possibility of first capping the west slag pile onsite.

However, our proposal would not allow any return of offsite radioactive materials belonging to the Foote Mineral Company.

Why? Shieldalloy is not licensed to be in possession for the purposes of long-term disposal radioactive materials belonging to anybody else.

Two, that slag was not transferred to Shieldalloy in the sale of the property. Three, the financial and legal responsibilities for the remediation of those materials rightfully belongs with Foote Mineral and those materials should be remediated and removed from the innocent families' homes and hauled off to a licensed disposal facility.

We also would oppose the return to the west slag pile of any and all heavy metals or chemical contaminants of any sort. Those instead should also be hauled off to a licensed hazardous materials disposal facility.

Lastly, instead of capping the east slag pile, we propose that the east slag pile be packed up and shipped off to a licensed disposal facility.

The only licensed disposal facility that could accept those wastes at this particular point in time would be the Envirocare Facility in Utah.

We have done some cost estimates of our own. We

have detailed plans of that cost analysis for any citizen of Guernsey County who is not a politician or employed by Shieldalloy or any of Shieldalloy's attorneys should you wish to have one after I finish speaking.

The cost for disposal of the east slag pile at Envirocare in Utah, contrary to the company's assertion of 18.6 million, is 13.6 million.

With the remediation of the west slag pile at 3 million dollars, that puts us at 16.6 million or barely 2 1/2 million more dollars than the company has spent on attorneys, accountants and financial advisors in the last three years.

If they can afford to spend that kind of money protecting their interests, they can afford to spend that kind of money giving our community the best clean-up we should get instead of a cover. Thank you.

MR. CAMERON: Thank you very much, Mr. Bauman. Let's go to our next round table participants. I believe Mr. Shields from Shieldalloy is going to make a presentation. You can either stand here or up there, whatever is best for you.

MR. SHIELDS: This is fine right here. My name is Walt Shields. I am with PTI Environmental

Services out of Seattle.

I am the project manager for the other study that's going on out at the facility called the remedial investigation and feasibility study under the direction of the State of Ohio EPA.

A lot of the information that we have collected over the last year has been provided to the NRC, a lot of the sample collection information, chemical data on soils, ground water, sediment surface water and so forth.

The companies have spent an inordinant amount of money, I believe, on the investigation and clean-up, so far over 10 million dollars.

I wasn't aware of the other funds being spent. The EIS has been reviewed by us. We will provide technical comments to the NRC before the end of the comment period.

We have a basic overall agreement with the conclusions of the draft EIS but, I think one point that we would like to make at the meeting here is the nature of tne EIS as Mr. Thaggard pointed out requires a hypothetical scenario of risks and hazards to future families should some of the conditions of the alternatives fail.

As he pointed out, these are worst case

conditions. I think as you read through the Environmental Impact Statement, the issue of the worst case scenarios assumptions is not brought out as frequently as it should. At the beginning and at the end essentially is where you really see it.

For example, the scenario of ground water contamination at the well adjacent to the east pile where a family in a thousand years would get all their drinking water. If you look at the -- in fact, this is the only significant risk scenario that is a result of the analysis of the alternatives.

If you look at the conditions, the assumptions that went into that result, you can see that in combination it would be -- it is possible that these conditions would occur but highly improbable.

For example, the cap that's on the east slag pile would have to be removed. The large boulders and rocks of slag would have to be crushed and reduced to particle size so that the radiant could be released from the slag material.

Once the radiant is released from the slag material, it would be down with rain water to the dirt below the pile.

Once it hits the dirt, it would have to go through 10 or 15 feet of tight clay to make it down

into the next layer below the clay which is the silty sand layer. That's where the well is supposed to be of the farm family.

The assumptions about how fast the radiant and other radionuclides would travel through that 10 or 15 feet of clay was extremely worst case.

Realistically, water going through that tight clay would run off. What water did get down several feet, as we have shown in the remedial investigation, would evaporate before it goes too much farther.

If metals were carried along with that water or radionuclides, the soils themselves serve as a sponge to grab on to those radionuclides. They are basically a living filter.

They are very effective in grabbing on to the metals and radionuclides as they go through the soil.

Let's say that the radionuclides make it through this 10 or 15 feet layer of tight clay. They get down to the silty sand layer where the family would have a well.

This is also possible but improbable mainly because the analysis we done in the remedial investigation we found identified about 100 water supply wells within a radius of the SMC facility and all these supply wells are in the next layer down. It

is called the bedrock. It is fractured shale and sand stone.

This is, in some cases, where there are fractures down deep and an appropriate place to put a productive ground water well primarily used for irrigation.

The city of Byesville, for example, has production wells down in old coal mine voids in this bedrock aquifer.

Why would all the drillers and all the residents go to the expense of drilling through the rock? The reason is that the shallow wells would produce mud.

It is the silty sand layer where we have probably 25 wells on the facility for looking at water quality are carrying the fines with them so if you started to pump for irrigation of the water supply, you would have to put on a filter to reduce the flow.

It would slow the flow. You would not have a practical well. That's why everybody puts in their wells that they do have irrigation wells down into the rock aquifer.

Having said that, the analysis that we did in the remedial investigation in our own risk assessment supported what the NRC did even with their ultra-protective ultra-conservative assumptions in

that there really is no long-term risk as a result of radionuclides or metals to humans either now or in the future.

So, we basically again support the overall conclusions. We will have a number of technical comments but they will not result in a recommendation to change the overall conclusions.

We would like to complete the studies, the EIS and the remedial investigation feasibility study, as soon as possible and get on to cleaning up the areas of the site that need to be cleaned up. Thank you.

MR. CAMERON: Thank you very much, Mr. Shields. I would ask NRC for clarification. Any comments that are submitted on the draft EIS either by the company, Mr. Bauman or anybody else, all become part of the public record, right?

MR. NELSON: As does the transcript.

MR. CAMERON: As does the transcript. Do we have any other round table members tonight who would like to say anything at this time? Okay.

We will take a break for a few minutes. When we come back, I would like to hear from any of you who in the audience, any questions that you have.

Because this is a NRC Draft Environmental Impact Statement, I will ask Mike if he wants to clarify

anything relative to either what Mr. Shields said or what Mr. Bauman said when we come back.

Let's take a break now and let's be back at 5 minutes to 9. That gives you about 13 minutes. Thank you.

(Whereupon, a short recess was taken off the record.)

MR. CAMERON: For our public comment session, I am going to let Mike Weber just do a brief comment on what we heard from the round table participants and then we are going to go to the audience for questions.

We have one written question submitted that we will address. Mike, go ahead.

MR. WEBER: Thanks, Jim. We came for public comments. We are getting them. That's great. There were comments made before the break that we obviously would disagree with.

Rather than get into a point for point counter response, I think it is more productive that we allow time for other comments to be made. After all, we are here for public comments.

For that reason, let me assure you that all the comments made will be responded to. That's what we are required to do as part of our Environmenal Impact Statement.

Some of the comments that were made we already responded to in writing on multiple occasions.

I would presume that we would continue to use the same responses unless we find out new information that changes those views.

In other cases, you heard a good playoff between the licensee and interested individual organizations on how the scenario should be constructed to assess the long-term public risks associated with this material.

You get some idea of the kind of issues that are all wrapped up in EIS. I think those comments are illustrious about the real guts of our Environmental Impact Statement. Without additional discussion, I will turn it back to Chip.

MR. CAMERON: Okay. Thanks a lot, Mike. Mark, do you want to address the written question now or take a look at it for a few minutes?

MR. THAGGARD: I think I can address it now.

MR. CAMERON: There are two questions here really. Mark will address them.

MR. THAGGARD: I would try and address them the best I can. The first question deals with whether or not there has been some rat studies done to determine the affects of rats by placing them next to

the piles and see if they get sick.

What is the results from such studies, and if such studies have not been done, why they have not been done. The answer to that question is: No, there have not been any rat studies done.

I believe a lot of work has been done by the international communities in terms of trying to determine the health effects from exposure to radiation and a lot of that information is based on exposure people received from the environment during World War II and recent experiences with Chernoble and -- I am not a health physicist -- I believe to the extent they can they would like to try and base the information on humans as opposed to animals because even if you have studies with animals you have to extrapolate the effects from those to humans.

There would be no particular reason why you would want to do a study like that on a site specific basis anyway.

The second question, and I don't know if I answered the first question adequately or not -- the second question relates to the potential dangers of collapsing of the slags from underground coal mines and voids and things of that nature.

Again, I don't know to what degree I can answer

this question. I will take a stab at it. To the best of the information that we have today, there has been no mining at the site. There has been mining in the area. There is a lot of mining in the area.

Based on all the records we looked at and information we have received from the site operators, there has been no mining at the site. If somebody has any information to indicate that there is a potential for that, we would certainly like to take a look at it.

MR. CAMERON: Thank you very much, Mark. How about other questions for the NRC?

MR. GROSS: My name is Gregory Gross from the Central Ohio Grades from Columbus. Basically my question is to the offsite slag that's radioactive that was used in the construction of house and driveways.

The first question I have is do you know where all of it is, and if you don't know where all of it is, do you have any process in place for identifying it and forming if a pe son lives on it or if it is part of a road or part of an interstate? Do you have any plans to inform people if you know where it is?

MR. WEBER: This is Mike Weber. Our intent at the beginning of the meeting was to set aside the

offsite slag issue because it is outside the scope other than the alternatives for the disposal of the onsite problem.

We recognize there is a concern about it. The answer to the questions are relatively straightforward.

The answer to the first question is no. We do not know where all the offsite slag is located.

The answer to the second question is yes. There is a process underway. We initiated early studies of the area.

We went out and did scoping surveys to identify the extent of contamination. We invited people to contact us if they suspected they may have slag on their property so we could go out.

More importantly, Cypress Foote Mineral also initiated the Cambridge Information Project and they actively solicited information from the community as to people who suspect they may have slag on their property and describe that material.

They did go out and survey a large number of properties and sent that information on back to the NRC. To a large extent, it depends on the willingness of the property owners to come forward and identify their property as a potential contaminated site.

MR. CAMERON: Before going back to Mr. Bauman and perhaps others who have talked before, is there anybody else out here who has a question about the Environmental Impact Statement that they would like to raise at this point? Okay.

Not picking on you Mr. Bauman, but anybody from the company or whomever, I would ask you to try to raise new material if you can so we don't get into a lot of repetition. Mr. Bauman, go ahead.

MR. BAUMAN: First for the record, a couple of points I would like on the record, Mr. Shields spoke from, I believe, RFI.

MR. SHIELDS: PTI.

MR. BAUMAN: Mr. Shields spoke on behalf of PTI, an environmental firm hired by Shieldalloy and paid millions of dollars by Shieldalloy. The bottom line is that company is being paid to mitigate the clean-up costs the company might have to spend.

When he speaks his opinions, keep in mind -- I believe he tossed the figure out of 10 million dollars-- for 10 million dollars I believe I could mitigate a lot of environmental circumstances.

With that thought in mind, my first question under redress would be if the NRC could explain to me why it is in the course of doing the EIS and in view

of Mr. Shields' comments where he did admit that a farm family might drill down through rock to get to a bedrock aquifer.

That tells me they could drill down through the east slag pile and in view of those two comments why it is that there has been no studies done of the underlying bedrock aquifer in the interconnectedness between the shallow ground aquifers and the bedrock aquifers in this EIS.

MR. THAGGARD: There has been some information on the degree and connection. It is not complete. There was some additional wells that were drilled to try and determine the degree.

The bottom line is for the purposes of the analysis that we did, we didn't necessarily know that.

As Doctor Shields pointed out, the assumption of somebody drilling a well and usually a shallow system is a lot more conservative than assuming somebody is willing in pumping out a system because you have basically a lot of the volume of water there. You will get more dilution.

If you do the analysis on the shallow system, that's a much more conservative analysis. There is no reason to look at a less conservative situation if you

don't have to.

We didn't necessarily need to know the degree of interconnection for that reason.

If there is an interconnection, you will need more dilution so your concentration as estimated will go down. I don't know if that answers your question.

MR. BAUMAN: We are sitting here looking at site spreads such as St. Louis, Fornald in Cincinnati, various assorted other low-level radioactive waste contamination sites. Granted, those sites are DOE sites.

However, the bottom line is the level of contamination at those sites are less than what our community is exposed to and yet those sites are receiving much more in-depth remediation efforts to their site. They are having materials removed and hauled off to low-level storage facilities.

My question would be first why it is that other sites regulated by different agencies of the federal government are receiving full remediations and better clean-ups than the NRC is willing to afford our community.

MR. THAGGARD: I can't really specifically speak on other sites without knowing the information on those sites. I mean, there are obviously some

sites where there is onsite disposal being proposed too.

I mean, without getting into the specifics for a particular site I couldn't really address your question.

MR. BAUMAN: If you would like, I am more than prepared to go into specifics.

MR. THAGGARD: I don't think that will serve any purpose at this particular meeting here.

What I am trying to say is I don't know the specifics of the level of contamination at the sites, the kind of analysis they have done. I mean, there is a whole range of decisions.

MR. BAUMAN: We can make it real simple. For the record, I would like it noted that Fornald in Cincinnati has lower levels of radioactive exposures through the community and yet is receiving full remediation and removal of many of the materials.

In light of that, I would like this EIS and NRC to address why it is that at several sites, specifically Fornald, is receiving remediation removal of materials and our site is not.

MR. CAMERON: Anybody else on the NRC staff want to reply to not obviously getting into site specific comparisons but anything on the process at

all at this point?

MR. NELSON: I will try. Clearly, level of contamination is one factor you have so look at. You also have to look at what form the contamination is in, what type of environment is it in, is this contamination liquid, is it dust, is it a rock matrix, what are the pathways for exposure?

All of those factors, which is why we do an EIS -- we don't do an EIS simply based on the activity. We have to look at the activity in its form, how it can move through the environment and how that effect humans and the rest of the environment.

It is not simply a question of you have this much activity, you have to clean it up. There is this whole range of parameters you have to look at to find out what the ultimate impact is.

As Mark said, without knowing the specifics of the site that you mentioned or any site, we can't do a comparison. I certainly wouldn't want to burden the meeting with that kind of detail.

If you have specific information, submit it to us. We will take a look at it.

MR. CAMERON: Thank you, Bob. Let me ask once again if there is anybody from the public, citizen groups, company, whoever. Is there any clarification

or questions we need to address?

MR. NELSON: One other point I want to make, Mr. Bauman. I think you raised the question of why we didn't look at drilling a well through the east slag pile.

The reason we didn't do that is because it is tremendously difficult and almost cost prohibitive to drill through that type of material.

Given the option of drilling a well through that slag and moving 50 feet and drilling a well through clear soil and clays, clearly the choice would be to drill a well off the slag pile.

MR. BAUMAN: Begging to differ with you, I did do my homework. I contacted a couple of water drilling companies. They told me flat out that it would be no problem and not that expensive to drill through rock.

In fact, some families, for the convenience of having their well located beside their homes, routinely do that.

In addition to that, I would point out the fact that if it is so damn hard why is it that the Ohio EPA was able to take over 100 more samples through the east and west slag pile? It obviously can be done.

MR. NELSON: Yes, it can be done. That's not

the argument here, sir. It definitely can be done. The question is can anyone logically do it given the option of moving a few feet and drilling through much easier material.

MR. BAUMAN: If you build a house in the middle of the slag pile, the east slag pile, which is a 2 1/2 acre site, moving off the slag pile is not a question of a few feet.

My understanding of "few" is three to ten. Now, I will pay you the time on my farm if you could put a house in the middle of the east slag pile and then move a few feet and figure out a way to drill a slag pile off of the east slag pile. You can't do it.

MR. NELSON: I understand your point, sir.

MR. CAMERON: Okay. Anybody else in the audience with a question? I want to make sure that we give everybody an opportunity to say something. Mr. Bauman, do you have another point on DEIS for consideration?

MR. BAUMAN: The State of Ohio submitted comments on a working copy of the DEIS. In those comments they pointed out to the Nuclear Regulatory Commission that water was found at the bottom of every bore test site that was done on the two slag piles and in fact one bore sample taken on the west slag pile

found 20 feet of standing water.

I would like to know why it is in view of that why it is that the EIS has not addressed whether or not the cap remaining on the west slag pile is structurally stable and secure at this point in time because it is our assertion that that cap is broken down from the inside out and no longer offers the safety spelled out in the EIS.

We would like to know what plans the NRC has to take tests to find out about the structural stability of the west slag pile.

MR. CAMERON: NRC staff that would like to handle that one?

MR. THAGGARD: Basically, we treated this particular site no differently than we treat any other sites that we are doing an analysis in the future.

We basically do the analysis on a design with the assumption that obviously the licensee still has to demonstrate that what they are building or what they have built is built according to the design specifications. That's the way it is typically done.

You can't wait until something -- I mean, typically you don't have anything built when you are doing the analysis. If you wait until you get the thing built, you will be waiting a long time before

you can start the analysis.

MR. BAUMAN: My point, just as you pointed out, is that cap was begun and completed to a point of 80 percent completion before the company submitted this current decommissioning plan.

The company presents in the DEIS the assumption that the cap that's currently in place is structurally secure and merely needs to be completed.

My question is in view of the fact there was 20 foot of standing water found in the west slag pile, should that not warrant some investigation into the structural stability of the -- and emphasis added -- preexisting cap?

MR. THAGGARD: Well, it is obviously something that is going to have to be looked at when we evaluate the cap.

However, even if we had looked at what's been built now, the cap isn't finished.

It wouldn't have done a whole lot of good. We still need to go back out there and evaluate what's being built or what's going to be built to complete the cap.

MR. BAUMAN: My point being that if the preexisting cap is deteriorated to the point where it is no longer working, it would need to be removed and

a new cap, as per the designs, placed on the site which then would dramatically affect the cost of the safety disposal at the facility.

MR. CAMERON: I know it is sometimes hard to tell when someone is finished speaking but just let people complete their point before we go on with the next question. Mark, do you want to continue?

MR. THAGGARD: Yes. What I was going to say is that 20 feet of standing water isn't necessarily a reflection on the integrity of the cap.

The cap isn't finished, so there is a huge portion of the pile exposed right now.

The fact that you have standing water at the base of the pile isn't necessarily a reflection on the performance of the cap.

The other point that I want to make is that that 20 feet is a little bit misleading. That's the depth the water came up in the bore hole.

It is not necessarily 20 feet. It is a lot less than how high the water goes in the bore hole.

Typically what I am saying is we would go out and evaluate that the cover has been built according to the design specifications. Whether there was any cover built back there or not, we would need to do that.

If they add additional costs to the cover, we still need to convince ourselves that it was built according to the design specifications.

MR. BAUMAN: For the record, I am making an allegation that the structural stability and the long-term viability of the west pile cap after remaining uncompleted for four years is questionable and should be investigated.

Moving on to a similar subject, the NRC took the likes to Oak Ridge, took a glacial water sample back in April of 1995.

One of the water tests from one of the wells, I am not sure, but I believe it may have been MW17, exhibited radioactive contamination levels 25 times above background.

At a later point, conveniently after the spring rains had come through and washed the well out and replaced it with new water, they went back to that same well and found that radioactive materials had gone.

Instead of doing further investigation and requiring additional sampling of those wells on a more frequent basis, associated with rain falls, they discounted the one well sample as nominally in the testing procedures.

It seemed to me more likely that those radioactive materials in the well had washed off and are now someplace.

My question is: Why is the NRC willing to discount this one test instead of requiring additional water testing at the site?

MR. CAMERON: Who would like to handle that from the staff?

MR. THAGGARD: I don't know if I know all the specifics. I believe this was something that was done by the region.

It is not uncommon when you do a chemical analysis that you get a a nominal reading. That's the reason you need to go back. That's typical. I believe that's what occurred in this case.

They something that they were concerned about and they went back. When they resampled, the concentrations were below background.

MR. BAUMAN: My point is when they went back they went back after -- the test was originally taken on April 5. This area receives relatively significant rainfall in April and May.

They went back and did additional testing after said heavy rainfall would have washed the well clean and carried away the contamination.

When they went back and found the missing water or the missing radioactivity, they discounted the test.

I am requesting instead that an additional test be done at the contaminated well in question at a period of time in the year similar to the time frame when the radioactive contamination was originally found there.

MR. CAMERON: I think that's noted. Is there anything that anybody wants to say on that particular issue? Is there anybody with questions, comments? Okay. Go ahead.

MR. BAUMAN: I am assuming you are familiar with the two books I have in my hand. They are the Nuclear Regulatory Code of Federal Regulations, 10 CFR Parts 1 through 199. Are you familiar with those?

MR. WEBER: Yes.

MR. BAUMAN: Are you familiar with Part 10 CFR Part 61?

MR. WEBER: Yes. Could you suggest your comment or your questions so we can --

MR. BAUMAN: What I would like to find out is Part 10 CFR 61, would it basically deal with disposal sites at or close to shallow i.e. the de facto disposal site you are creating at the Shieldalloy

facility?

What I would like to know is why the NRC has prepared to approve a plan that does not give our community the protections that are afforded in your own regulations as found, described and spelled out in Part 10 CFR 61.

MR. WEBER: The regulations to which you refer are the regulations that apply to commercial disposal facilities that are licensed and authorized to take other people's wastes and dispose of them in the near surface of the land.

Those regulations were promulgated by my agency 10 years after the final placement of the Columbia slag that was licensed at the Shieldalloy facility. Therefore, they post dated the actual placement of material at the site.

MR. BAUMAN: Begging to differ with you, sir, if you look at your own DEIS, I do believe that two or three of the preferred plans of remediation include return to, emphasis added, return to the site radioactive slag located at offsite facilities.

Now, you are taking a site and you are bringing it to that site. That slag is not on the piles. Therefore, it is not covered under your quote unquote 10-year exclusion, and in fact, those sites are

further owned by a commercial generator of low-level radioactive waste other than Shieldalloy which means allowing the return of the radioactive materials to the site does in fact, whether they are licensed or unlicensed, create a de facto low-level radioactive waste disposal facility.

I ask again why are we not entitled to have some kind of a liner or pad underneath the radioactive materials if you are going to return offsite contamination to the facility.

MR. WEBER: Let me clarify. I believe the material to which you refer is the offsite slag which is presently owned by the people who are the property owners that contain the offsite slag.

The EIS attempts in a common sense way to reflect the impacts that would be associated with the return of that slag to the original site that generated that slag as best we can tell.

MR. BAUMAN: First, let me clarify, because we already know that there is one property owner here.

If I understood what you just said, what you are saying is even though your former licensee, Foote Mineral, who under fraudulent terms, had their license retired by the NRC because you never bothered to investigate what they had to say, they illegally

transferred radioactive materials to these people.

But now that that slag is at their home, it is your contention that that said property owner owns that slag instead of Foote Mineral owning that slag.

MR. WEBER: I don't know how long we are going to go on with this. It is your assertion that that activity was illegal. That's not been shown and it's not been substantiated through any kind of formal adjudicatory process.

MR. CAMERON: Okay. What I want to do now is to have everybody do a summing up here and, I am going to let the NRC say any final comments you want to add on the evening in terms of the Draft Environmental Impact Statement.

I would then go back to Mr. Shields, if you would like to add something. We will let Mr. Bauman ask one more question. Mr. Ellison, I don't know if you want to say anything.

Do you want to talk now, Mike, or do you want to wait until after we hear from the rest of the people in the audience and just sum up at the end?

Why don't we do that? Do you want to say something, Walt?

MR. SHIELDS: This is Walt Shields from PTI Environmental Services. There are a number of issues

that have come up that we would believe are technically incorrect.

There are three issues I wanted to bring up and just briefly address. One is the statement made earlier -- I can't remember which gentleman up front -- regarding the placement of the slag piles in wetlands.

The slag piles, based on our evaluation of historical aerial photographs and land use at the site, are actually placed on grainy agricultural fields. They were not wetlands at the time.

In fact, the conversion of farm land and the placement of blockage of the flow by slag piles as they grew and beaver dams were allowed to remain in place and actually created wetlands at the property.

Regarding the feasibility of constructing the cap on the east slag pile, we did evaluate and understand the limitations of the structures and infrastructure railroad and so forth that are near the east pile.

Those are the kinds of details that will be worked out in the remedial design. It is not a publicated issue.

I think again to reiterate, our primary comment on the EIS in communicating to the community that are

not familiar with all the terminology and the process that the hypothetical worst case scenario conditions that are used to develop the hazard predictions are, I think, overlooked by members of the community when they look at the final prediction but don't keep recalling what the overly protective ultra conservative and highly improbable conditions would be to result in these future exposures.

The comment on not only the individual scenario I mentioned earlier on the example of the ground water exposure adjacent to the east pile, there are five or six conditions that are extremely improbable that were required, not only any one of those, but all of them together would have to take place.

Essentially, it is predicting the risk to a family in the future of advancing glacier in ice ages. It is probable but extremely remote. Thank you.

MR. CAMERON: Thank you very much, Walt. Before we go back to Mr. Bauman for a summing up from the Wills Creek Committee, is there anybody else? David, do you want to say a last word for us?

DAVID: I was in Chernoble at the Tenth Anniversary Conference that took place there. At the same time the G7 nations were meeting in Moscow to

discuss what they were going to do about the sarcophagus and their plan was to spend a bunch of money to build a new sarcophagus over the old one. It looked to a lot of us like a cover up.

There is some resemblance to the plan revealed in this draft DIS. I understand that NRC is a descendant agency from the Atomic Agency Commission. I think the Atomic Agency Commission was rotten from the very beginning.

I am sorry that you all as persons have to inherit the legacy of that. If there is ground water contamination that is migrating from these piles and if the piles have to be moved in order to be covered over so that a lot more rain water doesn't get into the piles and force more of the radionuclides out of the material and into the ground water, then it is strange to me that one of the scenarios that was looked at didn't include recontainment of these materials onsite in a way that might have been more clean like in a facility that would have been up off the ground or at least separated from the ground with a liner or some sort of membrane or a floor, particularly if the waste has to be moved away from the railroad tracks and the road.

Mr. Bauman is pointing out that the piles close

to the railroad tracks and the road to be covered as planned makes you all as the inheritors of the legacy of the Atomic Energy Commission look like you are not doing your job.

It concerns me that your agency or the predecessor agency was overseeing not only this site and this licensee while they sold these materials to people who built houses on them and driveways or whatever, but also that you were overseeing something like 800 other sites in Ohio and something like 45,000 sites around the country and, it just leaves me kind of stunned.

We come to these hearings. I think you all have gotten a lot better at including people and allowing people to speak and making sure -- I am not sure of your name, Mr. Facilitator, but your attention to the needs of the participants in this meeting. I think it is good.

I appreciate that but, until public participation can be truly effective and can start forming the solutions that we have to come up with for these kinds of problems, it is all just an act.

The Code of Federal Regulations, the way it says that it has to be returned to unrestricted use or that it has to have safety standards that are not met by

the proposed solution, the rules are one thing but actually coming up with solutions to these problems are totally different.

I am not sure it makes any sense to take all these materials and all these curies and dump it on Utah. I mean, we have to find a solution for not just this problem but the problems that exist all over Ohio.

To suggest spending the kinds of dollars that are being spent at Fornald, at all the sites that are radioactively contaminated, it would easily bankrupt the whole country.

It doesn't make a whole lot of sense. The problem is that these radionuclides are leaking out all over the place along with a bunch of other pollutants and not only nuclear radioactive pollutants and our governmental agencies, through these processes of hearings and meetings and Environmental Impact Statements, are not addressing the problems with adequate solutions.

I don't know where I am going with this. I think I will stop and not take up anymore of your time. Thank you for the opportunity to speak.

MR. CAMERON: Thank you for saying that. Perhaps the NRC will, in its summing up, say a little

bit about how the substance of comments from the public, which the whole objective of this meeting is to do that, and the substance of comments such as that might be addressed in the Environmental Impact Statement.

MR. HEIL: I would like to take a brief moment to thank NRC and your staff on behalf of Congressman Ney for coming out tonight and viewing some tough questions and listening to our concerns.

I also ask that you all remember us after you are gone because we are counting on you to ensure our families and neighbors and our future generations will be safe.

I would also like to make one final point. Mark, you answered a question about the problem of mine subsidence in this area where someone can ask something.

We have a serious problem with mine subsidence in eastern Ohio due to past mining. We have currently over 3,000 known and chartered abandoned mines in this area.

The Department of Natural Resources estimates that we have approximately another 3,000 unknown unchartered maps of mines in this area and, it is a major problem.

I don't know if any of you drove in. If you did, chances are you were detoured because of the mine subsidence problem. That's the second one we have had that's closed down a major highway in this area in less than a year.

We would ask that you all consider that in your preparation of your final DIS. Again, thank you for coming.

MR. CAMERON: Thank you. Mr. Bauman, you have offered us a lot of information tonight. Could you do a short summing up for us?

MR. BAUMAN: Equal protection under the law. You have Fornald, St. Louis, various assorted other DOE sites that are afforded a clean-up by the NRC. No regulatory control offers us a clean-up.

We are sitting here looking at the DEIS. If you look at the maps in the DEIS, both piles sit completely entirely within a 100-year flood warning.

In addition to that, the new K-Marts, the new Safeway Stations, all the new buildings that has gone on has filled in flood point areas.

Yet, you people have decided that no additional studying of the flood point areas needs to be done. It was admitted that getting a proper cap seal on both the east and west slag piles in wetlands area was

going to be difficult if not possible. Yet, you didn't investigate that in the DIS.

The proposed cap for the east slag pile will cover up a road, a railroad, a high voltage electric line. You didn't investigate that.

We are sitting here. You allow the company to broaden the scope of the DIS. You released the Federal Registry Notice broadening the scope of the DIS. Yet, when the DEIS comes out, their sale of slag, no information available.

I find this more than a little bit convenient in view of the fact that you also, during that same DEIS, discontinued two other alternatives, separation, segregation of the slag with onsite or offsite disposal.

If you looked at the proposed sale of slag from the east slag pile, you look at their product manufactured in Newfield, New Jersey, called Canal, you look at their licensed export of that slag product, you look at the crushing and segregating capabilities involved in producing that product and, the technology and the means is available for the two options that the NRC is limiting from the DIS.

We are sitting here. You come into our community. You ask us to trust you. Let's look at

trust for a second. 1975. Foote Mineral did not renew its license.

The NRC claimed it was just an administrative oversight. I did a document search. I found the letter written by Nuclear Regulatory Commission in 1975 to Foote Mineral asking them to either provide proof that there were no longer materials licensed for control on the site or to renew their license.

The company sent in a little piece of paper saying: No, we ain't got any. The NRC took their word for 12 years. Then all of the sudden they found out that information was wrong. Did they conduct an investigation? No.

Did they reinstate the license? No. Did they penalize the former licensee for lying? No. Instead, they formally retired their license and issued a new license to a company that did not have the financial wherewithal to remediate the site.

In fact, the same licensee that got the new license, I found it rather odd, submitted comments in 1992 to the Nuclear Regulatory Commission supporting self insurance for the cost of remediating the facility. Now they tell us they don't have the money.

Then we sit here in 1987, 1988, the Nuclear

Regulatory Commission in conjunction with the Ohio EPA approved a flaw decommissioning plan for the site. That plan began being implemented.

All of the sudden everybody is going: Woops, we made a mistake. Time to start all over. Now we are sitting here.

If anybody cares to look at Case Numbers 44468 and 44469 in the Federal Bankruptcy Court, I think you will find some very intersting things.

One, the timing of the company's decision to enter into Federal Bankruptcy Court two weeks before submitting their decommissioning plan to the Nuclear Regulatory Commission. Sure was a convenient tool of leverage.

Then we sit here now. If you look at the Federal Bankruptcy Court and you look at the back room deals being made between the attorneys for the federal government i.e. Nuclear Regulator Commission and the attorneys for Metallurg and Sheildalloy, the NRC stands to get reimbursed a tidy sum of money for all their wonderful sterling work at this site. In fact, almost as much as the company's proposing to spend on our community.

Guess what? If they don't approve the disposal onsite east and west slag pile, the NRC does not get

paid. I call that conflict of interest, which is why I ask Congressman Ney and Senator Glenn's Office to request a GAO investigation of this site.

That's a request I have made to both offices on several occasions in the past. Here on the public record, I will ask both Senator Glenn and Congressman Bob Ney's office once again to write that letter to the GAO requesting a full and complete investigation of the NRC's activities in regards to this site, and if they are unwilling to do so, I would ask Congressman Ney how he expects us to vote for him in the re-election in November when he is not willing to stand by our community in our time of need.

As for this clean-up, it is not a clean-up. It is a cover-up. It is flawed. If the Nuclear Regulatory Commission proceeds issuing a final EIS without reworking the flawed parts of the EIS and revisiting our community for another public meeting after issuing a supplementary insert to the DEIS, then they are more wanton and malicious in their actions than I thought they were.

Thank you. Good night.

MR. HEIL: I am afraid I can't let that one slide. I have talked to Mr. Bauman on a number of occasions about this problem. Congressman Ney,

Senator Glenn, we have worked with Mr. Bauman over the years.

Just for the record, I wanted to make it known that we have communicated on Mr. Bauman's behalf to the NRC nine times since we took office in January just for the record. Mr. Bauman, do whatever you wish in November.

MR. BAUMAN: He can address but I can't address his points?

MR. CAMERON: We can go on addressing each other's points. Sum up for the NRC, Mike.

MR. WEBER: We appreciate your taking the time to come out and join us tonight. We came here for a number of purposes, to explain what's in the Draft Environmental Impact Statement and tell you what's in it, to answer some of the clarifying questions you may have at this midpoint in your review of that document and specifically to hear your comments including perceived flaws in The Environmental Impact Statement. That's what we are all about.

I believe that we are in good faith here listening to the public. Your comments mean a lot to us. In fact, all those comments will be responded to as part of our finalization of the EIS.

I would say in terms of clarifying the process,

I believe there is a misperception. A lot of the engineering-type calculations, grade slope, land configuration, all those sorts of things, structural stability of the pile, are the kinds of issues that get worked out in the detail, designing and engineering that's required in submittal to the Decommissioning Plan.

It would not make good sense to spend a lot of effort doing all that at this stage when what we are trying to do is compare the alternatives, evaluate the impacts that can be reasonably projected from different alternatives and to come to a decision conceptually which of those alternatives might be preferred for a variety reasons.

If we summarize what's in the draft EIS. Just to remind you, there is a large volume of radioactive slag. No one disputes that point, 7 million cubic feet, that it has impacted the onsite area while it was placed there.

The offsite impacts have been minimal. That onsite disposal, at least based on the analysis we did in preparing this document before we came into this room here tonight, we believe demonstrated that onsite disposal would be acceptable.

I can't sit here today right now and tell you

that we have heard something that will change our minds. We obviously have to go back and consider the comments.

It is not just the oral comments that come in now. It is the written comments, the information submitted to us that we have to consider.

Finally, we invite the public comments. We wouldn't have asked you out here tonight in good faith if we didn't want the comments. That's what we are here to do.

If you leave here tonight and you have additional questions, I would encourage you to call Jim Kennedy or Mark Thaggard.

I believe there is a handout you should have received that has their phone numbers on, the 1-800 number for the NRC, the electronic mail addresses.

If you choose to submit written comments, please send them to me. I will ensure that they are dually considered. That's my job. If you think I am not doing that, you can tell me.

I can give you assurance that we will consider all the comments we receive as part of our finalization to this document. We did committ earlier that we would have an offsite slag meeting at some point as to make progress resulting in the process

with Ohio Agencies.

We will certainly follow through on that. That's our commitment. I want to thank you again for coming out tonight. I wish you a safe ride home.

MR. CAMERON: Thank you very much. We formally adjourn the meeting.

C E R T I F I C A T E

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

Name of Proceeding: Decommissioning of the Shieldalloy Metallurgical Corporation in Cambridge, Ohio

Place of Proceeding: Cambridge, Ohio

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

Lorraine A. Yost

Official Reporter

Neal R. Gross and Co., Inc.