

MEETING BETWEEN NJDEP AND USNRC
REGARDING THE HERITAGE MINERALS SITE
MAY 17, 2006

SUMMARY

PURPOSE: To provide to NJDEP an update on the status of NRC's proposed action of terminating the Heritage Minerals NRC license and releasing the site for unrestricted use, and to discuss next steps.

ATTENDEES:

NJDEP:

Patricia Gardner, Manager, Bureau of Environmental Radiation
Jenny Goodman, Supervisor, Radiological Assessment Section

USNRC:

Marie Miller, Chief, Decommissioning Branch, Region I
Marjorie McLaughlin, Heritage Minerals Project Manager

SUMMARY: NRC discussed with NJDEP the contents of the staff Commission Paper, requesting approval to terminate the Heritage license and release the site (as licensed by the NRC) for unrestricted use. NRC also provided NJDEP with a revised draft of the Environmental Assessment for the action. NJDEP had no disagreement with the how the NRC characterized the State's concerns in the paper. NJDEP requested an additional review period for the EA, since it has been revised since they last provided comments. NJDEP had no major disagreement with how their concerns are characterized in the current EA draft. NRC requested that NJDEP provide any additional comments on the draft EA within thirty days.

NRC discussed with NJDEP the expected next actions related to the Heritage site. Upon receiving the Commission's decision on the SECY paper, NRC will contact NJDEP, and schedule a meeting (to be held via teleconference or in person). At the meeting, NRC will notify NJDEP of the Commission's decision and provide a copy NJDEP with a copy of the Commission paper and related documents. If the Commission does not make the paper and related documents public, NRC staff will request that they be made so. If the Commission approves the staff's request, NRC will attend a Manchester Township Council meeting and notify the community of the proposed action. NRC will notice the meeting in the *Federal Register* (FR) and on the NRC's external website. NRC will notify NJDEP of other means by which the public meeting will be advertised during the interagency meeting described above. Also during the interagency meeting, NRC and NJDEP will discuss any shared messages that may be relayed during the public meeting. Following the public meeting, NRC will publish the Finding of No Significant Impact (FONSI) in the FR. Upon publication of the FONSI, NRC will terminate the Heritage license.

NJDEP discussed the current status of HMI's remediation plans for the State-regulated areas / material. NJDEP confirmed that HMI submitted a proposed remediation plan, and stated that NJDEP has requested additional information

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on specific questions. The plan proposes to blend approximately 800,000 yd³ of site soil with clean soil to reduce the overall radionuclide concentration within the resulting blend. NJDEP estimated that millions of cubic yards of clean soil will likely be required to attain the required concentration. NJDEP also stated that the site is impacted by restrictions imposed by the Coastal Area Facility Review Act (CAFRA) and by the Pinelands Protection Act (PPA). Significant portions of the HMI site are subject to these Acts, which limit the uses of land under their jurisdiction. Either or both of these laws may prevent HMI from being able to regrade the blended soil over a sufficient amount of the property to make it feasible to leave the blended soil in place. NJDEP also indicated that HMI may seek a beneficial use determination (BUD), which would enable HMI to offer the blended soil for use in some other application, rather than requiring it to be disposed as waste. NJDEP indicated, however, that no BUD to date has been granted for the quantity of material expected from HMI. Additionally, NJDEP knew of no successful beneficial uses that have been identified for material impacted by radiological contaminants.

NJDEP also discussed the status of the State's licensing of the HMI site. They indicated that, while the licensing process has been initiated, the license has not yet been issued. NJDEP indicated that they are waiting for HMI to provide additional information that was requested before the license may be issued.

NEXT ACTIONS:

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| NJDEP: | 1. | Review Draft EA and provide comments to NRC (M McLaughlin) by June 16, 2006. |
| NRC: | 1. | Receive and disposition draft EA comments |
| | 2. | Notify NJDEP (J Goodman) of Commission decision on paper, and arrange for meeting. |