

Date: August 2, 2004

To: Tom McLaughlin, Nuclear Regulatory Commission

From: Richard Hill, President Save the Valley

Subject: UXO issues relating to JPG DU POLA

Dear Sir:

In follow-up to our discussion of the UXO issue during the meeting on July 28 I am submitting the following more detailed comments.

The Army has claimed that conventional UXO contamination in the JPG DU area renders this area too hazardous to enter for the purpose of performing investigation or remedial actions. Save the Valley has questioned the appropriateness of this determination and has retained a consultant with knowledge of UXO technical issues. Our consultant has recently completed a review of project documentation and, based solely on the documents, has arrived at the following two conclusions that are relevant to the Army's request for the proposed Possession Only License Amendment and corresponding Environmental Radiation Monitoring Program Plan:

1. There is evidence that the DU Trench Area has been accessed by the Army and contractors in the past and it is very likely that it is possible to safely access this area for investigation or remedial activities.
2. The bulk of the DU penetrators are likely to be contained in a fairly small area.

Each of these two important conclusions will be discussed below.

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There are numerous instances of workers entering the DU Trench Area documented in the project literature. Examples of this are:

- a. 26,000 kgs. of DU penetrators have been removed from the area by Army personnel during routine semi-annual range clearance sweeps (Archives Search Report, Volume I, June 1995, Page 7-5, Paragraph 7.7.).
- b. Intrusive environmental surveys are reported to have taken place in the DU Trench Area (Environmental Radiation Monitoring Program Plan, September 2003, Page 2-2, Paragraph 2.3.1)

- c. Extensive sampling efforts have been performed at the site (Environmental Report, June 2002, Page 3-2 through Page 3-6) including entering the area and sampling directly under twenty DU penetrators (same report, Page 3-7).
- d. A very minimal contractor safety program is described for entering the DU Trench Area for performing on-site sampling (JPG Uranium Impact Area Characterization Survey Report, Volume I, Revision 0, February 1996, Page 2-6, Section 2.5.3) and an extreme amount of walking around the site is described during a gamma spectroscopy sampling program (same document, Page 3-5, Section 3.5.1).
- e. As recently as 2002 seven groundwater monitoring wells were installed in impact areas near the Delta Impact Area and one actually within the Delta Impact area (Regional Range Study, August 2003, Section 6.3.2.1).

The bulk of the DU contamination is likely to be contained in a fairly small area.

- a. The largest DU trench is described as being 26-ft. wide X 4,000-ft. long. This equals an area of approximately 2.5 acres for the most heavily used trench and a maximum total area of approximately 7.5 acres for the three trenches (Environmental Radiation Monitoring Program Plan for License SUB-1435, September 2003, Page 2-1, Paragraph 2.2). Of course, it is likely that heavy DU contamination extends outside of the trenches because of "skips", but this is likely to be contained in small portion of the overall DU area. Based on conclusion #1 above it appears possible to characterize the site to determine the boundary of the heaviest DU contamination for possible removal.

Taken together, these two conclusions derived from the project documentation indicate that:

1. It is likely to be possible to safely access the site for the purpose of performing site investigation and cleanup, and
2. The trench area and the surrounding area that is likely to contain the bulk of the DU penetrators are likely to be restricted to a relatively small area, the boundaries of which could be determined through an on-site investigation.

Because of these two conclusions, Save the Valley recommends that the NRC request the Army:

1. To explain, in detail and by specific activity and site area, its safety justification for proposing not to conduct the site investigation and evaluation activities necessary for adequate site characterization;
2. To identify the boundary of the highly contaminated area surrounding the DU trenches; and
3. To perform a cost-benefit analysis of removing DU penetrators from this area.