

RAS 12939

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USNRC

UNITED STATES OF AMERICA

January 24, 2007 (3:33pm)

NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

_____)	
In the Matter of)	Docket No. 40-8838-MLA
)	
U.S.ARMY)	ASLBP No. 00-776-04-MLA
)	
(Jefferson Proving Ground Site))	January 24, 2007
_____)	

MANDATORY DISCLOSURES OF SAVE THE VALLEY, INC.

Pursuant to 10 C.F.R. § 2.336(b) and the Board's Order of January 16, 2007, granting the parties' joint unopposed motion regarding mandatory disclosures ("January 16 Order"), Intervener Save the Valley, Inc. ("STV"), by counsel, respectfully makes its mandatory disclosures, as follows:

1. The persons upon whose expert opinions STV relies to support its contentions and bases admitted for hearing and upon whom it will rely as witnesses in its case-in-chief at hearing are

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In addition, STV reserves the right to supplement and/or amend its contentions and bases as a result of new information as it becomes available (e.g., the Army's January 19 filing of FSP

TEMPLATE = SECY-035

SECY-02

Addendum 4 and other materials in response to the Action Items from the October 12, 2006 public meeting) and to file rebuttal testimony by these and other expert witnesses in response to the Army's case-in-chief when and as filed.

2. The documents and data compilations in the possession, custody or control of STV which are relevant to the contentions and bases admitted for hearing but for which no claim of privilege or protected status is made are listed on Exhibit 1. Electronic copies of all of these documents are either available on line or are being provided concurrently with the filing of these disclosures to counsel for the Army and the Staff. STV notes that pursuant to the Board's January 16 Order, there is no obligation on its part to disclose or produce: (a) documents on ADAMS which have been served in the current proceeding or the prior JPG decommissioning proceedings initiated on petition by STV; (b) media clippings, recordings, or videos; (c) duplicate copies of documents which are identical in content and annotation but are in the hands of multiple recipients; or (d) incomplete documents and data sets that were never distributed to or reviewed by anyone other than their author(s) and never included in or with a memorandum to a case or project file.

3. The books and treatises copies of which are in the possession, custody or control of STV which are relevant to the contentions and bases admitted for hearing but for which no claim of privilege or protected status is made are:

a. R. Allen Freeze & John A. Cherry, *Groundwater*, Prentice-Hall, Upper Saddle River, NJ (1979). This is a copyrighted textbook in common usage which is publicly and readily available. See, e.g., <http://www.amazon.com/Groundwater-Alan-R-Freeze/dp/0133653129>; and

b. Glenn W. Suter II, *Ecological Risk Assessment*, CRC Press, LLC, Boca Raton, FL (2nd)

ed. 2006). This is a copyrighted textbook in common usage which is publicly and readily available. *See, e.g.,*

<http://www.amazon.com/Ecological-Assessment-Second-Glenn-Suter/dp/1566706343>.

c. Glenn W. Suter II, et al, *Ecological Risk Assessments for Contaminated Sites*, CRC Press, LLC, Boca Raton, FL (2000). This is a copyrighted textbook in common usage which is publicly and readily available. *See, e.g.,*

<http://www.amazon.com/Ecological-Assessment-Second-Glenn-Suter/dp/1566705258>.

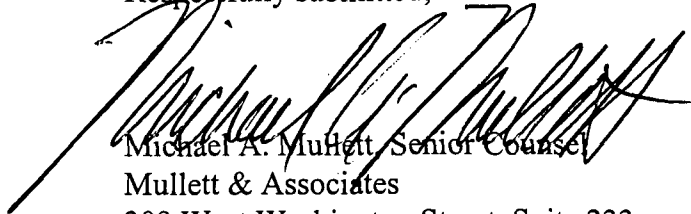
4. The documents and data compilations which are in the possession, custody or control of STV which are relevant to the contentions and bases admitted for hearing but for which a claim of privilege or protected status is made are limited to the redacted part of disclosed electronic file entitled "Additional expert on JPG (e-mail)," for which the attorney-client privilege is claimed. STV notes that pursuant to the Board's January 16 Order STV has no obligation to identify:

(a) Communications, for which the attorney-client privilege is claimed, that originated from counsel to the client and/or its retained consultants, or originated from the client and/or its retained consultants to counsel, when no other person outside the client control group was included among the recipients, and

(b) Documents to which the attorney work-product privilege is claimed when the documents are authored by counsel when no other person outside the client control group was included among the recipients. If a document was not authored by counsel and the work-product privilege is claimed the document must be identified on the privilege log as required by 10 C.F.R. §§ 2.336(a)(3) and (b)(5). Documents created primarily to facilitate preparation of

pleadings and mandatory disclosures associated with this proceeding need not be listed on the privilege log. STV understands, however, that non-privileged attachments to documents for which a privilege is claimed, whether or not the covering document is listed on the privilege log, is subject to disclosure.

Respectfully submitted,

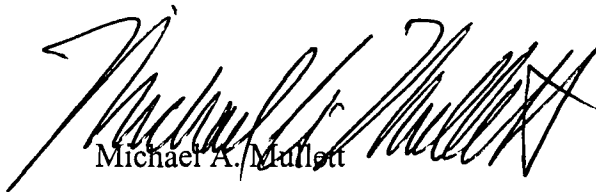


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CERTIFICATION

The undersigned hereby certifies, under the penalties of perjury, that to the best of his knowledge, information, and belief the foregoing disclosures (including appended Exhibit 1) are accurate and complete as of this date.



Michael A. Mullett

DOCUMENTS AND DATA COMPILATIONS BEING DISCLOSED

A. Electronic copies of the following documents, document compilations, and data compilations are publicly available at the listed URLs:

1. USGS stream gauging station data for stations 03369500, 03366000, 03365500, 03366200, 03369000, 03368000, 03291780, and 03277000, *available at*

<http://waterdata.usgs.gov/nwis>

2. NUREG-1575, Rev 1 (MARSSIM), *available on ADAMS as ML003761476*

3. NUREG-1757, Vol 2, Rev 1, *available on ADAMS as ML063000252*

4. RESRAD Family of Documents, *available at*

<http://web.ead.anl.gov/resrad/documents/>

5. OSWER Alpha List of Documents, *available at*

http://www.epa.gov/oswer/riskassessment/alpha_list.htm

6. Contract Laboratory Program Guidance for Field Samplers (CLP), EPA-540-R-00-003 (August 2004), *available at* <http://www.epa.gov/superfund/programs/clp/guidance.htm#sample>

7. National Primary Drinking Water Regulations: Analytical Method for Uranium, 69 Fed. Reg. 52,176 (Aug. 25, 2004), *codified at* 40 CFR Part 141, *available at*

<http://www.regulations.gov/fdmspublic/component/main>

8. EPA Directive 9283.1-14, *available at*

http://www.epa.gov/superfund/resources/radiation/pdf/9283_1_14.pdf

9. Good Laboratory Practice (GLP) Guidance, *available at*

<http://cfpub.epa.gov/compliance/resources/policies/glp/>

10. NUREG-1748, *available at*

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1748/>

11. NUREG-CR-6705, *available in ADAMS as ML010460162*

12. EPA 's Multimedia, Multipathway, and Multireceptor Risk Assessment (3MRA) Modeling System, EPA-SAB-05-003, EPA Science Advisory Board, U. S. Environmental Protection Agency, Washington DC, November 2004, *available at*
<http://www.epa.gov/sab/fiscalO5.htm>.

13. J.J. Whicker, et al., *From Dust to Dose: Effects of Forest Disturbance on Increased Inhalation Exposure*, Science of the Total Environment (2006), *available at*
<http://ag.arizona.edu/smr/research/wr/breshears/Breshears%20&%20authors%20reprints/Whicker%20et%20al%202006%20Sci%20Tot%20Env%20.pdf>

13. W. Dong, et al., *Sorption and Bioreduction of Hexavalent Uranium at a Military Facility by the Chesapeake Bay*, Environmental Pollution, pp. 132-142 (July, 2006), *available at*
http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6VB5-4HK5SXS-2&_user=10&_coverDate=07%2F31%2F2006&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=24571a36f03a146dce363fb9df602f38.

B. Electronic copies of the following documents and data compilations (listed in alphabetical order by file name) are being provided to counsel for the Army and the Staff on a compact disk transmitted with this pleading by first-class mail:

1. 2_09_Environmental_Monitoring_sg

Exhibit 1

2. 10CFR40.42
3. 51FR1092-02
4. 56FR23360-01
5. 1993.Decommissioning.Funding
6. 1994.POLA.Application
7. 1995.POLA.Application
8. 2003-0031scy
9. 2003-0069scy
10. 030214_monitoring
11. 112602dumemo
12. Action Items from October 12 NRC-Army Public Meeting (e-mail)
13. Addenda discussion (e-mail)
14. Additional expert on JPG (e-mail)
15. Additional JPG DU documents (e-mail)
16. All_SpCd
17. Alternate.Schedule.Guidance.1999WL307605
18. Alternate.schedule.staff.memo
19. Army letter rescheduling well installation (e-mail)
20. Army.reg.700-48
21. AssessingimpactionfateandtransportANL-EAD-TM-93
22. Conversation with McLaughlin (e-mail)

23. Coryell&Stearns2006
24. CPEO-MEFGrassFireBurns1300AcresNWofDenver (e-mail)
25. CPEO-MEFUraniumhazards
26. CrouchComments1
27. CrouchComments2
28. Deer Tissue Sampling Results (e-mail)
29. Depleted.Uranium.WHO.Article
30. DeWittComments
31. DOE.Order.5400-5
32. DU.Corrosion.Study.Buck.etal
33. DU.Debate.Fahey.Article
34. DU.Health.Risk.Modeling.Article
35. DuarticleonAberdeenProvingGround
36. EPA drinkingwaterregsforUranium
37. Epaoswer9272.0_15pnrcleanupundercercla
38. Federal Register Notice re JPG (e-mail)
39. Fractionation_uranium
40. Fracture Trace Analysis (e-mail)
41. FW additional expert on JPG (e-mail)
42. FW draft doc (e-mail)
43. FW DU at JPG (e-mail)

Exhibit 1

44. FW JPG Addenda (e-mail)
45. FW Letter from Army now in ADAMS (e-mail)
46. FW question on DU data - CLARIFICATION! (e-mail)
47. FW CPEO-MEFGrassFireBurns1300AcresNWofDenver (e-mail)
48. Fwd FW GlobalResearch.ca-DU-Far Worse than 9-11 (e-mail)
49. Fwd Karst drainage vs. surface drainage (e-mail)
50. FW DUarticleonAberdeenProvingGround(e-mail)
51. HealthEffectsof DUEnvResFeb2000
52. HealthEffectsofDUinVets10yearfollowupJTOxEnvHptA67_277
53. Historical_Monitoring_Data
54. Institutional.Control.Issue.Analysis
55. InterestingnewDUPaper (e-mail)
56. JPG FSP & HSP Addenda (e-mail)
57. JPG Sampling Results (e-mail)
58. JPG.UXO.Study.summary
59. JPGDUsamplingresultslist
60. JPGDUsummary92506
61. JPGTopographicProfilesnarrative
62. Kosovo.Heavy.Metal.Mobility.Study
63. LANL-Dust-Fire-2006
64. Mar.31,2003, QSR

65. McLaughlin.Hill.Toxic.Properties
66. Milleretaljnorgblochem91_2462002
67. Mixing_Scenarios
68. Monitoring
69. Monitoring Well hydrographs (e-mail)
70. MWs_DU_hds
71. Newbornsaffectedmostbyradiation (e-mail)
72. NRC SECY-97-046A - Final Rule on Radiological Criteria for License Termination
73. NRC SECY-98-051 - Guidance in Support of Final Rule on Radiological Criteria for License Termination
74. NRC SECY-99-035 - Status of Decommissioning Program and Site Decommissioning Management Plan
75. NRC.EPA.MOA
76. NRC.Staff.Evaluation.Restricted.Release.2003
77. NRC.Staff.Memo.Possession.Only.3-4
78. NUREG-1757.v2.explain.67FR60707-01
79. NUREG.1757.Vol3
80. NUREG-1757v2
81. NUREG_Plume_Fate
82. Ohio.Permanent.Possession.Only
83. ORISEEVALUATION

Exhibit 1

84. PhD_warneke
85. Possible interest (e-mail)
86. Profile
87. Radquideoswer9200.4_18
88. Radiological.Criteria.Termination.1997WL473269
89. Range.Rule.62FR50796-01
90. Range.Rule.Risk.Methodology.65FR36423-02
91. Range.Rule.Status.65FR73341-01
92. Re 1993 erm (e-mail)
93. Re ADAMS document discussing lab QAPP (e-mail)
94. Re Addenda discussion (e-mail)
95. Re additional expert on JPG (e-mail)
96. Re conversation with McLaughlin (e-mail)
97. Re conversation with McLaughlin[2] (e-mail)
98. Re Deer tissue sampling results (e-mail)
99. Re Deer tissue sampling results[2] (e-mail)
100. Re FW draft doc (e-mail)
101. Re FW question on DU data - CLARIFICATION! (e-mail)
102. Re FW question on DU data - CLARIFICATION![2] (e-mail)
103. Re Fwd RE Chuck's sampling analysis (e-mail)
104. Re no DU (e-mail)

Exhibit 1

105. Re Other JPG monitoring (e-mail)
106. Re Root wash data (e-mail)
107. Re Specific Conductance plots (e-mail)
108. Re Talk with McLaughlin (e-mail)
109. Re TRU and Isotopice Ration Material (sic) (e-mail)
110. Re TRU and Isotopice Ration Material[2] (sic) (e-mail)
111. Re TRU and Isotopice Ration Material[3] (sic) (e-mail)
112. Re Wednesday email exchanges (e-mail)
113. Regional Range Study sampling (e-mail)
114. REGIONAL RANGE STUDY
115. REInterestingDUpaper (e-mail)
116. ReJeffersonProvingGroundFieldSamplingPlan (e-mail)
117. Removal.APG.SDMP [NRC SECY 97-068]
118. RESRADdata_collectionguidance
119. Restricted.Decommissioning.Memo.9-21-05
120. RG-4.15
121. Royal.Society.DU.Groundwater.Migration
122. Royal.Society.DU.Penetrator.Corrosion
123. Royal.Society.DU.Study.PhaseII
124. Second additional JPG DU document (e-mail)
125. Specific Conductance plots (e-mail)

Exhibit 1

126. Spring 06 Sampling Results (e-mail)
127. Stat_Look
128. Statement.Intent.9-14-05
129. Statement.Intent.1993
130. Stearnsetal2005
131. StreamYield
132. SurveillanceofDUvetsJOEM43_991dec2001
133. Talk with McLaughlin (e-mail)
134. Timely.Decommissioning.Rule
135. Timely.Decommissioning.Rule.Proposed
136. Topographic Profile and MW-09 Head
137. TRU and Isotopice Ration Material (sic) (e-mail)
138. UNEPdu_final_report
139. Uraniumurinegermanstudypaper
140. USGS_FTA
141. UXO_booklet
142. UXOareas (e-mail)
143. Wednesday email exchanges (e-mail)

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket No. 40-8838-MLA
)	
U.S.ARMY)	ASLBP No. 00-776-04-MLA
)	
(Jefferson Proving Ground Site))	January 24, 2007

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Mandatory Disclosures" have been served this 24th day of January, 2007, upon the following persons by electronic mail and by U.S. Mail, first class postage prepaid.

Administrative Judge Alan S. Rosenthal
Chair, Atomic Safety and Licensing Board
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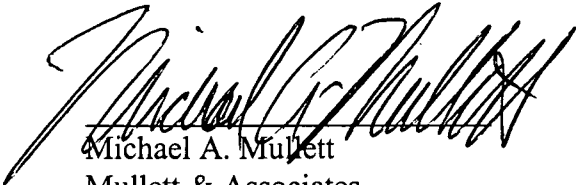
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