

RAS 14141

September 11, 2007 (4:14pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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))	September 11, 2007
_____)	

ADDITIONAL 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 supplements its mandatory disclosures made on January 24, and February 23, 2007, as follows:

1. An additional witness who will offer Rebuttal Testimony in support of its Reply: James P. Pastorick, CQM, President, UXOPro, 811 Duke Street, Alexandria, VA 22314.

2. Additional documents and data compilations in the possession, custody, or control of STV which are relevant to its Reply and which will be relied upon in its Rebuttal Testimony but for which no claim of privilege or protected status is made, electronic copies of which are publicly available at the listed URLs:

a. NUREG 1757, Vol. 2, Rev. 1, esp. Sections 5.3, 15.7, and Appendix I, available at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff>.

b. NUREG-1727, esp. Appendix C (superseded by NUREG 1757), available at

TEMPLATE= SECY-028

SECY-02

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

c. Minutes of the RAB meetings of 4/30/2000, 5/31/2000, 2/6/2001, 5/16/2001, 8/22/2001, 11/14/2001, 2/6/2002, 5/1/2002, 8/14/2002, 11/6/2002, 2/5/2003, 4/30/2003, 11/5/2003, 8/5/2004, 11/3/2004, and 2/2/2005, available at http://www.jpgbrac.com/community/rab_minutes.htm.

d. Staff's Annual Report on Decommissioning to the NRC, esp. pp. 12-13, available on ADAMS at ML052270047.

e. RESRAD-6 Users' Manual, updates, extensions, and supporting materials (e.g. Data Collection Handbook), available at <http://web.ead.anl.gov/resrad/home2/index.cfm> (User's Manual also available on ADAMS at ML070120573);

f. Nancy R. Hasenmueller, Richard L. Powell, Mark A. Buehler, & Kimberly H. Sowder, Karst in Indiana, Indiana Geological Survey, 2002, available at <http://igs.indiana.edu/Geology/karst/karstInIndiana/index.cfm>.

g. R.L. Powell, S.S. Frushour, and D. Harper, Distributions of Sinkholes, Sinking-Stream Basins, and Cave Openings in Southeastern Indiana, Indiana Geological Survey Miscellaneous Map, MM64, 1 pl., 2002, copyright material available for purchase at: http://igs.indiana.edu/survey/bookstore/bookstoredetail.cfm?ItemID=392&Pub_Num=MM64.

h. S.R.H. Worthington, Hydraulic and Geological Factors Influencing Conduit Flow Depth, Speleogenesis and Evolution of Karst Aquifers 3 (1), 2005, re-published from Cave and Karst Science, Vol. 31(3), pp. 123-134, 2005, available at <http://www.speleogenesis.info/archive/publication.php?PubID=3273&Type=publication>.

i. A. B. Klimchouk, Towards Defining, Delimiting and Classifying Epikarst: its Origin,

Processes and Variants of Geomorphic Evolution, Speleogenesis and Evolution of Karst Aquifers 2 (1), 2004, re-published (modified) from: Jones, W.K., Culver, D.C. and Herman, J. (Eds.), 2004, Epikarst. Proc. of the symposium held October 1 through 4, 2003 Sheperdstown, West Virginia, USA. Karst Water Institute special publication 9, pp. 23-35. available at <http://www.speleogenesis.info/archive/publication.php?PubID=3263&Type=publication>.

j. L. Kiraly, Karstification and Groundwater Flow, Speleogenesis and Evolution of Karst Aquifers 1 (3), 2003, re-published from: Gabrovzek, F. (Ed.), Evolution of Karst: from Prekarst to Cessation, Postojna-Ljubljana, Zalozba ZRC, pp. 155-190, 2002, available at <http://www.speleogenesis.info/archive/publication.php?PubID=3244&Type=publication>.

k. R.A.L. Osborne, Paleokarst: Cessation and Rebirth? Speleogenesis and Evolution of Karst Aquifers 1 (2), 2003, re-published from: Gabrovzek, F. (Ed.), Evolution of Karst: from Prekarst to Cessation, Postojna-Ljubljana: Zalozba ZRC, pp. 43-60, 2002, available at <http://www.speleogenesis.info/archive/publication.php?PubID=15&Type=publication>.

l. D.J. Vesper, C. M. Loop & W.B. White, Contaminant Transport in Karst Aquifers, Speleogenesis and Evolution of Karst Aquifers 1 (2), 2003, re-published from: Theoretical and Applied Karstology, pp. 13-14, 101-111, 2001, available at <http://www.speleogenesis.info/archive/publication.php?PubID=19&Type=publication>.

m. W. B. White, Conceptual Models for Karstic Aquifers, Speleogenesis and Evolution of Karst Aquifers 1 (1), 2003, re-published from: Palmer, A.N., Palmer, M.V., and Sasowsky, I.D. (eds.), Karst Modeling: Special Publication 5, The Karst Waters Institute, Charles Town, West Virginia (USA), pp. 11-16, 1999, available at

<http://www.speleogenesis.info/archive/publication.php?PubID=2&Type=publication>.

n. S. R. H. Worthington, A Comprehensive Strategy for Understanding Flow in Carbonate Aquifers, *Speleogenesis and Evolution of Karst Aquifers* 1 (1), 2003, re-published from: Palmer, A.N., Palmer, M.V., and Sasowsky, I.D. (eds.), *Karst Modeling: Special Publication 5, The Karst Waters Institute*, Charles Town, West Virginia (USA), pp. 30-37, 1999, available at

<http://www.speleogenesis.info/archive/publication.php?PubID=3&Type=publication>.

o. William J. Wayne, Thickness of Drift and Bedrock Physiography of Indiana North of the Wisconsin Glacial Boundary, *Indiana Geological Survey, Report of Progress No. 7*, June, 1956, available at <https://scholarworks.iu.edu/dspace/bitstream/2022/266/1/RP07.pdf>.

p. William J. Wayne, Pleistocene Formations in Indiana, *Indiana Geological Survey, Bulletin No. 25*, 1963, available at <https://scholarworks.iu.edu/dspace/bitstream/2022/216/1/B25.pdf>.

q. Donald E. Hattin & J. Robert Dodd, Mississippian paleosols, paleokarst, and eolian carbonates in Indiana, *Ohio Geological Survey, Miscellaneous Report No. 3* (Guidebook prepared for the 1992 national meeting of the Geological Society of America in Cincinnati, Ohio), copyright material available for purchase at <http://www.dnr.state.oh.us/geosurvey/pub/obtain/tabid/7174/Default.aspx>.

r. Julian J. Lewis, Ph.D. & Salisa T. Rafail, *The Subterranean Fauna of the Big Oaks National Wildlife Refuge*, Final Report to U. S. Fish and Wildlife Service, Natural Heritage Program Division of Nature Preserves, Indiana Department of Natural Resources, April 2002, available at <http://www.fws.gov/midwest/BigOaks/Reports/BONWRReport.doc>.

s. Webpage entitled "Uranium Isotopes," available at <http://www.globalsecurity.org/wmd/intro/u-isotopes.htm>.

t. Type 1 Work Plan, Data Item Description ME-001, dated December 1, 2003, available at <http://www.hnd.usace.army.mil/oew/policy/dids/FY04DIDs/MR/mr001.pdf>.

u. Accident Prevention Plan, Data Item Description ME-005-06, dated December 1, 2003, available at <http://www.hnd.usace.army.mil/oew/policy/dids/FY04DIDs/MR/mr005-06.pdf>.

v. Munitions and Explosives of Concern (MEC) Support During Hazardous, Toxic, and Radioactive Waste (HTRW) and Construction Activities, Huntsville guidance document EP 75-1-2, dated August 1, 2004, esp. Sections 1-1, 3-3 and 3-8 and Chapter 5, available at <http://www.usace.army.mil/inet/usace-docs/eng-pamphlets/ep75-1-2/toc.htm>.

x. Memorandum of Understanding Between the U.S. Environmental Protection Agency and the U.S. Nuclear Regulatory Commission; Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites, effective October 9, 2002, available on WESTLAW as 2002 WL 31385568 (F.R.).

3. Additional documents and data compilations in the possession, custody, or control of STV which are relevant to its Reply and which are expected to be relied upon in its Rebuttal Testimony but for which no claim of privilege or protected status is made, electronic copies of which are made available on the accompanying compact disk:

a. James L. Regens, Karen R. Obenshain, Curtis Travis, and Martin Clauberg, Applying Multimedia Modeling to Karst Systems: Comparing MEPAS, MMSOILS, and RESRAD, Environmental Geosciences, September 1999; v. 6; no. 3; p. 115-122, provided as Regensetal1999.pdf.

b. Roy Plotnick, Exceptionally Well-Preserved Sub-absaroka Paleokarst and Lower

Pennsylvanian Fill: a Window into Early Pennsylvanian Paleoenvironments, Paper No. 28-1, Joint South-Central and North-Central Sections, Geological Society of America, both conducting their 41st Annual Meeting (11–13 April 2007), at University of Kansas, Lawrence, Kansas, provided as PaleokarstFill.pdf.

c. Rick A. Hoover, PG, Geophysical Choices for Karst Investigation, Paper presented to 9th Multidisciplinary Conference on Sinkholes and the Engineering and Environmental Impacts of Karst, Hunstville, AL, September, 2003, provided as KarstChoices.pdf.

d. . W. Schimmack, U. Gerstmann, W. Schultz, & G. Geipel, Long-term Corrosion and Leaching of Depleted Uranium (Du) in Soil, Radiat. Environ. Biophys. Aug., Vol. 46(3), pp. 221-7, Aug. 2007, provided as LongtermCorrosionLeachingDU.pdf.

e. W. Schimmack, U. Gerstmann, U. Oeh, W. Schultz W, & P. Schramel, Leaching of Depleted Uranium in Soil as Determined by Column Experiments, Radiat Environ Biophys. Vol. 44(3), pp.183-91, Dec. 2005, provided as LeachingDUSoil.pdf.

f. Resume of James P. Pastorick, provided as Pastorick.Resume.pdf.

g. White Paper: Using Resrad in a CERCLA Radiological Risk Assessment, October 2002, prepared by Science Applications International Corporation for U.S. Army Corps of Engineers, Buffalo District Office, Formerly Utilized Sites Remedial Action Program, provided as RESRAD-white-paper-2002-10.pdf.

g. William C. Herring, Bedrock Aquifer Systems of Jefferson County, Indiana, Division of Water, Resource Assessment Section, Indiana Department of Natural Resources, April 2004 (w/accompanying map), provided as jefferson_bedrock_text.pdf and

jefferson_bedrock_map.pdf.

h. P.D. Meyer & G.W. Gee, Information on Hydrologic Conceptual Models, Parameters, Uncertainty Analysis, and Data Sources for Dose Assessments at Decommissioning Sites, Pacific Northwest National Laboratory, Richland, WA 99352 (Prepared for Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research, U. S. Nuclear Regulatory Commission Washington, DC 20555-0001, NRC JCN W6503, T. J. Nicholson, NRC Project Manager) November, 1999, provided as PNNL-13091.pdf.

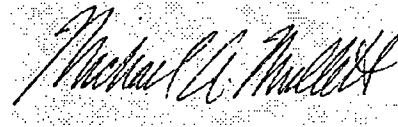
4. STV notes that pursuant to the Board's January 16 Order, there is no obligation on its part to disclose or produce: (a) documents on ADAMS which have been served in the current proceeding or the prior JPG decommissioning proceedings initiated on petition by STV; (b) media clippings, recordings, or 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. 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, are subject to disclosure.

Respectfully submitted,




Michael A. Mullett, Senior Counsel
Mullett & Associates
309 West Washington Street, Suite 233
Indianapolis, IN 46204
Phone: (317) 636-0025
Fax: (317) 636-5435
E-mail: mmullett@mullettlaw.com

Attorney for Save the Valley, Inc.

CERTIFICATION

The undersigned hereby certifies, under the penalties of perjury, that to the best of his knowledge, information, and belief the foregoing additional disclosures are accurate and complete as of this date.



Michael A. Mullett

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))	September 11, 2007

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Additional Disclosures of Save the Valley, Inc., have been served this 11th day of September, 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 Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555-0001

Debra Wolf
Meg Parrish
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

Administrative Judge Paul B. Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

Administrative Judge Richard F. Cole
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

Larry D. Manecke, Commander
Rock Island Arsenal
ATTN: AMSTA-RI-GC (L.MANECKE)
One Rock Island Arsenal
Rock Island, IL 61299-5000

Frederick P. Kopp, Counsel
John J. Welling, Chief Counsel
U.S. Army Garrison - Rock Island Arsenal
Office of Counsel (AMSTA-RI-GC)
One Rock Island Arsenal
Rock Island, IL 61299-5000

Office of the Secretary
ATTN: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16-G-15
Washington, D.C. 20555-0001

David E. Roth
James B. Biggins
Andrea L. Silvia
Susan L. Uttal
Office of the General Counsel
U.S. Nuclear Regulatory Commission 0-15D21
Washington, DC 20555-0001

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16-G-15
Washington, D.C. 20555-0001

Tom McLaughlin, Decommissioning Branch
Division of Waste Management
Office of Nuclear Materials and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard Hill, President
Save The Valley
P.O. Box 813
Madison, IN 47250



Michael A. Mullett
Mullett & Associates
309 West Washington Street, Suite 233
Indianapolis, IN 46204
Phone: (317) 636-0025
Fax: (317) 636-5435
E-mail: mmullett@mullettlaw.com

Attorney for Save the Valley, Inc.

MULLETT & ASSOCIATES

COUNSELORS AT LAW

Old Trails Building, Suite 233
309 West Washington Street
Indianapolis, IN 46204

Phone: (317) 636-0025

Fax: (317) 636-5435

September 11, 2007

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Rulemakings and Adjudications Staff

Re: Additional Disclosures of Intervener Save the Valley, Inc.

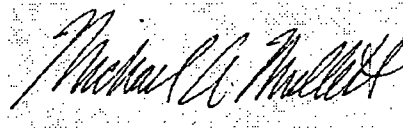
In the Matter of the U.S. Army (Jefferson Proving Ground Site), Docket No. 40-8838-MLA,
ASLBP 00-776-04-MLA

Dear Secretary:

Enclosed please find for filing in the above-referenced docket the original and two conformed copies of the above-referenced filing, along with the related Certificate of Service.

Thank you for your assistance in this matter.

Respectfully submitted,



Michael A. Mullett
Attorney for Save the Valley, Inc.

cc: Service List – Docket No. 40-8838, ASLBP 00-776-04