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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))	October 2, 2007
_____)	

**SURREBUTTAL TESTIMONY OF JAMES PASTORICK
ON BEHALF OF INTERVENER SAVE THE VALLEY, INC.**

Q.1. Please state your name.

A.1. James Pastorick.

Q.2. Are you the same James Pastorick who previously prefiled rebuttal testimony on behalf of Save the Valley, Inc., in this matter on September 18, 2005?

A.2. Yes, I am.

Q.2. What is the purpose of your additional testimony at this time?

A.2. On behalf of Save the Valley, Inc., I am offering surrebuttal to certain rebuttal of my prior testimony which was prefiled on September 25, 2007, by Army witness Joseph Skibinski (Answer 10) and Staff witness Jon Peckenpaugh.(Answers 17 and 18).

Q.3. Please be specific as to your surrebuttal to Answers 17 and 18 in the rebuttal testimony of Mr. Peckenpaugh.

A.3. Mr. Peckenpaugh has apparently misunderstood my testimony regarding the Army's selection of sites for stream gauging stations. My expertise is in UXO safety and I have no opinion on the proper placement of stream gauging stations. My testimony was responding

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SECY-02

to statements in Mr. Peckenpaugh's testimony to the effect that the presence of UXO in the DU Area was a primary consideration when deciding to place stream-gauging stations near roads.

My testimony stated that a UXO specialist assigned to support a site characterization project leaves the selection of the sites for stream gauging stations which are optimal for site characterization purposes to the hydrogeologists charged with that responsibility. The UXO specialist's job is to support that selection by following well-established procedures to identify and then avoid or remove any UXO which could be expected to pose a meaningful risk to field personnel installing or maintaining those stations in optimal locations.

Likewise, in my current role as a UXO specialist retained to advise STV with respect to its critique of the Army's Field Sampling Plan (FSP), I have left the determination as to whether the Army's proposed sites for stream gauging stations are optimal or suboptimal to the hydrogeologist retained by STV to make that determination, namely STV witness Charles Norris. In his initial testimony, Mr. Norris concluded that the Army's selection of proposed sites was suboptimal because it did not include stations at certain off-road locations which he believes are important for site characterization purposes. In their initial testimony, Mssrs. Skibinski and Peckenpaugh stated that a primary reason for the Army's selection decisions was the presence of UXO at the JPG site, which led the Army to place virtually all of the stations at locations very near roads or culverts. My testimony was directed only to the last point, namely that the presence of UXO need not and – if established Army Corps of Engineers procedures are followed – should not result in the selection of a set of sites which is suboptimal for site characterization purposes.

Q.4. Please explain your disagreement with Mr. Skibinski's rebuttal of your prior testimony

in his Answer 10.

A.4. Mr. Skibinski mischaracterizes both my testimony and Army Corps of Engineers Pamphlet EP-75-1-2. Indeed, his Answer 10 does not rebut my prior testimony or properly describe EP-75-2 at all.

At no point in my prior testimony did I indicate that SAIC is not taking precautions to protect the health and safety of Army and SAIC personnel involved in developing and implementing the FSP, as Mr. Skibinski implies. Instead, my testimony pointed out that the procedures established by EP-75-1-2, if followed, will assure *both* adequate site characterization *and* personnel safety.

I also testified that neither the Army's witnesses in their testimony nor the FSP itself referenced or evidenced the planning required by Chapter 3 of EP 75-1-2, "Planning Considerations for MEC Support". There is no documentation in the JPG DU Area planning documents to support the statements being made that the FSP siting and sampling decisions criticized by Mr. Norris in his initial testimony were dictated by the presence of UXO rather than being made for other reasons, such as cost or convenience.

Because Mr. Skibinski's Answer 10 does not rebut my actual testimony in any respect, I stand by it in all respects.

Q.5. Does this conclude your surrebuttal testimony?

A.5. Yes, it does.

I affirm under the penalties of perjury that the foregoing surrebuttal testimony is true to the best of my knowledge, information and belief.

Date: September 30, 2007

James Pastorick

A handwritten signature in black ink that reads "Jim Pastorick". The signature is written in a cursive style and is positioned to the left of a rectangular stamp.

Jim Pastorick

2007.09.30

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