

RA 514574

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
U.S. ARMY)	Docket No. 40-8838-MLA
)	
(Jefferson Proving Ground Site))	

PREFILED TESTIMONY OF ADAM L. SCHWARTZMAN

1 Under penalty of perjury, I, Adam L. Schwartzman, declare as follows: I attest that the
 2 factual statements herein are true and correct to the best of my knowledge, information, and
 3 belief; and the opinions expressed herein are based on my best professional judgment.

4 Q.1. I **U.S. NUCLEAR REGULATORY COMMISSION**
 5 in the Matter of U.S. Army L. Jefferson Proving Ground
 6 A.1. / Docket No. 40-8838-MLA / Official Exhibit No. 9
 7 Q.2. I OFFERED by Applicant/Licensee Intervenor _____
 8 NRC Staff Other _____
 9 A.2. IDENTIFIED on _____ Witness/Panel _____
 10 Action Taken: ADMITTED REJECTED WITHDRAWN
 11 Reporter/Clerk _____

8 previous testim
 9 responded to tl
 10 on responding

11 Q.3.
 12 A.3.
 13 Mr. Pastorick.

15 Q.4.
 16 requesting co
 17 program?

18 A.4. F

DOCKETED
 USNRC
 October 25, 2007 (2:00pm)
 OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF
 Docket No. 40-8838-ML

TEMPLATE = SECY-055

SECY-02

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NUCLEAR REGULATORY COMMISSION

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2 factual statements herein are true and correct to the best of my knowledge, information, and
3 belief; and the opinions expressed herein are based on my best professional judgment.

4 **Q.1. Please state your name.**

5 A.1. Adam L. Schwartzman.

6 **Q.2. Have you provided testimony previously in this case?**

7 A.2. Yes, this testimony is in addition to my previous testimony in this case. In my
8 previous testimony, I provided my professional qualifications, discussed general issues, and
9 responded to the initial testimonies of STV witnesses. This testimony will now focus specifically
10 on responding to issues raised in the rebuttal testimonies of the STV witnesses.

11 **Q.3. Have you reviewed the rebuttal testimonies of the STV witnesses?**

12 A.3. Yes, I reviewed the rebuttal testimonies of Dr. Henshel, Mr. Norris, and
13 Mr. Pastorick.

14 **Response to Dr. Henshel's Rebuttal Testimony**

15 **Q.4. What is your response to A.32, where Dr. Henshel states that STV is only**
16 **requesting confirmatory air sampling rather than a full scale or full time air sampling**
17 **program?**

18 A.4. Regardless of whether a confirmatory air sampling study is being requested by

1 STV or a full-time air sampling program is requested, my opinion does not change; air sampling
2 is not necessary in the field sampling plan (FSP).

3 Dr. Henshel's changed request to a limited "confirmatory" air sampling suggests that Dr.
4 Henshel is already aware that the impacts from DU transport via controlled burns are
5 adequately characterized through the FSP's methods and assumptions. There is no need for
6 any "confirmatory" air sampling as part of the FSP because, as I discussed in my previous
7 testimony (Schwartzman Testimony at A11, A14) the studies from Aberdeen Proving Ground
8 (APG) and Los Alamos National Laboratory (LANL) show that air sampling, whether full time or
9 "confirmatory" is not needed. The two sites in the studies contained a wide range of
10 environmental conditions (e.g., soil type, rainfall, and temperature) and demonstrated that the
11 contribution of DU transported by the air during fires is minimal.

12 Delaying the submission of a decommissioning plan in order to develop an air sampling
13 program is not necessary to the effective conduct of decommissioning operations. No undue
14 risk from radiation to the public health and safety results from not having an air sampling
15 program. The FSP supports an alternate schedule for submission of a decommissioning plan
16 under 10 C.F.R. 40.42(g)(2).

17 **Q.5. In A.33, Dr. Henshel discusses applicability of the APG and LANL studies at**
18 **JPG. What is your opinion of her testimony?**

19 A.5. Dr. Henshel admits that both sites can be used to model JPG; as long as the LANL
20 study is used for dry years and the APG study is used for wet years. Dr. Henshel has not
21 asserted whether JPG is experiencing a wet year or dry year, but this does not matter because
22 use of either study does not change my conclusion. No air sampling is needed in the FSP; both
23 studies demonstrated that health risks from controlled burns are small.

24

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In the Matter of

U.S. ARMY

(Jefferson Proving Ground Site)

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Docket No. 40-8838-MLA

PREFILED SUR-REBUTTAL TESTIMONY OF ADAM L. SCHWARTZMAN

I, Adam L. Schwartzman, do declare under penalty of perjury that my statements in the foregoing testimony are true and correct to the best of my knowledge and belief.

/Original Signed By/

Adam L. Schwartzman

Executed at Rockville, MD
This 24th day of September, 2007.