

RAS14577

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 DALE CONDRA

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

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 10 Action Taken: ADMITTED REJECTED WITHDRAWN  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

8 previous testi  
 9 responded to  
 10 on responding

11 **Q.3.**

12 **A.3.**

13 Mr. Pastorick.

14 **Q.4.**

15 **contaminated**  
 16 **with the data**

17 **A.4.**

18 deer samples.

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

TEMPLATE = SELV-055

SELV-02

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 DALE CONDRA

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

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

5 A.1. Dale Condra.

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 **Q.4. What is your response to Dr. Henshel's statement in A.37 that the deer are**  
15 **contaminated with DU and her assertion that you acknowledged that there are problems**  
16 **with the data?**

17 A.4. First, my testimony did not mention a comparison of DU concentrations in the  
18 deer samples.

1           Second, my testimony did not mention that I considered the deer to be contaminated with  
2 DU. My testimony did mention the ratios of U-238 to U-234. I was not saying that DU was  
3 detected in the samples. In fact, my testimony was, "I see no evidence that would lead anyone to  
4 conclude that DU has been detected in the deer tissue samples."

5           Also, I said that "While the data may not be statistically equal..." I did not say the data  
6 was not statistically equal. At that point, I was using my professional experience to evaluate the  
7 data and I had not performed a statistical evaluation of the data. I have since evaluated the data  
8 using the equation recommended in Chapter 18 on page 14 of MARLAP. Using the equation  
9 below which incorporates the uncertainties of each measurement, the  $Z_{Rep}$  values for the  
10 individual uranium isotopes for each matrix are within the warning limit of  $\pm 2$  as stated in  
11 MARLAP.

$$12 \quad Z_{Rep} = \frac{X_1 - X_2}{\sqrt{U_c^2(X_1) + U_c^2(X_2)}}$$

13            $Z_{Rep}$  = the warning ( $\pm 2$ ) and the control ( $\pm 3$ ) acceptance criteria of the replicate analyses

14            $X_1$  = concentration of the first sample

15            $X_2$  = concentration of the second sample

16            $U_c^2(X_1)$  = square of the combined standard uncertainties of  $X_1$

17            $U_c^2(X_2)$  = square of the combined standard uncertainties of  $X_2$

18           One simply cannot evaluate radioanalytical results without taking into account the uncertainties  
19 associated with each measurement. This is reason the experts who wrote MARLAP adopted  
20 and recommend the use of this equation. Even with this equation there are caveats that apply  
21 including but not limited to the following:

- 22           • Certain samples will exhibit higher variability because of their matrix, or the proximity  
23 of their analyte concentration to ambient background, as discussed previously.  
24           Consideration should be given to cases where a matrix requires the development and  
25 implementation of a specific acceptance criterion.

- 1 • Laboratory subsampling - subsampling techniques produced two dissimilar aliquants
- 2 from one sample and the original and duplicate are not the same. An analyst should
- 3 be careful to ensure that the sample is thoroughly homogenized before subsampling.
- 4 • Matrix - Sample constituents interfere with preparation chemistry, e.g., coprecipitation
- 5 of interfering non-target radionuclides from sample or excessive dissolved solids.
- 6 • Counting statistics - Sample activity is so low that small statistical variations in
- 7 background cause disproportionate responses.

8 These caveats would also apply to the duplicate evaluation equation in the FSP.

9 **Q.5. How do you respond to Dr. Henshel's statement in A.36 and A.37 that there**  
10 **is no true background sample for this sample set?**

11 A.5. I am not knowledgeable about the movement of deer. But, using the assumption  
12 that all of the deer taken for this study were in all of the areas at one time or another prior to  
13 collection, I would still conclude that the samples do not indicate the presence of DU. The  
14 concentration and uncertainties of uranium in the different types of samples are very low or even  
15 below the detection limits of the procedures used in this study with no indication of DU being  
16 present. Yet, the STV witnesses continue to refer to DU contaminated deer. The reported  
17 uncertainties bring doubt to my mind as to whether or not one could say positively that uranium  
18 is even present in some of these samples. In my opinion, the data from the analyses of the deer  
19 samples meets the definition of "background radiation" Dr. Henshel quotes from NUREG-1757.  
20 Whether these deer are background deer or not, there is no indication of DU in the samples.

21 **Q.6. In order to minimize confusion, was there DU in 2006 deer samples?**

22 A.6. No. I evaluated the data and there are no results from any of the deer samples  
23 that indicate the presence of DU.

24 **Q.7. Was there DU in 2005 deer samples?**

25 A.7. No. I evaluated the data and there are no results from any of the deer samples  
26 that indicate the presence of DU.

1 **Q.8. Was there DU in deer samples prior to 1997?**

2 A.8. No. I evaluated the data and there are no results from any of the deer samples  
3 that indicate the presence of DU.

4 **Q.9. What is your response to Dr. Henshel's testimony in A.14 where she**  
5 **discussed duplicate sample analysis?**

6 A.9. The evaluation of the duplicates without considering the associated uncertainties,  
7 especially on samples with concentrations at or below the detection limit of the procedure, goes  
8 against the recommendation of MARLAP in Chapter 18. Even if one used the RPD equation to  
9 evaluate the results from the duplicate analyses, the same caveats that apply to the MARLAP  
10 equation I used in my answer to Q.4 apply to the RPD equation. I state again, and I believe that  
11 MARLAP supports my statement, that one cannot evaluate radioanalytical data without  
12 considering the uncertainties that are part of that data.

13 **Q.10. In A.20, Dr. Henshel refers to a DU contaminated deer from the 1996 SEG**  
14 **report. What is your response to this?**

15 A.10. In the 1996 deer sample data I reviewed in the report, Deer Tissue Sampling  
16 Results; Depleted Uranium Impact Area Site Characterization, Jefferson Proving Ground  
17 Madison, Indiana, August 2006, Final, Table E-2, there were no uncertainties reported for the  
18 individual results. This fact prevents me from generating a U238/U234 ratio that would include  
19 the uncertainty. Standard radioanalytical methodology is to always include the uncertainties of  
20 the measurements. However, for this response, the U238/U234 ratios I calculated are as  
21 follows:

22 DU Impact Area Liver  $U238/U234 = 0.032/0.051 = 0.63$  (The ratio would have to be  
23 statistically greater than 1 to indicate DU.)

24 DU Impact Area Kidney  $U238/U234 = 0.039/0.091 = 0.43$  (The ratio would have to be  
25 statistically greater than 1 to indicate DU.)

1 DU Impact Area Bone  $U238/U234 = 0.142/0.221 = 0.64$  (The ratio would have to be  
2 statistically greater than 1 to indicate DU.)

3 While having the uncertainties associated with these measurements would clarify the  
4  $U238/U234$  ratios, I believe having the uncertainties would only solidify the conclusion that DU  
5 has not been detected in the deer samples.

6 **Rebuttal to STV's Prefiled Testimony of Mr. Norris**

7 **Q.11. In A.023, Mr. Norris stated,**

8 **Anagnostopoulos and Staff witness Condra have testified that**  
9 **while increasing mass (but not necessarily sample size) and**  
10 **count time reduces analytical uncertainties, there is very**  
11 **limited gain that can be achieved using standard procedures**  
12 **at commercial labs. It seems reasonable, then, that for the DU**  
13 **site characterization program, that alternative methods,**  
14 **laboratory, and/or custom, nonstandard procedures be used**  
15 **to allow DU to be detected and quantified.**

16 **What is your response?**

17 A.11. First, Mr. Norris has misstated what I testified to about the effect of mass on  
18 analytical uncertainties. I did not say that the mass reduces analytical uncertainties. Increasing  
19 mass would not likely reduce analytical uncertainties.

20 Secondly, Mr. Norris seems to be implying that DU cannot be detected or quantified by  
21 the protocols and procedure set forth in the site characterization program. DU can be detected  
22 and quantified by methods presently being used in commercial and government laboratories,  
23 whether that method is HR-ICP-MS or alpha spectroscopy. I have reviewed DU data in the  
24 following two reports sent to the NRC with respect to water and soil samples: Radiation  
25 Monitoring Report for License SUB-1435 Jefferson Proving Ground Summary of Results for April  
26 10-13, 2006 Sampling Event Final and Radiation Monitoring Report for License SUB-1435  
27 Jefferson Proving Ground Summary of Results for May 23-26, 2005 Sampling Event Final. After  
28 reviewing the soil and surface water samples, I cannot conclude that DU is present. I have also  
29 reviewed the report sent to the NRC with respect to the deer tissue data, Deer Tissue Sampling

1 Results; Depleted Uranium Impact Area Site Characterization Jefferson Proving Ground,  
2 Madison, Indiana Final. When reviewing the data from the deer samples analysis, I did not  
3 reach the conclusion the DU was detected in any of the deer samples that were analyzed. I am  
4 confident that the alpha spectroscopy method used on soil, water, and deer tissue sample would  
5 be able to detect DU, if it is present in a sample.

6 **Q.12. In A.023 on page 43, Mr. Norris references "Depleted Uranium In Bosnia and**  
7 **Herzegovina – Post-Conflict Environmental Assessment" (UNEP, 2003) as a document**  
8 **that demonstrates that DU can be distinguished from natural uranium in the same**  
9 **sample. What is your assessment of this report concerning the determination of DU and**  
10 **natural uranium In a particular matrix?**

11 A.12. I have read the referenced report and have the following comments. The two  
12 different analytical methods used by the laboratories performing the analyses for that project  
13 produced what appears to be high quality isotopic uranium data. I did not review the quality  
14 control data associated with the reported data. I reviewed the ratios of U-235 to U-238 from HR-  
15 ICP-MS and U-234 to U-238 from alpha spectroscopy. I believe those ratios are based on very  
16 good scientific data. I disagree with then using these ratios in a calculation method to determine  
17 the percent of DU in each sample. The mathematical method includes assumptions about the  
18 ratios of U-235/U-238 in natural uranium and DU as stated on page 155 of the report. "The ratio  
19 U-235/U-238 for natural and depleted U is assumed to be  $R_{U-nat} = 0.00725$  and  $R_{DU} =$   
20  $0.00200$ , respectively." The method assumes that there are no uncertainties associated with  
21 these ratios. This method also assumes, in my opinion, the DU has not interacted with the  
22 matrices with which it came in contact. In my professional opinion, generating data based on  
23 assumptions that cannot be quantified by the analysis of the sample is not good science. My  
24 original testimony was based on the analytical fact that the original results from any  
25 radiochemistry analysis represent the concentration and uncertainty of the analyte and individual

1 isotopes in question, in this case uranium, for a given sample. The data are then used to  
2 determine if the uranium isotopes have isotopic ratios that represent natural, depleted, or  
3 enriched uranium. I am not aware of an analytical method that quantifies natural uranium and  
4 DU in the same sample, without the use of mathematical calculations and assumptions. When  
5 the researchers finished their analysis and generated the data, they could draw informed  
6 conclusions from the data, but assumptions beyond that point regarding ratios of isotopes do not  
7 make a fact.

8 **Q.13. On pages 41 and 42 in A.023, Mr. Norris presents U238/U234 ratios as**  
9 **support for the proposition that "...Big Creek contains DU in rising proportion to total**  
10 **Uranium..."**, and issues a challenge to say that DU is not present in the Spring 2006 water  
11 **sample of Big Creek leaving the facility. What is your response to this testimony?**

12 **A.13.** I have reviewed the radioanalytical data for the 16 surface water samples and 2  
13 duplicate surface water samples that I could find that were collected from Big Creek. I also  
14 calculated the U238/U234 ratios and propagated the uncertainties of those ratios. Since Mr.  
15 Norris did not give the sample IDs from which he calculated the ratios, I cannot be absolutely  
16 certain that I am calculating my ratios from the same data. For the "spring 2005" sample, Mr.  
17 Norris states the ratio is 1.1. The ratio and uncertainty that I calculated from two surface waters  
18 from the spring of 2005 were  $1.08 \pm 0.86$  for SW-DU-002 SAIC03 and  $1.09 \pm 0.77$  for SW-DU-  
19 008 SAIC03. Neither sample is statistically above 1 and therefore not definitely identified as DU.  
20 I did not have the fall of 2005 data to review for this testimony. Without the data and the  
21 associated uncertainties, I cannot evaluate at this time, the 1.2 and 2.9 ratios of U238/U234  
22 presented by Mr. Norris. For the "spring 2006", Mr. Norris states the ratio is 3.7. The ratio and  
23 uncertainty that I calculated was  $3.7 \pm 3.7$  for SW-DU-002 SAIC05, not statistically above 1 and  
24 therefore not definitely identified as DU. If Mr. Norris and I are talking about the same data point,  
25 then I would not conclude that DU was positively identified in that sample.

1           **Q.14. At the end of A.019, Mr. Norris reviews U238/U234 ratios to suggest that DU**  
2 **is in the creek water. What is your analysis of this testimony?**

3           A.14. Mr. Norris' review of the U238/U234 consistently fails to mention the uncertainties  
4 that are associated with the data. Standard radiological methodology holds that radioanalytical  
5 data cannot be evaluated without taking into consideration the uncertainties. When I take into  
6 consideration the uncertainties of the ratios of the 16 surface water samples and 2 duplicate  
7 surface water samples taken from Big Creek (Radiation Monitoring Report for License  
8 SUB-1435 Jefferson Proving Ground, Summary of Results for April 10-13, 2006 Sampling Event,  
9 Final and Radiation Monitoring Report for License SUB-1435 Jefferson Proving Ground,  
10 Summary of Results for May 23-26, 2005 Sampling Event, FINAL). I cannot conclude from the  
11 results that DU is definitively present in Big Creek.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

U.S. ARMY

(Jefferson Proving Ground Site)

)  
)  
)  
)  
)

Docket No. 40-8838-MLA

PREFILED SUR-REBUTTAL TESTIMONY OF DALE CONDR

I, Dale Condra, 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.

  
\_\_\_\_\_  
Dale Condra

Executed at Oak Ridge, TN  
This 25<sup>th</sup> day of September, 2007.