

**From:** Julian, Emile  
**Sent:** Tuesday, October 27, 2009 8:24 PM  
**To:** 'Jim Albertini'  
**Cc:** 'kent.herring@us.army.mil'; Docket, Hearing; 'mh@interpac.net'; Marco, Catherine; Sexton, Kimberly; Klukan, Brett; Giitter, Rebecca; Rothschild, Trip; Liaw, Stephanie  
**Subject:** RE: NRC hearing request  
  
**Importance:** High

Hi Mr. Albertini,

Thank you for your e-mail. By this e-mail I am copying the NRC staff and the U.S. Army representative with your e-mail. I have also attached a draft service list. Should you provide additional documents, kindly send copies to those on the list.

Thank you,

Emile L. Julian  
Assistant for Rulemakings  
And Adjudications  
Office of the Secretary, NRC  
301-415-1966

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**From:** Jim Albertini [mailto:JA@interpac.net]  
**Sent:** Tuesday, October 27, 2009 5:05 AM  
**To:** Julian, Emile; Hayes, John  
**Cc:** Cory Harden; Isaac D. Harp; Alan McNarie; A P honolulu; advertiser; Hilo Trib; Hono Weekly; Star bulletin; Ian Lind; KBOO; kgmb tv9; KHNL-TV; KHNL-TV; KPUA; Maui news; Mike Yuen; bret yager; Jim Quirk; Baron Sekiya; jason Armstrong; admin; peter sur; David Corrigan; david schlesinger; jsong@ap.org; paka@newpacificvoice.org  
**Subject:** NRC hearing request

**To the NRC:**

**I hereby request an NRC hearing on the Army's request for a depleted uranium possession-only permit.**

I request to join Cory Harden and Isaac D. Harp requests and petition to intervene.

**I wish to join Cory Harden's**

- (1) request for exemption from electronic filing**
- (2) request for extension of time to file a request for hearing and petition for intervention**
- (3) petition for intervention**

**This is the basis for my contention:**

**1. The Army is basically ignoring Hawaii County Council's resolution 638-08, passed (8-1) on July 2, 2008 which lists eight action points, especially halting all live-fire and anything**

that creates dust at Pohakuloa training Area (PTA) until an assessment and clean up of the DU contamination already present. I was present at Mauna Kea State park on May 29, 2007 when citizen radiation monitors recorded readings of up to 75 counts per minute with dust devils coming directly off PTA range II, where Davy Crockett DU spotting rounds had been fired, located 1-2 miles away from Mauna Kea Park. The fact of Davy Crockett DU spotting rounds fired at PTA was confirmed by the Army in Aug. 2007, three months after our recorded radiation readings.

2. Army search of contamination is inadequate. Less than 1% of PTA has been surveyed for DU contamination. There needs to be permanent independent air monitoring around the base to determine radiation coming off the base.

3. There needs to be a thorough and complete search of record archives (including classified files) other possible DU munitions used at PTA and other sites in Hawaii beyond the Davy Crockett DU spotting round.

Davy Crockett was first used at PTA in 1962. The Army claims DU has been banned in training since 1996. What about the years inbetween. That's 34 years.

4. Military has ignored Hawaii County Council resolution 70I-08 naming Dr. Lorrin Pang, MD as the official county representative on the DU issue with the Army.

5. The Army makes DU health hazard disclaimers without basis and ignores inhalation hazard of DU oxide.

6. PTA is Hawaiian Kingdom Sacred Land that is under illegal U.S. occupation. There is no legal basis for the U.S. to be bombing and continuing control at PTA.

7. Decommission PTA instead of expanding live-fire by a factor of two --from 7 million rounds a year to 14.8 million rounds according to the Army's Stryer EIS.

8. The State of Hawaii lease of land to PTA does not allow for a nuclear waste dump at PTA. The lease to PTA should be canceled.

9. Reports of animal tumors in the PTA area need to be investigated for possible links to DU exposure.

10. The pre-cautionary principle needs to be a guiding light for all decision making and involving citizen participation in the decision making process. Afterall, it is the citizens that the Army is suppose to be defending, not endangering.

The NRC needs to be aware of the military's history of abuse in Hawaii.

In the 1960s, around the same time the Army was testing DU Davy Crockett spotting rounds at PTA, the Army got a lease of State land in the Waiakea Forest Reserve, which is the city of Hilo's watershed, to do what the Army said would be "weather testing." Well the Army lied. They were no doing weather testing, they were testing chemical warfare agents in Hilo's watershed. One of the agents was nerve gas GB that can kill in minutes in dosages of one milligram, approximately 1/50 of a drop. When this military abuse and lying was exposed by Hawaii Congresswoman, Patsy T. Mink, citizen outrage was expressed and the State lease to the Army was canceled. The same should be done today with PTA. (For more details on the history of military abuse in Hawaii read The Dark Side of Paradise --Hawaii in a Nuclear World, by James V. Albertini, et all.)

Other examples of military environmental abuse: On Hawaii Island, there are 57 known present and former military sites, totaling hundreds of thousands of acres of land and coastal waters that are in need of environmental clean-up. Many of these sites are littered with unexploded ordnance and other chemical toxins. The projected cost of such clean up

**is in the billions of dollars. But the military claims "No money." The military has plenty of money to make its mess but little or no money to clean up its mess. This travesty of justice and abuse of the earth must end.**

Jim Albertini

Malu 'Aina Center for Non-violent Education & Action

P.O.Box AB

Kurtistown, Hawai'i 96760

phone: 808-966-7622

email: [JA@interpac.net](mailto:JA@interpac.net)

Visit us on the web at: [www.malu-aina.org](http://www.malu-aina.org)

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### **E-mail Properties**

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Received Date: 10/27/2009 8:24:06 PM  
From: Julian, Emile

Created By: Julie.Crutchley@nrc.gov

#### Recipients:

JA@interpac.net ('Jim Albertini')  
Tracking Status: None  
kent.herring@us.army.mil ('kent.herring@us.army.mil')  
Tracking Status: None  
Hearing.Docket@nrc.gov (Docket, Hearing)  
Tracking Status: None  
mh@interpac.net ('mh@interpac.net')  
Tracking Status: None  
Catherine.Marco@nrc.gov (Marco, Catherine)  
Tracking Status: None  
Kimberly.Sexton@nrc.gov (Sexton, Kimberly)  
Tracking Status: None  
Brett.Klukan@nrc.gov (Klukan, Brett)  
Tracking Status: None  
Rebecca.Giitter@nrc.gov (Giitter, Rebecca)

Tracking Status: None  
Trip.Rothschild@nrc.gov (Rothschild, Trip)  
Tracking Status: None  
Stephanie.Liaw@nrc.gov (Liaw, Stephanie)  
Tracking Status: None

Post Office:  
HQCLSTR01.nrc.gov

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