



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

November 9, 2017

Michael Reimer, Ph.D.
[Address Redacted]

Dear Dr. Reimer:

As indicated in my letter to you dated April 25, 2017, your e-mail dated March 16, 2017, which included your letter addressed to the Executive Director for Operations, and subsequent information supplementing your petition, dated April 10, May 21, June 25, July 24, August 16, and August 18, 2017, were referred to the Office of Nuclear Material Safety and Safeguards of the U.S. Nuclear Regulatory Commission (NRC) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206. The NRC convened a Petition Review Board (PRB) in order to review the information in your petition and make an acceptability determination.

On September 28, 2017, the NRC informed you of the PRB's initial recommendation regarding your concerns and offered you an opportunity to provide any relevant additional explanation and support for your request in light of the PRB's initial recommendation. On October 2, 2017, you requested a teleconference with the PRB. On October 11, 2017, a teleconference was held in which you gave a presentation to the PRB discussing your petition. The teleconference was transcribed and is publicly available (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17297A372). Your presentation and the supplemental additional information you provided between October 11 and October 16, 2017 (ADAMS Package Accession No. ML17292A690), have been considered in the PRB's determination with respect to your petition.

The PRB has decided to accept the following concerns in your petition for evaluation under the 10 CFR 2.206 process:

- Inappropriate number of sediment samples,
- Inappropriate frequency of sediment sampling,
- Inappropriate and poorly described analytical techniques (sample analysis methods),
- Inappropriate geological sampling procedures for sediment collection, and
- Inappropriate data evaluation methods (leading to dilution of samples) to determine the presence of depleted uranium outside the ranges associated with the Pohakuloa Training Area.

The PRB's determination with respect to the concerns described in your petition that will, and those that will not be evaluated under the 10 CFR 2.206 process, is explained in Enclosure 1. The PRB followed the Criteria for Petition Evaluation contained in the NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions" (MD 8.11) Handbook, Part III. A copy of MD 8.11 was provided to you, along with other information, as an enclosure to my April 25, 2017, letter to you regarding your concerns.

Enclosed (Enclosure 2) for your information, is a copy of the notice that the NRC will publish in the *Federal Register*.

I would like to express my sincere appreciation for your diligent efforts in bringing these matters to the attention of the NRC. As provided by Section 2.206, we will take action on your request within a reasonable time.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact Amy Snyder, petition manager, at (301) 415-6822 or e-mail at Amy.Snyder@nrc.gov.

Sincerely,

/RA/

Marc L. Dapas, Director
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-9083
License No. SUC-1593

Enclosures:

1. Petition Review Board's Final Decision on Acceptance/
Rejection of Concerns under the 10 CFR 2.206 Process
2. *Federal Register* Notice

cc: U.S. Army Installation Management Command

SUBJECT: Dr. Reimer Letter: **Date November 9, 2017**

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ML17279A300 Package:

ML17278A938 Ltr. (non-public)

ML17279A082 Enclosure 1

ML17279A233 Ltr. (public)

ML17283A209 Enclosure 2

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