

## Manley, Eileen

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**From:** Snyder, Amy  
**Sent:** Monday, June 18, 2018 7:12 AM  
**To:** Snyder, Amy  
**Subject:** FW: Recent Court ruling regarding Pohakuloa Training Area Hawaii

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**From:** Michael Reimer [mailto:geomike5@att.net]  
**Sent:** Friday, April 06, 2018 3:55 PM  
**To:** Snyder, Amy  
**Subject:** [External\_Sender] Recent Court ruling regarding Pohakuloa Training Area Hawaii

Michael Reimer, Ph.D.  
[Redacted Address]  
[GeoMike5@att.net](mailto:GeoMike5@att.net)

Ms. Amy M. Snyder April 6, 2018  
Mail Stop T-8F05  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike  
Rockville, MD 20852-2738

Dear Ms Snyder,

On April 3, 2018, the First Circuit Court of the State of Hawaii ruled that the Hawaii State Department of Land and Natural Resources (DLNR) was in violation of General Lease S-3849 that required the lessor to clean up after live-fire exercises at Pohakuloa Training Area (PTA). The court order observed that the DLNR failed to malama `aina (care for the land) the subject lands and to provide transparency on their actions and ordered them to develop a written plan by the end of the year with a process on how to deal with a clean-up and removal of debris. The Court recognizes that explosive materials such as white phosphorous can be carried far beyond the impact areas and also recognizes the use of depleted uranium (DU) at PTA.

An article and the court ruling can be located at:  
<http://www.civilbeat.org/2018/04/judge-hawaii-failed-to-ensure-cleanup-on-military-training-range/>

General Lease S-3849 was State controlled land leased for 65 years to the United States of America in 1964 for use at Pohakuloa Training Area. It covered approximately 23,000 acres of the roughly 113,000 acre training area.

Although it is difficult to make absolute determinations of boundaries due to different map scales especially where line thicknesses of designated areas can represent tens to hundreds of feet, it does appear that the radiation controlled areas (RCAs) are in high probability to be at the margin of the leased lands, if not part of the leased lands. Satellite photos of the area clearly show from the craters that high explosives have been used in the areas, certainly the RCAs, and most likely including the leased lands.

Given that the RCAs were determined by great subjectively, and given that the leased lands are certainly proximal if not somewhat inclusive to the subjectively determined RCAs, and given that the range of the M101 depleted uranium spotting rounds and any other DU munitions used in the vicinity of the RCAs have highly variable and uncertain ranges, and given that the use of high explosives in all probability have redistributed the depleted uranium and its oxide particulates, even if you choose to accept the Army claim that DU can move only a few 10s of meters because it is so heavy compared to lead, I believe it would be prudent for the Nuclear Regulatory Commission (NRC) to review the court ruling and participate in the court order to determine a plan that includes training and protection of ground personnel from the DLNR or their contractors in the recognition of DU and to sample and analyze for DU to determine if it may be present in the leased areas and if so, how to deal with its removal and disposal. Clearly, this should require NRC oversight and should now be part of license SUC-1593.

Regards,

/s/

Michael Reimer, Ph.D.  
Retired Geologist