



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

November 20, 2018

Michael Reimer, Ph.D.
[Address
Redacted]

SUBJECT: RESPONSE TO SEPTEMBER AND OCTOBER 2018 CORRESPONDENCE

Thank you for your interest in the U.S. Army Installation Management Command's (Army's) Source Materials License No. SUC-1593 applicable to the ranges with Davy Crockett depleted uranium spent rounds, specifically pertaining to the Pohakuloa Training Area (PTA) in Hawaii. I am responding to your September 18¹ and 21² and October 9,³ 21,⁴ and 25,⁵ 2018, emails about the various aspects of the PTA Environmental Radiation Monitoring Program (ERMP).

In your correspondence, you question whether the U.S. Nuclear Regulatory Commission (NRC) staff (staff) has evaluated the licensee's July 1, 2017, application related to a change in sediment sampling location at the PTA. Also, based on your review of the licensee's "Radiation Monitoring Report Including Appendices Summary of Results for Summer, Fall, and Winter 2017 Sampling Events," dated May 2018 (ERMP Data Report),⁶ you provide comments on various aspects of how the licensee has implemented the PTA ERMP for sediment sample collection, analysis, and data reporting. Specifically, you suggest that:

- the staff has not evaluated the licensee's June 1, 2017, proposed sediment sampling location;
- the sediment sampling location corresponding to the sediment sampling data reported in the ERMP Data Report was arbitrarily determined;
- water sampling should have been conducted immediately during or after storm events so that some water samples may have been available;
- that air monitoring should be conducted in place of sediment sample collection;
- the minimum detection capability of the analytical method used for sediment sampling analysis is not appropriate;
- the several alternative analytical methods to evaluate sediment samples that you previously raised should be used;

¹ Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML18290A585

² ADAMS Accession Nos. ML18290A581 and ML18290A582

³ ADAMS Accession No. ML18290A584

⁴ ADAMS Accession No. ML18295A302

⁵ ADAMS Accession No. ML18303A408

⁶ ADAMS Accession No. ML18136A796

- the staff should voluntarily reopened your closed Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206 petition (Petition); and
- a request to move the sediment sampling location was not submitted and thus it is not vetted and appears to be a major violation of license conditions.

In addition, you request an immediate inspection of the PTA. Further, you want the NRC to consider funding an alternative monitoring program at the PTA as a model for citizen involvement.

I have forwarded your emails dated September 18 and 21, 2018, and October 9, 21, and 25, 2018, to the Region IV materials inspection staff for their awareness. With respect to the Army's June 1, 2017, license amendment request proposing a change to the sediment sampling location at the PTA, the staff has completed its review and issued the license amendment. A copy of the staff's safety evaluation report associated with this proceeding was made publicly available and a copy was provided to you in a letter dated October 30, 2018,⁷ with enclosures.

Regarding the staff voluntarily reopening your Petition, the NRC issued a Director's decision⁸ on your petition. The NRC does not entertain requests for review of Director's decisions.⁹ Therefore, the staff cannot reopen your Petition.

Thank you for your interest in the PTA ERMP for Source Materials License No. SUC-1593. If you have any questions, pertaining the above information or Source Materials License No. SUC-1593, please contact me at Stephen.Koenick@nrc.gov or 301 415-6631.

⁷ ADAMS Accession No. ML18158A323 (Ltr.); ADAMS Accession No. ML18158A324 (Safety Evaluation); and ADAMS Accession No. ML18242A352 (License Amendment No.3)

⁸ ADAMS Accession No. ML18122A089

⁹ See 10 C.F.R. § 2.206(c)(2) ("No petition or other request for Commission review of a Director's decision under [§ 2.206] will be entertained by the Commission.").

M. Reimer

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In accordance with 10 CFR Section 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>.

Sincerely,

/RA/

Stephen Koenick, Chief
Low-Level Waste and Projects Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards
Docket No. 40-9083

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

cc: Licensee
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