

July 14, 2000

MEMORANDUM TO: William D. Travers, Executive Director for Operations

FROM: Luis A. Reyes, Regional Administrator **/RA by B. Mallett Acting For/**

SUBJECT: CITIZEN'S REQUEST FOR AGENCY ACTION

Attached to this memorandum is a multi-page document which, among other things, lists concerns related to the Navy's use of depleted uranium (DU) munitions at the Naval Firing Range on Vieques Island, Puerto Rico and requests agency action. It is being forwarded to your office so that it may be reviewed for processing under the agency's 10 CFR 2.206 process.

By way of background, the individual who supplied this information is a university professor who was quoted in press accounts of the Vieques matter. Specifically, the individual was quoted as stating that the Navy willfully fired DU munitions on Vieques. In accordance with agency allegation procedure, the individual was contacted by the staff and a representative of the OI Field Office for the purpose of obtaining clarification and/or additional information related to this allegation. The individual indicated that he had no direct knowledge that the Navy willfully fired DU on Vieques, but he believed they had. Subsequent to our initial contact with the individual, he began to communicate with my staff via electronic mail (e-mail) until he was asked to provide his concerns in writing. In response, he provided the document that is attached to this memorandum.

The attached document is a compilation of not only the individual's concerns regarding the Navy's use of DU, but also the concerns and questions of other "experts" on this issue. At the conclusion of the discussion section of the document, the individual requests "a formal NRC hearing to consider the revocation of the master DU license for the U.S. Department of Defense and all services, implementation of substantial fines and consideration of personal criminal liability." The individual also requests formal whistleblower protection.

The substance of the document was reviewed by the region during an Allegation Review Board (ARB) meeting on June 22, 2000. The ARB determined that a number of the issues raised by the individual were similar to ones currently being reviewed by the staff and that no other safety issues requiring immediate, regulatory attention were raised. The ARB also concluded that the matter should be referred to headquarters for consideration as a 2.206 petition. In addition, the OI, Region II Field Office Director, an ARB meeting attendee, declined to initiate an investigation. NMSS has been advised of our receipt of the document and our intent to refer it to your office for consideration as a 2.206 petition.

We note that a number of the issues/questions raised by the individual and experts are beyond the purview of the NRC to answer, but must instead be addressed by other agencies (i.e., Department of Defense and Department of Energy). The Region plans to hold any further action on this information in abeyance pending a decision regarding whether this matter will be considered under the 2.206 process.

If you have any questions regarding this matter or if we can be of any further assistance, do not hesitate to contact me or Carolyn Evans of my staff at (404) 562-4414.

Attachment: As stated

cc w/att: Karen Cyr, OGC

* See next page for previous concurrences

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| SIGNATURE | | | | | | | |
| NAME | CEvans* | DCollins* | ABoland* | WMcNulty* | BMallett | | |
| DATE | 8/ /2000 | 8/ /2000 | 8/ /2000 | 8/ /2000 | 8/ /2000 | 8/ /2000 | 8/ /2000 |
| E-MAIL COPY? | YES NO | YES NO | YES NO | YES NO | YES NO | YES NO | YES NO |

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