

RAS 12329

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USNRC

UNITED STATES OF AMERICA

September 26, 2006 (4:09pm)

NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

) Docket No. 40-8838-MLA

) U.S.ARMY)

) ASLBP No. 00-776-04-MLA

) (Jefferson Proving Ground Site))

) September 26, 2006

**NOTICE OF ADDITIONAL INFORMATION
ON WHICH PETITIONER RESERVES RIGHT TO RELY FOR PURPOSES OF
SUBMITTING NEW AND/OR MODIFIED CONTENTIONS AND/OR BASES**

Pursuant to the Board's Order of July 26, 2006, Petitioner Save the Valley, Inc. ("STV") respectfully notifies the Board and the other parties that it reserves the right to submit new and/or modified contentions and/or bases in this matter based upon the following additional information which became available to it on ADAMS since the Board's Order:

1. Radiation Monitoring Report: Summary of Results for May 23-26, 2005 Sampling Event at Jefferson Proving Ground, ADAMS Document No. ML062140532, document dated 2006-07-28, document added to ADAMS 2006-08-11.

2. Deer Tissue Sampling Results for Depleted Uranium Impact Area Site Characterization, Jefferson Proving Ground, Madison, Indiana, ADAMS Document No. ML062210019, document dated 2006-08-04, document added to ADAMS 2006-08-09.

3. 2006/07/19- US Army - Official Transcript of the Oral Arguments in Madison, Indiana, ADAMS Document No. ML062080319, document dated 2006-07-19, document added to ADAMS 2006-07-28.

Petitioner further reserves the right to submit new and/or modified contentions and/or bases in this matter based upon the following additional information which became available to it on

TEMPLATE = SECY-037

SECY-02

ADAMS prior to the Board's Order but which it was in the process of review and analysis for purposes of submitting new and/or modified contentions and/or bases in this matter at the time of the Board's Order:

4. Field Sampling Plan Addendum 2 and Health and Safety Plan Addendum 2 for Soil Verification for Jefferson Proving Ground, ADAMS Document No. ML061930256, document dated 2006-07-07, document added to ADAMS 2006-07-12.

5. Field Sampling Plan Addendum 3 and Health and Safety Plan Addendum 3 for Other Monitoring Equipment Installation, Other Monitoring (Precipitation, Cave, and Stream/Spring Gauges) and Electrical Imaging Survey for Jefferson Proving Ground, ADAMS Document No. ML061930287, document date 2006-07-01, document added to ADAMS 2006-07-12.

6. Transmittal of Fracture Trace Analysis Report For Jefferson Proving Ground, ADAMS Document No. ML061670091, document dated 2006-06-13, document added to ADAMS 2006-06-16.

7. Errata Sheet for the October 2005 Environmental Radiation Monitoring Program Sampling Event For Jefferson Proving Ground, ADAMS Document No. ML061640195, cover letter dated 2006-05-26, cover letter added to ADAMS 2006-06-13, document itself still not added to ADAMS, but hard copy of document provided directly to STV by Army on 2006-07-19.

8. Results From the October 2005 Environmental Radiation Monitoring Program Sampling Event For Jefferson Proving Ground, ADAMS Document No. ML061430302, document dated 2006-05-19, document added to ADAMS on 2006-05-23.

Petitioner further reserves the right to submit new and/or modified contentions and/or bases in this matter based upon the following articles in the research literature which became available in

their final, complete form to STV experts after April 30, 2006:

9. V. H. Coryell and D. M. Stearns, "Molecular analysis of hprt mutations generated in Chinese Hamster Ovary EM9 cells by uranyl acetate, by hydrogen peroxide and spontaneously" (Molec. Carcinogen. 2006. 45:60-72), document made available to STV on June 4, 2006, document distributed to STV experts for review on June 5, 2006.

10. G.P. Curtis, J.A. Davis, U.S. Geological Survey, "Tests of Uranium (VI) Adsorption Models in a Field Setting (NUREG/CR-6911)," published August, 2006.

11. C. Nuccetelli; M. Grandol, S. Forisica, American Microchemical Society, 79 Microchem. J. 331 (2005).

12. W.M. Wu, et al, "Pilot-scale in situ bioremediation of uranium in a highly contaminated aquifer. 2. Reduction of u(VI) and geochemical control of u(VI) bioavailability," Environ Sci Technol., June 15, 2006.

13. D. H. Phillips, et al, "Distribution of uranium contamination in weathered fractured saprolite/shale and ground water," J Environ Qual., Sep-Oct. 2006.

14. J. L. Mas, et al., "Determination of (234)U/ (238)U isotope ratios in environmental waters by quadrupole ICP-MS after U stripping from alpha-spectrometry counting sources," Anal. Bioanal. Chem., Sept. 2006.

15. S.F. Boulyga & K.G. Heumann, "Determination of extremely low (236)U/(238)U isotope ratios in environmental samples by sector-field inductively coupled plasma mass spectrometry using high-efficiency sample introduction," J. Environ Radioact. (2006).

16. J. Pourahmad, M. Ghashang, H.A. Ettehadi & R. Ghalandari, "A search for cellular and molecular mechanisms involved in depleted uranium (DU) toxicity," Environ. Toxicol., Aug. 2006.

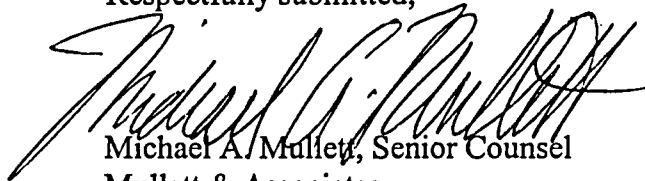
17. H. Sela, et al., "Determination of 234U/238U ratio: comparison of multi-collector ICPMS and ICP-QMS for water, hair and nails samples, and comparison with alpha-spectrometry for water samples," Radiat. Prot. Dosimetry (2006).

18. W.E. Briner, "The evolution of depleted uranium as an environmental risk factor: lessons from other metals," Int. J. Environ. Res. Public Health, June, 2006.

19. C.G. Jian & M. Aschner, "Neurotoxicity of depleted uranium: Reasons for increased concern," Biol. Trace Elem. Res., April, 2006.

20. E.A. Ough, et al., "Determination of natural and depleted uranium in urine at the ppt level: an interlaboratory analytical exercise," Health Phys., May, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Mullett", is written over the typed name and title.

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Attorney for Save the Valley, Inc.

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In the Matter of)	Docket No. 40-8838-MLA
)	
U.S.ARMY)	ASLBP No. 00-776-04-MLA
)	
(Jefferson Proving Ground Site))	September 26, 2006

Office of the Secretary
ATTN: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
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Washington, D.C. 20555-0001

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Secretary
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ATTN: Rulemakings and Adjudications Staff

Re: Notice of Additional Information on which Petitioner Reserves Right to Rely for
Purposes of Submitting New and/or Modified Contentions and/or Bases

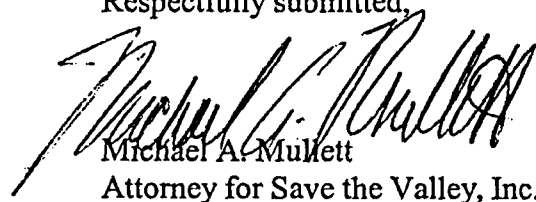
In the Matter of the U.S. Army (Jefferson Proving Ground Site), Docket No. 40-8838-
MLA, ASLBP 00-776-04-MLA

Dear Secretary:

Enclosed please find for filing in the above-referenced docket the original and two
conformed copies of Notice of Additional Information on which Petitioner Reserves Right to
Rely for Purposes of Submitting New and/or Modified Contentions and/or Bases, with the related
Certificate of Service.

Thank you for your assistance in this matter.

Respectfully submitted,


Michael A. Mullett
Attorney for Save the Valley, Inc.

cc: Service List – Docket No. 40-8838, ASLBP 00-776-04