

August 10, 2007

Alan S. Rosenthal, Chair
Administrative Judge
Atomic Safety and Licensing Board
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Paul B. Abramson
Administrative Judge
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Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

Dear Administrative Judges:

The NRC Staff hereby provides its notice that it has updated its disclosures and the hearing file for this proceeding pursuant to 10 C.F.R. § 2.336(d), as modified by the Board's Order Granting Joint Unopposed Motion Regarding Mandatory Disclosures (January 16, 2007), and 10 C.F.R. § 2.1203(c). In accordance with the Order, the staff is providing a list of documents, not previously disclosed, on which the staff anticipates relying for its written statements of position, written testimony, written responses and rebuttal testimony.

An Index containing the ADAMS accession number, date, and title for mandatory disclosure/hearing file update is appended hereto as Attachment 1. The update is one document. An index for additional documents the staff anticipate relying on for written testimony is appended hereto as Attachment 2. The updated disclosure/hearing file documents and documents on which staff intend to rely should be available via ADAMS (where applicable) on or about August 10, 2007.

Also attached is the Affidavit of Thomas McLaughlin, which was signed remotely and faxed for enclosure with the update. The original will be mailed to the Office of the Secretary on or about Monday August 13, 2007.

Sincerely,

/RA/

David E. Roth
Counsel for the NRC Staff

Enclosures: Attachment 1: Disclosure/Hearing File Index Supplement 2
Attachment 2: Anticipated Testimony References For NRC Staff
Affidavit of Thomas McLaughlin

ATTACHMENT 1: Disclosure/Hearing File Index Supplement 2 August 10, 2007

#	Accession Number	Document Date	Title/Description:
02-1	ML072120379	7/12/2007	E-Mail From Todd Eaby, SAIC, to Jon Peckenpaugh Concerning JPG Well Info

Attachment 2: Anticipated Testimony References for NRC Staff

<u>Potential Reference</u>	<u>Document Location</u>
American Society for Testing and Materials (ASTM). <i>Standard Test Method for Distribution Ratios by the Short-Term Batch Method</i> . ASTM D4319-93. Philadelphia, PA. 1993.	Subject to copyright protection. For copies contact ASTM Customer Service at service@astm.org
Dong, W. Xie, G., Miller, T.R., et al. (2006). "Sorption and Bioreduction of Hexavalent Uranium at a Military Facility by the Chesapeake Bay", <i>Environmental Pollution</i> . P. 132-142.	Subject to copyright. For copies see http://www.ncbi.nlm.nih.gov/sites/entrez?cmd=Retrieve&db=PubMed&list_uids=16297514&dopt=AbstractPlus
Nuclear Energy Agency (NEA). (2001). <i>NEA Sorption Project Phase II: Interpretation and Prediction of Radionuclide Sorption onto Substrates Relevant for Radioactive Waste Disposal Using Thermodynamic Sorption Models</i> . Organisation for Economic Co-Operation and Development (OECD), Nuclear Energy Agency, Paris, France.	Subject to copyright protection. For copies, access http://www.oecdbookshop.org/oecd/display.asp?sf1=identifiers&st1=662005111P1
U.S. Nuclear Regulatory Commission. (2003) <i>Application of Surface Complexation Modeling to Describe Uranium (VI) Adsorption and Retardation at the Uranium Mill Tailings Site at Naturita, Colorado</i> . NUREG/CR-6820. NRC, Washington, DC.	ML040210168
Sposito, G. (1986) "Distinguishing adsorption from surface precipitation," in <i>Geochemical Processes at Mineral Surfaces</i> . J.A. Davis and K.F. Hayes, Editors. ACS symposium series. Vol. 323, P. 217-228.	Subject to copyright protection. For copies, contact the American Chemical Society at library@acs.org .
Valocchi, A.J. (1985). "Validity of the Local Equilibrium Assumption for Modeling Sorbing Solute Transport Through Homogeneous Soils", <i>Water Resources Research</i> , V. 21(6). P. 808-820.	Subject to copyright protection. Copyright holder is American Geophysical Union (AGU), 2000 Florida Subject to copyright protection. For copies contact Avenue N.W. Washington, DC 20009-1277 USA Phone: +1-202-462-6900 or 1-800-966-2481. Copyright holder has informed NRC staff it is unable to provide copies before early 2008.
U.S. Nuclear Regulatory Commission. (1999) <i>Residual Radioactive Contamination From Decommissioning: Parameter Analysis, Draft Report for Comment</i> . NUREG/CR-5512, Vol. 3. NRC,	ML003726967

<u>Potential Reference</u>	<u>Document Location</u>
Washington, DC.	
U.S. Environmental Protection Agency (EPA). (1989) <i>Limiting Values of Radionuclide Intake and Air Concentration and Dose Conversion Factors for Inhalation, Submersion, And Ingestion</i> . (second printing, with corrections). EPA-520/1-88-020. EPA, Washington, DC.	ML052290105
Bounded dose from deer	ML072220558
UNSCEAR 2000	http://www.unscear.org/unscear/en/publications.html
ASTM D 3972-02	http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/REDLINE_PAGES/D3972.htm?L+mystore+cwlk4111
Jefferson Proving Ground KARST Study.	http://www.jpgbrac.com/documents/admin_record/site%20identification%20characterization/jpg%20karst%20study..pdf
Henryk Bem and Firyal Bou-Rabee, Environmental and health consequences of depleted uranium use in the 1991 Gulf War, <i>Environment International</i> , Volume 30, Issue 1, March 2004, Pages 123-134.	Subject to copyright protection. For copies contact http://www.sciencedirect.com/science/article/B6V7X-493P6SS-2/2/b796e74786c5065f9436f5321c072af7
United Nations Environment Programme. 2003. "Depleted Uranium in Bosnia and Herzegovina-Post Conflict Environmental Assessment."	http://postconflict.unep.ch/publications/BiH_DU_report.pdf
Memorandum Of Understanding Between The Environmental Protection Agency And The Nuclear Regulatory Commission: Consultation And Finality On Decommissioning And Decontamination Of Contaminated Sites, October 9, 2002.	ML022830208
Rademacher, <i>et al.</i> , Experimentally Determined Uranium Isotope Fractionation During Reduction of Hexavalent U by Bacteria and Zero Valent Iron <i>Environ. Sci. Technol.</i> , 40 (22), 6943 -6948, 2006.	Subject to copyright. Contact http://pubs.acs.org/cgi-bin/abstract.cgi/esthag/2006/40/i22/abs/es0604360.html
Glenn W. Suter II, <i>Ecological Risk Assessment</i> , CRC Press, LLC, Boca Raton, FL (2nd ed. 2006).	Subject to copyright.. Contact http://www.crcpress.com/shopping_cart/products/product_detail.asp?sku=L1634&isbn=9781566706346&parent_id=&pc=
Glenn W. Suter II, <i>et al</i> , <i>Ecological Risk Assessments for Contaminated Sites</i> , CRC Press, LLC, Boca Raton, FL (2000).	Subject to copyright.. Contact http://www.crcpress.com/shopping_cart/products/product_detail.asp?sku=L1525&isbn=9781566705257&parent_id=&pc=
Request for Additional Information to Support NRC's Evaluation of the Proposed Changes to the	ML041350063

<u>Potential Reference</u>	<u>Document Location</u>
Environmental Radiation Monitoring Program Plan for Jefferson Proving Ground (License SUB-1435). May 20, 2004. ML041350063. ("RAI for ERMP").	
Williams, G.P., Hermes, A.M., Policastro, A.J., Hartmann, H.M., and Tomasko, D. 1998. Potential Health Impacts from Range Fires at Aberdeen Proving Ground. Report ANL/AED/TM-79, Argonne National Laboratory, Argone, Illinois.	http://www.osti.gov/bridge/servlets/purl/658268-JGF6SD/webviewable/658268.PDF
Jeffrey J. Whicker, John E. Pinder III, David D. Breshears and Craig F. Eberhart, From dust to dose: Effects of forest disturbance on increased inhalation exposure, Science of The Total Environment, Volume 368, Issues 2-3, 15 September 2006, Pages 519-530.	Document Subject to Copyright. http://www.sciencedirect.com/science/article/B6V78-4JRM043-3/2/c84c62059987b62d056fb53e42f289ae
ASTM D3972-02 Standard Test Method for Isotopic Uranium in Water by Radiochemistry	Subject to copyright protection. For copies contact ASTM - http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/REDLINE_PAGES/D3972.htm?L+mystore+cwlk4111
Unsear 2000 Report Vol. I Sources And Effects Of Ionizing Radiation	UNSCEAN - http://www.unsear.org/unsear/en/publications/2000_1.html
Guidelines for drinking-water quality, third edition, incorporating first addendum	http://www.who.int/water_sanitation_health/dwg/gdwg3rev/en/index.html
Guidelines for drinking-water quality, Third edition (2004) without the first addendum	http://www.who.int/water_sanitation_health/dwg/guidelines4/en/index.html
Multi-Agency Radiological Laboratory Analytical Protocols (MARLAP)	MARLAP - http://www.epa.gov/radiation/marlap/
Williams, G.P., Hermes, A.M., Policastro, A.J., Hartmann, H.M., and Tomasko, D. 1998. Potential Health Impacts from Range Fires at Aberdeen Proving Ground. Report ANL/AED/TM-79, Argonne National Laboratory, Argone, Illinois	Contact Argonne National Labs. Abstract information at http://www.ead.anl.gov/pub/dsp_detail.cfm?PubID=976 *note contact phone number apparently not in service. Use 630-252-3107
Hess, C.T., J. Michel, T.R. Horton, H.M. Prichard, and W.A. Coniglio. 1985. The occurrence of radioactivity in public water supplies in the United States. Health Physics, v. 48, no. 5, pp. 553–586.	Document subject to copyright. http://www.health-physics.com/pt/re/healthphys/abstract.00004032-198505000-

<u>Potential Reference</u>	<u>Document Location</u>
	00002.htm;jsessionid=G8fJnr1QDBG0HTcQV5MPGKp5LwL1N5Pcx5QHlnDNtVjpXQXvvZS4!-1036009586!181195628!8091!-1
Minutes of the September 8, 2005 Public Meeting	ML052650138
Minutes of the October 12, 2006 Public Meeting	ML062970424
Wilson, John T. and others. 1999. An Evaluation of Borehole flowmeters used to measure Horizontal Ground-Water Flow in Limestones of Indiana, Kentucky, and Tennessee. U.S. Geological Survey Water-Resources Investigations Report 01-4139 (ML072120378)	ML072120378
Regional Range Study, Jefferson Proving Ground, Madison, Indiana, USACHPPM Project No. 38-EH-8220-03, September 2002	ML070170078

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 40-8838-MLA
U.S. ARMY)	
)	
(Jefferson Proving Ground Site))	

AFFIDAVIT OF THOMAS G. MCLAUGHLIN CONCERNING
FIRST SUPPLEMENTAL DISCLOSURE

I, Thomas G. McLaughlin, do hereby state as follows:

1. I am employed as a Project Manager in the Division of Waste Management and Environmental Protection in the Nuclear Regulatory Commission's ("NRC") Office of Federal and State Materials and Environmental Management Programs. I serve as Project Manager for the U.S. Army's application for an amendment to license SUB-1435 (Docket No. 040-08838) proposing an alternate schedule for the submission of a decommissioning plan for Jefferson Proving Ground, Madison, Indiana.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (d) and the January 16, 2007 Order (Granting Joint Unopposed Motion Regarding Mandatory Disclosures) in the above-captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/Original Signed By/

Thomas G. McLaughlin

Executed in Falls Church, VA
this 10th day of August, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 40-8838-MLA
U.S. ARMY)	
)	
(Jefferson Proving Ground Site))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the DISCLOSURE/HEARING FILE SUPPLEMENT 2 and ANTICIPATED TESTIMONY REFERENCES FOR NRC STAFF in the above captioned proceeding have been served on the following by electronic mail with copies deposited in the Nuclear Regulatory Commission's internal mail system as indicated by a single asterisk or by U.S. Mail, first class, as indicated by a double asterisk, and by e-mail, this 10th day of August 2007.

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/RA/

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