

1 A public hearing of the Jefferson Proving Ground
2 Restoration Advisory Board meeting was held at the Venture
3 Out Business Center, 975 Industrial Drive, Madison, IN at
4 7:00 P.M. on August 22, 2001.

5

6 **OPENING STATEMENTS BY MR. PAUL CLOUD:**

7 Okay. Good evening. I would like to
8 welcome everyone to the Restoration Advisory Board meeting
9 for Jefferson Proving Ground. If no one knows who I am I'm
10 Paul Cloud. I work for the United States Army. I'm the
11 Environmental Coordinator and the Base Transition
12 Coordinator for the Office of Secretary of Defense for the
13 Proving Ground. And I'm also the Army's co-chair for the
14 Restoration Advisory Board. I'd like to welcome everybody
15 here and encourage you to sign our attendance sheet and make
16 sure we have your address so we can be sure you're on our
17 mailing list so we can keep you informed of future meetings
18 and provide you with additional mailings and information as
19 it becomes available. Other than that I don't have any
20 other welcoming comments. I'll introduce Richard Hill, the
21 community co-chair. Richard do you have any opening
22 remarks?

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MR. RICHARD HILL:

Thanks Paul. I'd like to welcome everybody this evening and ah I think I - I would like to mention that if you ask questions or make comments during the meeting be sure and speak up so our Reporter can get the information on her tape. As you know she does a transcript, does a great job. Sometimes people are a little hard to hear and it would probably be good to go ahead and identify yourself too so she doesn't have to run around frantically after the meeting collecting people's names. Okay? One (1) reason that I mention that is, and I'll talk more about this later, but the - the NRC, the Nuclear Regulatory Commission does receive transcripts of the RAB meetings and the reason that they are doing that has to do with the depleted uranium area at JPG which is on the agenda that we're going to be talking about some more later on tonight. Ah I think that's really about it for right now. Okay?

MR. PAUL CLOUD:

1 and the contract was awarded for the contractor to perform
2 this work. It is a fixed price contract. Ah we expect that
3 the field work will commence in November of this year. We
4 still have to submit to the Department of Defense Explosive
5 Safety Board a Site Safety Submission which is this item
6 right here (indicating). We expect to submit this in
7 October and have it approved by mid-November and mid-
8 November we expect the contractor to be out in this three
9 hundred (300) acres to commence that field work for that UXO
10 Clearance Action. We're not expecting to find ah an
11 extensive amount of UXO in this area but it has - has been
12 identified as an area that has a potential for unexploded
13 ordnance and the Army did commit to clean that area up in
14 the cantonment parcel of the Proving Ground. This - this
15 particular slide, which you also have a copy of, basically
16 shows you a time line all the way through this process. And
17 ah I don't know if I can adjust this slide anymore so you
18 can see it any better (adjusting) but it goes all the way
19 through until about this time next year when we expect to
20 have the report finalized and accepted by the Army as far as
21 the actual field work, the Report and the Statement of
22 Clearance. Once that is done the Army will be looking at ah

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1 various options for the disposal and reuse of this parcel.
2 I think it's fairly common knowledge that there are two (2)
3 competing interests in that parcel right now. One (1) is
4 the County and the other is the Ford Lumber and Building
5 Supply Company. The Army has not made any decisions on that
6 issue. Subsequent to the UXO clearance there will be a
7 wetlands delineation determination by the Corps of Engineers
8 so that the Army will have a full picture of any potential
9 restrictive uses on this parcel regardless of who gets it.
10 And then once we have that information the Army will make an
11 evaluation and determination as to which party ah may be
12 favored with the first opportunity to have the property,
13 whether Mr. Ford purchases it from the government or it's
14 provided to the County as a Public Benefit Conveyance. Dr.
15 Henshel?

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17 **DR. DIANE HENSHEL:**

18 You're saying that you're going to do a
19 wetlands delineation back in there so is there - are records
20 that will show who gets that?

21

22 **MR. PAUL CLOUD:**

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1 It won't lead us to either party. What it
2 will provide us with is if there are wetlands there and the
3 extent of those wetlands it would be incorporated into any
4 Deed Transfer to either the County or Mr. Ford as to
5 restrictive uses on that parcel. So it makes no difference
6 who would get it. If there are wetlands there and those
7 wetlands require a reduced level of usage or development
8 then it would apply to any party regardless of who got it.

9

10 **DR. DIANE HENSHEL:**

11 So are you expecting that these wetlands
12 will be used to --

13

14 **MR. PAUL CLOUD:**

15 I believe we will go with what the Corps of
16 Engineers define as wetlands. They are the recognized
17 experts ah in our area for that issue. If there is a - an
18 outstanding issue or a concern in that area we would take
19 input on that if there seems to be a discrepancy. Did that
20 answer your question?

21

22 **DR. DIANE HENSHEL:**

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1 No. But I know where I can go to find some
2 information.

3

4 **MR. PAUL CLOUD:**

5 Sure. I can give you the Corps' point of
6 contact, Mr. Evens and his phone number if you have - if you
7 want to get more specific details as to what their criteria
8 is for wetlands delineation.

9

10 **DR. DIANE HENSHEL:**

11 Yeah. I'll call him.

12

13

14 **MR. PAUL CLOUD:**

15 No problem. Sir?

16

17 **MR. CHARLES FACEMIRE:**

18 You've got down there - well I don't see it.
19 Where is it? Oh vegetation removal. What - what are we
20 talking about there specifically?

21

22 **MR. PAUL CLOUD:**

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1 Small brush. There will be no removal of
2 trees. That was one (1) of the things that came up ah when
3 the contractor won the award. He wanted to be allowed to ah
4 cut down any trees below a certain size. And if you're
5 familiar with the area at all you know that it's basically a
6 hundred (100) percent forested. Ah quick and dirty answer
7 response from the Army was no.

8

9 **MR. CHARLES FACEMIRE:**

10 So they're removing the - the brush, the
11 under story, to facilitate their survey?

12

13 **MR. PAUL CLOUD:**

14 To facilitate their ah method and process by
15 which they will look for and search for unexploded ordnance
16 yes sir.

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18 **MR. CHARLES FACEMIRE:**

19 Okay.

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21 **DR. DIANE HENSHEL:**

22 Has that begun?

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MR. PAUL CLOUD:

No. It will not - it will not start. They - they are not allowed to start until the Department of Defense Explosive Safety Board approves the Site Safety Submission. We do not expect that to occur until mid-November. It has not been provided to them until this October. Then we will provide, once we have received that approval, the contractor will commence the actual clearance. And that's scheduled for mid-November.

DR. DIANE HENSHEL:

So how many of those that we see here are off the schedule?

MR. PAUL CLOUD:

I beg your pardon?

DR. DIANE HENSHEL:

It says beginning today and that's August 2001.

MR. PAUL CLOUD:

1 What - what they're doing now the Corps had
2 - last week they put in some test objects to have the
3 contractor come in to certify-verify that they were able to
4 find those and to accurately document them with differential
5 GPS's as to their exact location. That is a - basically a
6 training exercise to certify that the contractor can find
7 the things that have been put there as a test. They're all
8 inert but they are pieces of ordnance.

9

10 **MR. CHARLES FACEMIRE:**

11 So they're not actually starting vegetation
12 removal Wednesday?

13

14 **MR. PAUL CLOUD:**

15 No. No.

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17 **DR. DIANE HENSHEL:**

18 So how - how many other items out there are
19 obviously inert?

20 **MR. PAUL CLOUD:**

21 I beg your pardon?

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DR. DIANE HENSHEL:

How many others of these items are obviously planted?

MR. PAUL CLOUD:

Probably not too many. Ah most of these are on tract. They may have slipped by a few weeks but ah other than that there hasn't been that much of a change. Again they cannot actually start any physical ah detection or clearance actions until the Department of Defense Explosive Safety Board approves the Site Safety Submission. That has not even been submitted yet.

MR. CHARLES FACEMIRE:

So that - that's Wednesday the 22nd until Tuesday, October 23rd is not - none of that holds water?

DR. DIANE HENSHEL:

Well it looks like --

MR. PAUL CLOUD:

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Well see these --

DR. DIANE HENSHEL:

What has been - what is on time there?

MR. PAUL CLOUD:

The fact that the contract has been awarded, the work plans have been submitted, ah they are in the process of being reviewed and approved and that the test objects have been placed out in the three hundred (300) acre parcel and that the contractor, although I haven't seen them there this week, they are scheduled to be here this week to attempt to locate and document their ability to go do that.

DR. DIANE HENSHEL:

It looks like through fifteen (15), like one (1) through fifteen (15) are underway and sixteen (16) on?

MR. PAUL CLOUD:

Are out.

DR. DIANE HENSHEL:

1 Ground and the reason why is because this is a hundred (100)
2 percent forested area. If we did it like we had done in the
3 other areas, instead of the effort costing approximately
4 eight hundred thousand (\$800,000) dollars it would cost
5 probably eight (\$8,000,000) or nine million (\$9,000,000).
6 Because the first thing we would have to do is go in and
7 clear cut most of the trees. Because we did a hundred (100)
8 percent intensive gridding and surveying of everything. And
9 if the trees got in the way you know then we would have to
10 cut them down.

11

12 **DR. DIANE HENSHEL:**

13 Well - but I - I think I'm asking more about
14 the training of your contractors.

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16 **MR. PAUL CLOUD:**

17 Again it gets back to the --

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19 **DR. DIANE HENSHEL:**

20 Have they no experience with woodland
21 ordnance removal?

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MR. PAUL CLOUD:

This is - no they have - they have the experience but the process and the instrumentation, the differential GPS and the meandering path process that has been documented in the EE/CA is something that the Corps wants to get some additional information on and to certify because they're going to - they're looking at using this in other places. This has not been used that many other places. It's a little different. And because of that they're trying to go the extra step but it's a fixed price contract that is not impacting on the cost of the effort. But they're trying to get some additional documentation to back up ah this effort so that they can utilize it in future efforts at other facilities.

DR. DIANE HENSHEL:

So your Corps is well trained in this kind of habitat but they are not used to necessarily this method of movement?

MR. PAUL CLOUD:

I don't know that for a fact. I mean that's

1 - that's - I would - it would not be appropriate for me to
2 agree or disagree with that. The - all the contractors were
3 qualified as determined by the Huntsville Corps of Engineers
4 which is the center of expertise.

5

6 **DR. DIANE HENSHEL:**

7 I guess the qualifications that are - you
8 know it depends on the reviewer end?

9

10 **MR. PAUL CLOUD:**

11 Oh I understand that.

12

13 **DR. DIANE HENSHEL:**

14 And I guess if this is going to be used for
15 development by Ford or if this is going to be used as a
16 public park in the end or even just for hunting you know I
17 just want to know that there's great faith in the results.

18

19 **MR. PAUL CLOUD:**

20 I understand that. And before any of the
21 work will commence the Department of Defense Explosive
22 Safety Board will have to approve it. They are the ones who

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1 have that authority. If they are not comfortable with this
2 process they won't approve it and we won't do it. We will
3 do something else.

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5 **DR. DIANE HENSHEL:**

6 Okay.

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8 **MR. PAUL CLOUD:**

9 Did that answer your question?

10 **DR. DIANE HENSHEL:**

11 I - I guess. It just - with all this
12 testing it sort of felt like well maybe you were working
13 with naive contractors or naive under these conditions.

14

15 **MR. PAUL CLOUD:**

16 Well it's a new contractor at JPG. It
17 doesn't mean it's a new contractor period. There are a
18 whole number of UXO contractors throughout the country.
19 This just happened to be the one (1) that won this contract.
20 That's all. Richard did you have a question?

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22 **MR. RICHARD HILL:**

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No.

MR. CHARLES FACEMIRE:

But I do. The methods that you're going to use to remove the vegetation, ah whatever method is going to be used, wetlands delineation is going to come after the fact.

MR. PAUL CLOUD:

Un-huh (yes).

MR. CHARLES FACEMIRE:

Would the methods used be something that couldn't be used if it were delineated as a wetlands before the fact?

MR. PAUL CLOUD:

I doubt it because the methods that I'm familiar with were basically weed eater.

MR. CHARLES FACEMIRE:

Okay.

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DR. DIANE HENSHEL:

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Weed eater?

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MR. PAUL CLOUD:

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Yeah.

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DR. DIANE HENSHEL:

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As in the little hand one (1)?

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MR. PAUL CLOUD:

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Yeah hand job.

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MR. CHARLES FACEMIRE:

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so it's going to get it off the ground level

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or somewhere there?

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MR. PAUL CLOUD:

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Yeah.

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MR. CHARLES FACEMIRE:

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So it would re-vegetate?

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MR. PAUL CLOUD:

Yeah. That's all - that's all.

DR. DIANE HENSHEL:

And it's not pesticides?

MR. PAUL CLOUD:

We don't want them to go in and do massive excavation of the soil. I mean it if - if they're going to do that --

MR. CHARLES FACEMIRE:

No over size?

MR. PAUL CLOUD:

No, no over size or nothing. No. But we - we specifically told them nothing like that. They even talked about ah doing a controled burn in the area and we said no. Julie?

MS. JULIE BERRY:

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MS. JULIE BERRY:

So it's gone up the chain of command?

MR. PAUL CLOUD:

Yes ma'am.

MS. JULIE BERRY:

And for those people that are here tonight just so that I can tell them the County of Jefferson would be working in cooperation with the State of Indiana Department of Natural Resources in putting the acreage into classified forests. Ah it would be utilized to some extent under those circumstances and we would be working with the expertise of the DNR forester on that. So I just wanted for clarification to state what our intentions were.

MR. PAUL CLOUD:

Yeah.

MS. JULIE BERRY:

I think that is all that I had to say and I just want to listen to hear what else happens about it.

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MR. PAUL CLOUD:

Okay. Thank you. Are there any other questions or comments regarding ah this effort? Okay. The next topic I would like to talk about are property transfers. Ah I think it's been fairly well documented in a local paper this June ah the Army did in fact transfer this parcel (indicating) to the Ford Lumber and Building Supply Company. That was on the 7th. We had a - a meeting at the Proving Ground between the Army, the Corps of Engineers Real Estate office in Louisville and Mr. Ford. And he was provided the Deed Title Transfer documents and he provided us with the final payment. Ah that property is now under his title. And it was approximately twelve hundred and seven (1207) acres. And he does in fact own that parcel now. It's about one-third (1/3) of the property that he will ultimately own once we've completed all the clean up and the transfers. And just for your information if you look at this slide again it's somewhat cut off on the bottom but this parcel that he now owns is this area all the way down here to the southern boundary and then over here to where

1 Harber's Creek comes out and around the sewage treatment
2 plant and around here like this (indicating). We refer to
3 it as the Central Cantonment Area Parcel and that's so
4 indicated on your slide, cut off on the bottom of the
5 projector. The ah - the next area that we will be
6 transferring to Mr. Ford is referred to the DRMO or the
7 Defense Reutilization and Marketing Area. That FOST has
8 already been approved. The Army went through a process to
9 ah clean up some soil contamination in that area. We took
10 some additional samples. We did in fact receive concurrence
11 from the Indiana Department of Environmental Management and
12 the Environmental Protection Agency in Chicago on this
13 particular transfer. It's about five and a half (5½) acres.
14 And that Deed Title Transfer paper work draft is currently
15 at the Pentagon being reviewed for a final submittal to Mr.
16 Ford. I would expect that to occur within the next few
17 weeks. If Mr. Ford has no questions or problems with that
18 transfer would expect him to sign it shortly thereafter and
19 would go back to the Pentagon for the Secretariat to sign
20 and we would probably transfer it sometime in October or
21 November. And then he would then have another five and a
22 half (5½) acres to own. And this basically just goes

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1 through that entire process. The last bullet here ah that
2 is again somewhat cut off (indicating) just talks about the
3 fact that while we could have transferred that before the
4 twelve hundred (1200) acres, we wanted to encourage Mr. Ford
5 to take the twelve hundred (1200) acres so we ah held off
6 until after he took that. And this is the area we're
7 talking about (indicating) right here, this little parcel
8 right here. This parcel above it, the Woodfield - ah
9 PaperMill-Woodfield area parcel has already been transferred
10 and he sold this to the Indiana Department of
11 Transportation. It's my understanding that INDOT is
12 interested in that five and a half (5½) acres also but
13 that's purely between Mr. Ford and INDOT should they decide
14 to have a deal after we've transferred it. But this parcel
15 that we will transferring here shortly, the DRMO parcel, can
16 only be used as commercial/industrial. It is not being
17 transferred as residential. And that restriction will run
18 with the land in perpetuity. Ah if the reuse is desired to
19 be enhanced then it will be the current landowner who will
20 have to deal with ah that issue and satisfy the State and
21 the EPA regarding ah possibly a residential reuse.

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DR. DIANE HENSHEL:

How much money is he paying for all this?

MR. PAUL CLOUD:

I have no idea. I know what he has to pay us approximately. If you take thirty-four (3400) to thirty-six (3600) hundred acres and divide it into the five point one million dollars (\$5,100,000) it's about fifteen hundred dollars (\$1500) an acre to the Army. That was the winning bid. What he gets when he resells it I have no idea. It's really none of the Army's business. You know all we know is that you know he sold that thirty-six (36) acres to the State and he may sell this five and a half (5½) acres to the State. Ah he's got twelve hundred (1200) other acres. He may or may not sell that. I have no idea what he would get for it. Whatever the market will bear I guess. The next parcel that we will be dealing with is the airfield area. It's about seven hundred and sixty (760) acres, has twenty-one (21) buildings. We originally proposed the reuse as commercial/industrial. We had a FOST that went out for

1 public review. We had comments on it. Ah we also had a
2 request to change the reuse from commercial/industrial to
3 residential. And I think there may be some confusion when
4 we talk about that. Because I think there is a - a
5 perception problem there as to what that really means. If a
6 parcel is suitable for residential reuse from an
7 environmental prospective what that means is that it can be
8 used for anything. That is the highest standard of clean up
9 that you can use. You could use - if you can use it for
10 residential you can use it for anything, commercial,
11 industrial, agricultural, recreational, anything. If you
12 have it as a commercial/industrial only that's more
13 restrictive. The levels of contamination may be somewhat
14 higher than they would be if it was going to be used for
15 residential. So I think there may be a misunderstanding out
16 in the public in certain sectors because ah - we have
17 discussed this before and we have gotten some feedback that
18 ah if this parcel is transferred as residential then it
19 won't be able to be used as commercial/industrial. Well
20 that's not accurate. It can be used for anything. And it's
21 actually a more unrestricted use than restrictive so it
22 would actually be better for reuse. But what Mr. Ford and

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1 his company decide to do with it ultimately he would have to
2 get the zoning approval of the County Commissioners because
3 they have the zoning authority. But at least from an
4 environmental prospective it would be useable for anything.

5 What we actually ended up doing was doing some additional
6 analysis and some additional soil removal. I expect that in
7 September of this year we will put the revised FOST out for
8 a thirty (30) day comment again. And the reason why we're
9 going through a whole thirty (30) day review on this parcel
10 again is because it is changing from commercial/industrial
11 to ah residential as an environmental standard. So we will
12 do that in September. The RAB members will all get copies.

13 We will have copies up on the Jefferson Proving Ground
14 website. We will have copies at the Proving Ground if
15 people want to do that. We will have copies in the Admin
16 Record at Hanover College. So if anybody is interested in
17 having a copy let us know and when it comes out we will make
18 sure that you get sent one (1). This - this (indicating)
19 shows you that parcel. Again the bottom of it is cut off
20 but the bottom basically comes to ah Engineer's Road down at
21 the bottom which is kind of the boundary of the - partial
22 boundary of his twelve hundred (1200) acres. But this is

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1 Tokyo Road here (indicating). Over here is this three
2 hundred (300) acres that the County and Mr. Ford have
3 expressed an interest in, comes up here and goes around.
4 And it's approximately seven hundred and sixty (760) acres.
5 Any questions on FOST or property transfers?

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7 **MR. RICHARD HILL:**

8 Yeah. Okay. Ah did you have a question
9 Diane?

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12 **DR. DIANE HENSHEL:**

13 No.

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15 **MR. RICHARD HILL:**

16 No? Not yet.

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18 **DR. DIANE HENSHEL:**

19 I think I'm going to wait until the FOST
20 comments. What do you think?

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22 **MR. RICHARD HILL:**

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1 right now. What is the status of the zoning for that area?
2 Do you know?

3

4 **MS. JULIE BERRY:**

5 That's unclear to me as well Mr. Hill.

6

7 **MR. RICHARD HILL:**

8 Okay.

9

10 **MS. JULIE BERRY:**

11 I just said that's unclear to me too Mr.
12 Hill.

13

14 **MR. PAUL CLOUD:**

15 Let me see if I can at least shed a little
16 light on this. The property is still federal property right
17 now in the airfield.

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19 **MR. RICHARD HILL:**

20 Yeah that's right. Okay.

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22 **MR. PAUL CLOUD:**

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1 Any - any federal property is not subject to
2 local zoning.

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4 **MR. RICHARD HILL:**

5 Okay.

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7 **MR. PAUL CLOUD:**

8 The only property on the Proving Ground that
9 is subject to zoning right now are the twelve hundred (1200)
10 acres that Mr. Ford currently owns.

11

12 **MR. RICHARD HILL:**

13 I see.

14

15 **MR. PAUL CLOUD:**

16 Once that property is transferred, i.e. the
17 twelve hundred (1200) or the airfield, he will have to go to
18 the County with a proposal and the County as I understand
19 it, and Julie you can correct me if I'm wrong, they have the
20 authority to approve or disapprove or designate whatever
21 that zoning may be.

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MS. JULIE BERRY:

That's my understanding also.

MR. PAUL CLOUD:

But until and unless it becomes private property, as federal property it's not subject to local zoning.

MS. JULIE BERRY:

That's my understanding also.

MR. RICHARD HILL:

Essentially I'm interested in the airfield area.

MR. PAUL CLOUD:

Un-huh (yes).

MR. RICHARD HILL:

That's what we were just talking about the possible residences there. And I - yeah I do understand now

1 that it is still federally owned.

2

3 **DR. DIANE HENSHEL:**

4 So this is still - but the central area he
5 just took possession of right?

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7 **MR. PAUL CLOUD:**

8 Yes. That twelve hundred (1200) acres Ford
9 Lumber and Building Supply Company now owns.

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11 **DR. DIANE HENSHEL:**

12 But it's not zoned anything at this point?

13

14 **MS. JULIE BERRY:**

15 It's my understanding that preliminary
16 zoning has been attempted and I think there's an overlay
17 down at the County Court House that you can take a look at
18 for that. But I - I'm sorry.

19

20 **DR. DIANE HENSHEL:**

21 Has it been approved at this time?

22 **MS. JULIE BERRY:**

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1 I don't believe it's been formally approved
2 yet.

3

4 **MR. RICHARD HILL:**

5 Yeah. That was another place that I was
6 confused because I remember when it was brought up about
7 zoning in that area. And there was you know a little bit of
8 controversy there and I didn't think it was ever finalized.

9

10 **MS. JULIE BERRY:**

11 To my knowledge it has not been formally
12 approved. But I do believe that there's a piece of paper
13 that has some overlays on it for that particular area that
14 would be available down at the Court House for viewing.

15

16 **MR. RICHARD HILL:**

17 Thank you. Where at?

18

19 **MS. JULIE BERRY:**

20 Probably the plat room.

21

22 **MR. STEVE KREUZBURG:**

23

24

1 What prompted the Army to change the zoning
2 or to accept - request a change of zoning?

3

4 **MR. PAUL CLOUD:**

5 Regarding the airfield?

6

7 **MR. STEVE KREUZBURG:**

8 Yes.

9

10 **MR. KEVIN HERRON:**

11 Paul it's not zoning. It's reuse.

12

13 **MR. PAUL CLOUD:**

14 Yeah it's - and thank you Kevin. That's an
15 accurate statement. It's not zoning. It's reuse.

16

17 **MR. STEVE KREUZBURG:**

18 Reuse.

19

20 **MR. PAUL CLOUD:**

21

22 Again as long as it's federal property

23

24

1 zoning does not - is not applicable. The reason why the
2 Army agreed with the request to change the reuse and to do
3 additional analysis and - and in a couple of cases some
4 additional soil removal and clean up to allow potential
5 resident - to meet the residential reuse standard, i.e. the
6 highest standard for basically any type of reuse was a
7 combination of things. One (1) it wasn't a significant
8 amount of additional money to go do that. Two (2) it was
9 beneficial to the Army because if you put additional deed
10 restrictions on a piece of property other than residential
11 reuse then there has to be a mechanism by which those
12 restrictions are documented and inspected and reported and
13 verified and enforced. Now that process is - can be
14 cumbersome. Can be an administrative burden on anybody
15 whether that burden is shifted to the County or it stays
16 with the Army and the Department of Defense, or whoever.
17 And that burden would stay there basically forever until or
18 unless a future landowner wanted to enhance the reuse of the
19 property and do an additional clean up or analysis like we
20 did and then go to the EPA and the State and get their
21 concurrence and then the Army would have come back in and
22 removed that deed restriction. So we looked at those types

23

24

1 of things and we looked at the long run and we found it
2 would be better from the Army's prospective to spend a
3 little more time and a little more money now and then have
4 the property transferred as an unrestricted reuse
5 essentially and reduce to the absolute minimum any deed
6 restrictions on that parcel so we would minimize any of this
7 future burden. That was - that was the thought process.
8 Does that answer your question sir?

9

10 **MR. STEVE KREUZBURG:**

11 Yes sir. Thank you.

12

13 **MR. PAUL CLOUD:**

14 Diane?

15

16 **DR. DIANE HENSEL:**

17 Whose level of standards are you working
18 from, State or Federal? And which Federal if it's federal?
19 Or if it's State, which state?

20

21 **MR. PAUL CLOUD:**

22 It's Indiana. We're in Indiana right?

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DR. DIANE HENSHEL:

Yes. You're working for the State standards?

MR. PAUL CLOUD:

Well it's a combination of Indiana and EPA's Region Five (5).

MR. KEVIN HERRON:

And Risk Assessment also.

MR. PAUL CLOUD:

And Risk Assessment also.

DR. DIANE HENSHEL:

Yeah. How is it a combination of - I just want it to be clarified for me.

MR. PAUL CLOUD:

Well I think it would probably be better as far as the technical specifics to look at the FOST and if you have any specific questions ah we can provide that in

1 separate reports from the Corps of Engineers because I don't
2 have that off the top of my head, you know the actual metal
3 levels and things like that. I do know and do recall that
4 when we put the FOST out originally ah as a commercial/
5
6
7
8 industrial reuse the State basically agreed with that.
9 Their only concern was because there were a couple of ah
10 levels for metals in a couple of areas they suggested that
11 it would be inappropriate to use this as a residential
12 parcel. And that was before we had gone in and done some
13 additional work and then some further analysis. We believe,
14 the Army believes, that the parcel is now suitable for
15 residential. Whether or not that is finally approved and/or
16 concurred to by the State and the EPA is yet to be seen.
17 Any other questions or comments? Well I think I will come
18 to the point in the agenda where I think most of the people
19 are interested in, the status, the schedule and points of
20 contact for the License Termination for the depleted uranium
21 at JPG. As I think most people know now the Army did in
22 fact submit to the Nuclear Regulatory Commission on the 27th

23
24

1 of July a Revised License Termination and Institutional
2 Control Plan for the License Termination of the Depleted
3 Uranium License at JPG. Ah let me say a couple of things
4 about that. This is not an option for the Army. It's not
5 an option for any licensee. Any licensee with the Nuclear
6 Regulatory Commission is required if they cease the activity
7 for which they were granted the license in the first place
8 is required to submit a License Termination Plan to the NRC.

9 Now when you do that as a licensee, which in this case the
10 Army is, there are various options as to how you would
11 propose to have that license terminated. After we submitted
12 the Plan in the end of June we made a mailing to the entire
13 JPG mailing list. That's about two hundred (200) people
14 including the State, Indiana Department of Environmental
15 Management, the EPA, the County Commissioners, Mayor,
16 Congressional offices, Save The Valley. Everybody got
17 copies of this. And I have another fifty (50) copies here
18 if anyone would like to have another copy. The Plan is also
19 posted. Ah this is the site that you can access on the
20 current JPG website (indicating). We are in the process of
21 making a major revision to the JPG website. It will
22 probably be up sometime next month. And the area on

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1 depleted uranium and radiological fundamentals and generic
2 information on this issue will be greatly expanded. I hope
3 that we can get that up as soon as possible. It's currently
4 undergoing internal Army review right now. But I think it
5 will be a great benefit to the community and to anyone with
6 an interest in this subject because it provides significant
7 amount of basic ah information on radiological issues and
8 depleted uranium. Now the next thing that will happen, and
9 I think some people are interested in this, is as I said we
10 submitted the Revised Plans to the NRC the end of June this
11 year. The are currently conducting what's called an
12 Acceptance Review of the Plan. This is basically an
13 Administrative Acceptance as it's been explained to me by
14 the NRC. And how that basically works is that they go
15 through and they say part one (1) of your Plan should have
16 this information. And as an example we will say that
17 information should be the location of the facility. Well
18 they'll go to part one (1). Does part one (1) say where the
19 facility is located? If that's in there then they put a
20 check in that box. They go on to part two (2). Does part
21 two (2) have the required information? That information may
22 be ah the history of the usage of the material that they

23

24

1 were licensed. If that is there then they put a check in
2 that box. And they go down all those checks and all those
3 boxes. If they get checks in all those boxes then the - the
4 Administrative Review, the Acceptance that at least it meets
5 the intent of what is supposed to be there is done. Then
6 they will get into a Technical Review which is down here
7 (indicating). However if for some reason they don't find
8 it, they don't understand what is there or for some reason
9 there is information in a part or not in a part that they
10 are expecting to see, then the NRC will come back to the
11 Army with questions and that will stop that review process.

12 We will have to respond. And until and less that is
13 resolved the process goes no further. But ultimately we'll
14 resolve those issues if there are any questions and they
15 will then get into their Technical Review. (Indicating) You
16 can see here Technical Review is greater than two (2)
17 months. Now I don't know if that's two (2) months and one
18 (1) day or a year. That's - that's up to the NRC. I don't
19 know how long it will take. But one (1) of the things that
20 they did indicate and you can see it under here under the
21 NRC public meetings, but the last line is cut off but it's
22 on your slide is that during their Technical Review they

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1 will have a series of public meetings under their process.
2 We are re - they are required to do this. Not only is there
3 Technical Review but you will see the last line is they will
4 have public meetings under their NEPA process, their
5 Environmental Impact Statement Process. But the number of
6 meetings and the times and the dates and the places will be
7 determined by the NRC. Now we will probably be in
8 attendance just like a number of the people here will be.
9 But it's their meeting, their process. We will provide
10 information as they request it. Diane?

11

12 **DR. DIANE HENSHEL:**

13 Are they required to hold the meetings here?

14

15 **MR. PAUL CLOUD:**

16 I don't know the specifics. It would
17 probably be inappropriate for me to say yes or no. That is
18 their determination. I would assume that because the
19 Depleted Uranium Impact Area is in Jefferson County it seems
20 logical that they would hold at least one (1) meeting in
21 Madison. But that will - that will be their decision. As
22 we get into the slides a little bit further on this issue ah

23

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1 I'll give you a point of contact that Richard talked to this
2 morning on a specific issue. And it's Dr. Tom Mclaughlin.
3 He's the NRC's point of contact for the JPG License
4 Termination. Now the next thing that the Army will be doing
5 is under the NRC regulations if the NRC requested, there is
6 a mechanism by which they can ask the licensee, in this case
7 the Army, for what's called an Environmental Report. The
8 Army is in the process of creating that document and right
9 now we're scheduled to provide it to them by the end of
10 October of this year. The intent of this Environmental
11 Report is to assist the NRC in their Environmental Impact
12 Statement Analysis that they are required to do under NEPA
13 before this action can go to fruition and be completed. Ah
14 once the Report is submitted to the NRC at the end of
15 October it will be posted on the JPG website and we will
16 mail it out to the entire mailing list also. Currently it's
17 estimated that it's about sixty-five (65) or seventy (70)
18 pages. We're supposed to get the first draft next week for
19 internal Army review.

20

21 **MR. CHARLES FACEMIRE:**

22 Am I correct in assuming that the

23

24

1 Environmental Report will only address the radiological
2 issues?

3

4 **MR. PAUL CLOUD:**

5 As far as I know it will but it also
6 addresses ah - one (1) of the - one (1) of the fundamental
7 things it does is it takes the last Environmental Impact
8 Statement the Army did back in '95 and it updates a lot of
9 that socio/economic and other information that is now six
10 (6), seven (7) years dated. And it will update that. But
11 it also narrows down the focus to the DU area. And as far
12 as I know it will focus on the radiological issues because
13 that is what the NRC regulates.

14

15 **MR. CHARLES FACEMIRE:**

16 I understand that. But - but am I correct
17 in - in the last meeting we discussed this a little bit.
18 Their EIS though has to address not only the radiological
19 issues but toxicological issues is that correct?

20

21 **MR. PAUL CLOUD:**

22 I would assume that they would. Again that

23

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1 will be the NRC's responsibility. If I were a member of the
2 public I would take that opportunity at a public meeting to
3 raise those issues because they will have to consider those.

4 **DR. DIANE HENSHEL:**

5 Out of curiosity in a situation in the past
6 where there's been an Environmental Report?

7

8 **MR. PAUL CLOUD:**

9 Un-huh (yes).

10

11 **DR. DIANE HENSHEL:**

12 And then the NRC produces an EIS how often
13 do they go outside the bounds of what's in the Environmental
14 Report?

15

16 **MR. PAUL CLOUD:**

17 I have no idea.

18

19 **DR. DIANE HENSHEL:**

20 You've never seen any situations like this
21 before?

22

23

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1 **MR. PAUL CLOUD:**

2 I have no personal knowledge of anything
3 like that.

4

5

6 **MR. KEVIN HERRON:**

7 Paul is this a first step?

8

9 **MR. PAUL CLOUD:**

10 This - see this - one (1) of the things that
11 I don't think is - is commonly understood is that a
12 restricted reuse termination of a license for the NRC has
13 never been done before. This will be a first. I think
14 there are some that are close to where we are and - and
15 there are other licensees. I don't know if they're
16 Department of Defense or they're civilian or - or private or
17 whatever. But one (1) has never gone all the way to the
18 final determination. So JPG is out there you know kind of
19 leading the pack again on this particular issue. So as
20 we're going through this process not only are we learning
21 but the NRC is - is developing their things.

22

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1 **DR. DIANE HENSHEL:**

2 So this is a model?

3

4 **MR. PAUL CLOUD:**

5 Potentially yes. But again if you want more
6 specific information I would suggest you talk to Dr.
7 Mclaughlin because that's my understanding. But I don't
8 want to imply something or indicate something that would be
9 contrary to how the NRC would respond to that.

10

11 **DR. DIANE HENSHEL:**

12 So how many other Environmental Reports have
13 been given to the NRC?

14

15 **MR. PAUL CLOUD:**

16 There have only been - for JPG?

17

18 **DR. DIANE HENSHEL:**

19 No.

20

21 **MR. PAUL CLOUD:**

22 Oh I have no idea. You would have to ask

23

24

1 Dr. Mclaughlin. I mean the only ones I know about are the
2 ones that the Army and JPG gave them. And that's it. I
3 have no idea how many others.

4

5 **DR. DIANE HENSHEL:**

6 How many have you given them so far, JPG?

7

8 **MR. PAUL CLOUD:**

9 There have been two (2). There was one (1)
10 in '95.

11

12 **DR. DIANE HENSHEL:**

13 Those are Risk Assessments essentially?

14

15 **MR. PAUL CLOUD:**

16 No.

17

18 **DR. DIANE HENSHEL:**

19 No?

20

21 **MR. PAUL CLOUD:**

22 There was - the one (1) in '95 was for

23

24

1 disposal and reuse. See under the BRAC law one (1) - one
2 (1) of the things that I don't think is also commonly
3 understood, under the BRAC law the NEPA process was not
4 applicable for closure. The only part - the only thing that
5 was applicable was for disposal and reuse. So there was an
6 EIS done for disposal and reuse of the facility and that was
7 done in 1995.

8

9 **MR. RICHARD HILL:**

10 That's for the whole?

11

12 **MR. PAUL CLOUD:**

13 That was for the whole facility. All fifty-
14 five thousand (55,000) plus acres. And it did talk about
15 depleted uranium and the Impact Area but it did not --

16

17 **DR. DIANE HENSHEL:**

18 It was really minimal.

19

20 **MR. PAUL CLOUD:**

21 It didn't go into a lot of specific detail
22 because it wasn't designed for that. It wasn't intended for

23

24

1 that.

2

3 **DR. DIANE HENSHEL:**

4 Yeah. It was - it was sort of a it's here
5 and it - there was nothing in it.

6

7 **MR. PAUL CLOUD:**

8 You have to understand what the document was
9 designed for. The Environmental Report is designed to focus
10 on two (2) things: one (1) to update that EIS on a lot of
11 socio/economic issues which is necessary for an EIS anyway.
12 But it will focus specifically on the DU area and the DU
13 subject.

14 **DR. DIANE HENSHEL:**

15 Okay. Come on Paul.

16

17 **MR. PAUL CLOUD:**

18 Julie do you have a question?

19

20 **MS. JULIE BERRY:**

21 Mr. Cloud I do and I would like to preface
22 my remarks by thanking you for sending out the voluminous

23

24

1 information that you do send out. Nobody can say that - I
2 think that they - they don't receive information. It's so
3 much that it boggles the mind a lot of the times. But ah I
4 do want - I know you can't answer questions for the NRC but
5 you are our point of contact for the Army regarding JPG and
6 what happens out there. And I - I would like to ask you,
7 the Army does realize that this action of terminating the
8 license ah for testing at JPG regarding the depleted uranium
9 is against the wishes of the local community? They do
10 realize that don't they?

11

12 **MR. PAUL CLOUD:**

13 We realize that there are concerns about how
14 the license is being proposed to be terminated. What I -
15 what I need to reemphasize is that any licensee is required
16 to submit a License Termination Plan when they cease
17 performing the function that they were given the license
18 for.

19

20 **MS. JULIE BERRY:**

21 Right.

22

23

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1 **MR. PAUL CLOUD:**

2 Now we were given - the Army was given a
3 license to test depleted uranium penetrators. Now when the
4 Proving Ground closed that function went away. It is
5 statutorily required for a licensee to submit a Termination
6 Plan. Where I think the - the concern arises is in how the
7 license is going to be terminated. There are options
8 available to a licensee.

9

10 **MS. JULIE BERRY:**

11 Or indeed if the license is to be terminated
12 right?

13

14 **MR. PAUL CLOUD:**

15 I beg your pardon?

16

17

18 **MS. JULIE BERRY:**

19 If the license is to be terminated the NRC
20 will decide that?

21

22 **MR. PAUL CLOUD:**

23

24

1 The NRC will make that decision. They are
2 the regulator of record.

3

4 **MS. JULIE BERRY:**

5 Okay.

6

7 **MR. PAUL CLOUD:**

8 And ultimately two (2), three (3), four (4)
9 years from now after they have gone through their review of
10 our Plan, they have gone through their Environmental Impact
11 Analysis, they will make that determination.

12

13 **MS. JULIE BERRY:**

14 Okay.

15

16 **MR. PAUL CLOUD:**

17 And then they will be - whatever number of
18 meetings they hold under their process for that to allow
19 public involvement and participation to voice concerns to
20 influence that decision.

21

22 **MS. JULIE BERRY:**

23

24

1 I would like to follow up one (1) of the
2 other comments or questions earlier about this. I would
3 hope, and you may not have anything to do with this, but I
4 would hope that any public hearings that the NRC have would
5 be held in the area of the affected situation so that local
6 people can have the opportunity to comment on a situation
7 that could affect their lives directly. And ah I just
8 wanted to make sure that ah I think you've heard from every
9 applicable group in Jefferson County, elected officials and
10 not-for-profit groups, etc., that ah we don't like this
11 situation. And I just want to make sure that you take that
12 back and again I would like to thank you for the information
13 that you've continued to provide. But I want - and I think
14 we can disagree without being disagreeable but I want you to
15 take back the clear message that - that this is something
16 that we're very apprehensive about.

17

18 **MR. PAUL CLOUD:**

19 Un-huh (yes).

20

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22 **MS. JULIE BERRY:**

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MR. KEN BRANSTETTER:

In a nutshell the Army is granted the license to test this stuff?

MR. PAUL CLOUD:

Yes sir.

MR. KEN BRANSTETTER:

Now the Army is no longer testing? The Army wants to walk away from it? The Army wants to say they do the testing. We've done this testing and there's nothing wrong. So we want to get - get rid of this license.

MR. PAUL CLOUD:

That's not an accurate ah --

MR. KEN BRANSTETTER:

In a nut shell?

MR. PAUL CLOUD:

1 Ah description. No I would - I would have
2 to disagree with that. As I stated before it doesn't matter
3 if it was the Army or it was a private company that did this
4 activity. The licensee, in this case the Army, once they
5 stop doing that testing or whatever function they were
6 granted the license for, they are required by law to submit
7 a Termination License regardless of who you are period.
8 What is the option of the licensee is how they propose to
9 terminate that license. As we understand it, and I may say
10 the wrong term, but basically there are a couple of options.
11 One (1) is ah unrestricted termination and/or restricted
12 termination. An unrestricted would mean that you clean up
13 all the materials down to a level of radiological exposure
14 where anybody can go there for any amount of time, forever,
15 and they won't exceed any radiological exposure criteria as
16 established by the NRC. A restricted termination would mean
17 that you may not clean up all or any of the material, but
18 you have other mechanisms in place and you have made a
19 determination based on a Risk Assessment as to the potential
20 exposure of people who might get access to this area that
21 they will not exceed another standard as established by the
22 NRC. With those access controls in place and those ah

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1 radiation exposure levels not exceeded, there is a mechanism
2 under the regulations for the license to be termination in
3 that manner. But that is an NRC decision. We in the Army
4 believe based on our analysis of not only the potential
5 exposure and the potential for risk from a radiological
6 prospective that it is the best way to go because we don't
7 believe there is a significant radiological exposure hazard.
8 We believe the real issue out there is the unexploded
9 ordnance and that is an extreme personal safety hazard. If
10 we were to go in and clean up this area for depleted
11 uranium, it is right in the center of one (1) of the highest
12 concentrations of unexploded ordnance in the Proving Ground.
13 It would be an extreme personal safety issue. It would
14 devastate the ecology because that area is very heavily
15 forested and the only way we could do it would be to clear
16 cut and strip mine that area, a two thousand (2,000) acre
17 area would be totally devastated ecologically and it would
18 be extremely expensive. But those are the three (3)
19 reasons. And the primary one (1) is personal safety.
20 Diane?

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DR. DIANE HENSHEL:

1 Explain to me how you can go in and clear
2 UXO from the western parcel without clear cutting and you
3 can't go into the DU area and do the exact same thing?
4 Something doesn't quite sound right.

5

6 **MR. PAUL CLOUD:**

7 Well actually I'm very glad that you asked
8 that question because there's a significant difference
9 between the three hundred (300) acres which we have
10 identified as having a potential for UXO and the DU area
11 which is right in the center of the Impact Range. We think
12 that there may be a - a minor but a potential for UXO in
13 this three hundred (300) acres. And if there is anything
14 there it will probably be right along the road and it may be
15 a total of fifty (50), twenty (20), maybe thirty (30) items.
16 You get into the DU area you're talking of hundreds of
17 thousands of items.

18

19 **DR. DIANE HENSHEL:**

20 So? I mean they're - you're using the same
21 technique. I don't understand.

22

23

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1 **MR. PAUL CLOUD:**

2 No actually we're not. Because to clear the
3 DU area for - for DU would require us to also clear it of
4 UXO.

5

6 **DR. DIANE HENSHEL:**

7 Right. Right. So why can't you clear it of
8 UXO? That's what I don't understand.

9

10

11 **MR. PAUL CLOUD:**

12 Theoretically we could. But we don't
13 believe based on the radiological exposure criteria that is
14 established by the NRC that we would exceed under our
15 Restricted Reuse Termination a radiological exposure
16 criteria.

17

18 **DR. DIANE HENSHEL:**

19 You're going in a circle Paul. I don't
20 quite understand. The fact is that you could - you're
21 saying you can't clear the DU because there's UXO there and
22 you can't clear the UXO --

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MR. PAUL CLOUD:

No. We're not saying we can't.

DR. DIANE HENSHEL:

Yeah.

MR. PAUL CLOUD:

We're saying that if we did?

DR. DIANE HENSHEL:

Yeah?

MR. PAUL CLOUD:

It would present an extreme personal safety concern.

DR. DIANE HENSHEL:

Why would it present a more personal safety concern than the western parcel?

MR. PAUL CLOUD:

Because it's not a formal impact area and

1 the types and the things that may be there are minimal,
2 absolutely minimal.

3

4 **DR. DIANE HENSHEL:**

5 And there's no wooded areas in the Ukraine
6 or in - in Europe right now with land mines?

7

8 **MR. PAUL CLOUD:**

9 I'm not familiar with that. I can't even
10 begin to comment on that.

11

12 **MR. ROBERT HUDSON:**

13 Paul?

14

15 **MR. PAUL CLOUD:**

16 Bob?

17

18 **MR. ROBERT HUDSON:**

19 Besides being minimal it's almost a hundred
20 (100) percent (inaudible) in that parcel.

21

22 **DR. DIANE HENSHEL:**

23

24

1 In the DU?

2

3 **MR. PAUL CLOUD:**

4 No. In the three hundred (300) acres.
5 Diane you've been in the DU area. You've seen the UXO right
6 along side the road.

7

8 **DR. DIANE HENSHEL:**

9 No I wasn't in the DU area.

10

11 **MR. PAUL CLOUD:**

12 You haven't been there? I thought I took
13 you up there.

14

15 **DR. DIANE HENSHEL:**

16 No.

17 **MR. PAUL CLOUD:**

18 When I come back in September we'll take you
19 up there.

20

21 **DR. DIANE HENSHEL:**

22 Okay.

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MR. PAUL CLOUD:

We'll take you up there and I'll show you some.

DR. DIANE HENSHEL:

I mean you don't drive through the - when you're going through wooded areas. You walk through wooded areas.

MR. ROBERT HUDSON:

There's roads in there.

MR. PAUL CLOUD:

Not in the three hundred (300) acres. Not until - there is no access allowed in the three hundred (300) acre parcel until after we have cleared it.

DR. DIANE HENSHEL:

How do you do that? You go in and clear it with metal detectors?

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MR. PAUL CLOUD:

But we go in with qualified people who are trained to address the issue.

DR. DIANE HENSHEL:

If you have qualified people in the DU area why can't they do it? I don't get it.

MR. PAUL CLOUD:

I'm not saying they can't. The Army is not saying they can't. We believe based on the level of radiological exposure from the DU?

DR. DIANE HENSHEL:

Yeah.

MR. PAUL CLOUD:

That that does not warrant taking the extreme personal safety risk presented by the UXO to go clean it up. Because the DU does not exceed an exposure criteria as - as defined by the NRC then why should we put people at immediate risk for personal safety from the UXO to

1 address a problem that is not required to by the regulator?
2 That is what we believe.

3

4 **DR. DIANE HENSHEL:**

5 But you could have closed off the western
6 parcel and just said we're not signing it off and yet you go
7 in and you're clearing there.

8

9 **MR. PAUL CLOUD:**

10 That was a policy decision.

11

12 **DR. DIANE HENSHEL:**

13 Well why can't there be a policy decision
14 here?

15

16 **MR. PAUL CLOUD:**

17 There has been. There has been. That was
18 easy. Next question.

19

20 **DR. DIANE HENSHEL:**

21 No Paul. Sorry. You're talking in circles.
22 You're using the same rationale to clear in one (1) place,

23

24

1 to stop the clearing in another place.

2

3 **MR. ROBERT HUDSON:**

4 There's no comparison.

5

6 **DR. DIANE HENSHEL:**

7 We can do it in one (1) place but we can't
8 do it in the other?

9

10 **MR. PAUL CLOUD:**

11 No. There's absolutely no comparison. You
12 have - in the three hundred (300) acres that - that area is
13 - is a buffer area. There was never any planned, scheduled
14 activity of any kind there. If we find any UXO there it
15 will be because of over the forty (40), fifty (50), sixty
16 (60) years that the Proving Ground was in existence somebody
17 might have tossed a stray item out. When you talk about the
18 DU area that's right in the center of the Impact Area. We
19 intentionally fired hundreds of thousands of millions of
20 rounds right there.

21

22 **DR. DIANE HENSHEL:**

23

24

1 But what you're trying to tell me is that
2 the Army or Army consultants are not capable of clearing any
3 of the Impact Area?
4

5 **MR. PAUL CLOUD:**

6 No.
7

8 **DR. DIANE HENSHEL:**

9 And they never tried to clear an Impact Area
10 here?
11

12 **MR. PAUL CLOUD:**

13 No I'm not saying that at all. I'm not
14 saying that at all. I'm not saying that at all.
15

16 **DR. DIANE HENSHEL:**

17 Well then I don't get it. It's been clearly
18 - I've got it elsewhere that they can't do it.
19

20 **MR. PAUL CLOUD:**

21 No. Let - let me try and clarify it one (1)
22 more time.
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DR. DIANE HENSHEL:

Okay. Go ahead then.

MR. PAUL CLOUD:

Specific to the DU area at JPG.

DR. DIANE HENSHEL:

Yes.

MR. PAUL CLOUD:

Specific to that area we in the Army believe that based on the level of potential radiological exposure from the DU that since it satisfies that exposure criteria as defined by the Nuclear Regulatory Commission it does not warrant us placing EOD, Explosive Ordnance Disposal personnel in extreme personal safety situations because of the UXO to go clean up the DU when we already satisfied an exposure criteria that would not justify that extreme personal safety exposure from the UXO.

DR. DIANE HENSHEL:

1 So what you're saying then is it's a policy
2 decision?

3

4 **MR. PAUL CLOUD:**

5 No.

6

7 **DR. DIANE HENSHEL:**

8 Not that you can't do it?

9

10 **MR. PAUL CLOUD:**

11 No. It's only --

12

13 **DR. DIANE HENSHEL:**

14 But that you don't want to?

15

16 **MR. PAUL CLOUD:**

17 No. It's only partially a policy. It's
18 based on our evaluation of the potential radiological
19 exposure from the DU. And we believe it satisfies the NRC's
20 exposure criteria. If we satisfy that exposure criteria for
21 a License Termination it is not realistic or common sense to
22 expose people to an immediate safety hazard from the UXO.

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DR. DIANE HENSHEL:

But you could do it?

MR. PAUL CLOUD:

It is theoretically possible. We're not saying we couldn't. We don't believe it is necessary or required or a prudent thing to go do?

DR. DIANE HENSHEL:

Okay. But you could do it? It's not like you couldn't do it?

MR. PAUL CLOUD:

I didn't say we couldn't do it. Yes sir?

MR. GEORGE SCOTT:

Paul you said this doesn't meet the criteria.

MR. PAUL CLOUD:

I beg your pardon?

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MR. GEORGE SCOTT:

It doesn't meet the criteria for the exposures? Who did the testing on the exposure levels and everything in here?

MR. PAUL CLOUD:

What do you mean who did the testing on this?

MR. GEORGE SCOTT:

Did the Army do all the testing or did they have any independent people come in to do any testing?

MR. PAUL CLOUD:

Richard did you want to say something?

MR. RICHARD HILL:

Well I - I think what he's asking is - now I lost it. I had it another way, a little different way to put it and now I can't say it. But the information that the Army has as to whether or not it meets the NRC criteria is

1 in the License Termination Plan. So he wants to know who
2 did the License Termination Plan and the Risk Analysis for
3 the record?

4

5 **MR. PAUL CLOUD:**

6 Okay. Is that your question?

7

8 **MR. GEORGE SCOTT:**

9 What I want to know is who determined the
10 contamination levels? Was it the Army or independent
11 testing experts?

12

13 **DR. DIANE HENSHEL:**

14 And the level of contamination.

15

16 **MR. PAUL CLOUD:**

17 It was - it was - the Army was responsible
18 for insuring that that Report and that analysis was done.
19 The analysis was done by Los Alamos National Laboratory and
20 it was peer reviewed by Oak Ridge National Lab and a number
21 of other ah agencies independent of the Army before we
22 submitted it to the NRC.

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MR. GEORGE SCOTT:

But all government agencies?

MR. PAUL CLOUD:

I can't recall if it was or not. I think they were but I'm not a hundred (100) percent sure. Diane?

DR. DIANE HENSHEL:

Could you clarify exactly how much actual testing was done by biota and people and etc.?

MR. PAUL CLOUD:

As far as what?

DR. DIANE HENSHEL:

How much DU got in to the people, how much DU go the people that were made to move down stream or the folks that come from that area? How much got into the wildlife that might be there? How did you actually evaluate in real life what the model is?

MR. PAUL CLOUD:

1 Yeah. What we did was used the available
2 information as required under the license for the ground
3 water, the soil and the biota and used that information in
4 accordance with what we have available from the NRC under
5 the RESRAD code which we discussed back in May.

6

7 **DR. DIANE HENSHEL:**

8 Right.

9

10 **MR. PAUL CLOUD:**

11 And utilized that. But it's a model that is
12 a standardized accepted generic model for this type of
13 analysis. And it's a similar model as is done in generic
14 terms for environmental under CERCLA for that type of Risk
15 Assessment.

16

17 **DR. DIANE HENSHEL:**

18 But it was never back tested. CERCLA used
19 to do back testing.

20

21 **MR. PAUL CLOUD:**

22 It was with the available information that

23

24

1 we had.

2

3 **DR. DIANE HENSHEL:**

4 Right. When CERCLA was here they didn't go
5 out and get biota and plug in to the model?

6

7 **MR. PAUL CLOUD:**

8 In some cases when you don't have an extreme
9 personal safety issue like UXO.

10

11 **MR. CHARLES FACEMIRE:**

12 But as I recall the radiation levels that
13 were used to plug into the model were gained not by random
14 sampling but by sampling where it was safe to sample and so
15 therefore those levels may not be representative of the DU
16 area at all?

17

18

19 **MR. PAUL CLOUD:**

20 But they were also - and if you recall Dr.
21 Ebinger's discussion on that where we could not take a lot
22 of very specific and clerical things.

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MR. CHARLES FACEMIRE:

Right.

MR. PAUL CLOUD:

We did a lot of very conservative and we had conservative upon conservative upon conservative. So in our opinion if anything we believe that the analysis errs on the side of conservatism vice actual reality.

MR. CHARLES FACEMIRE:

I understand that. I understand your argument. But still actual data when we're out there --

MR. PAUL CLOUD:

We could always get more - it would always be nice to have more data. In this case because of the UXO we believe it's not prudent to go make that exceptional personal risk.

MR. CHARLES FACEMIRE:

Right. I like your argument though. I need

1 to comment on this. You mentioned that in order to go in
2 there and clean this up you would have to trash the
3 environment by clear cutting and mining the whole place.
4 But the environment is already trashed because it's got UXO
5 and DU on it. So I don't know what this is about.

6

7 **MR. PAUL CLOUD:**

8 Well I guess I would have to disagree with
9 that. And the reason I would disagree with that is because,
10 and again I won't speak for the U.S. Fish and Wildlife
11 Service, but the DU area is part of the National Wildlife
12 Refuge.

13

14 **MR. CHARLES FACEMIRE:**

15 Well I understand that.

16

17 **MR. PAUL CLOUD:**

18 And although there is restricted access to
19 it ah it's still not a "trashed area" in our opinion.

20

21 **MR. CHARLES FACEMIRE:**

22 I used to work for the Fish and Wildlife

23

24

1 Service and I - I know that whenever anything like this
2 comes up - we ended up with Rocky Flats for example, a
3 Wildlife Refuge you know. I understand all that. I expect
4 we will get answers now.

5

6 **MR. ROBERT HUDSON:**

7 Well it's because they asked for it.

8

9 **MR. PAUL CLOUD:**

10 Yes sir.

11

12 **MR. STEVE KREUZBURG:**

13 As far as the License Termination Plan you
14 propose to stop environmental monitoring is that correct?

15

16 **MR. PAUL CLOUD:**

17 Under the regulations if we satisfy the
18 restricted release criteria with the Institutional Controls
19 in our Plan which would continue the federal ownership,
20 would continue having a fence up, would continue having the
21 locked gates and the locked barricades on the roads and the
22 signage, yes. If we satisfy that criteria and the NRC makes

23

24

1 that determination there would be no further monitoring
2 required as long as those access controls remain in effect.
3 But we have to satisfy that criteria and the NRC needs to
4 make that determination.

5

6 **MR. STEVE KREUZBURG:**

7 And do you have a feeling for about how much
8 the Army annually says that kind of monitoring costs?

9

10 **MR. PAUL CLOUD:**

11 It costs about thirty thousand dollars
12 (\$30,000) a year. We sample ah semi-annually. And the
13 issue of mon - of cost for monitoring was not a
14 consideration as far as the Army proposing to ah not monitor
15 in out years or not. It's the issue of whether or not there
16 is a level of exposure to the public that would require or
17 would justify additional monitoring in the future. Does
18 that answer your question?

19

20 **MR. STEVE KREUZBURG:**

21 Yes.

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MR. PAUL CLOUD:

Yes ma'am? Any other questions?

(Indicating) This is Dr. Tom Mclaughlin's address and phone number. Ah I would encourage you if you have additional comments, concerns, questions as to this process that you contact Dr. Mclaughlin at the NRC. He's located - actually his physical location is in Rockville, Maryland but his mailing address is Washington, D.C. And I talked with him just this morning and indicated that it is highly likely after this meeting that his phone calls will probably increase. So you are very free to call him to ask him questions about how the NRC will be conducting this process because he is you know the source. And he may be able to answer it. He may refer you to someone else in his agency.

But they are the ones that can answer your specific questions about how long it will take to do certain things, where meetings may be held, how many meetings may be held and so on and so forth because they - we're in their process now and they will control that. They may at times come back to the Army and request ad - additional information or clarifications on some issue but they are the point of

1 contact now, not only for the Army but for the public
2 because we have submitted the Plan. We will continue to
3 keep the public informed and involved and as we provide the
4 information to the NRC we will provide it to the public and
5 we will continue to have this item up on the RAB
6 periodically for discussion and on the agenda. But your
7 best source of information on specific details in the
8 process would be to contact the NRC directly.

9

10 **MR. KEN BRANSTETTER:**

11 How much time do we have to do that?

12

13 **MR. PAUL CLOUD:**

14 My understanding from how long it will take
15 them to go through this entire process, including their
16 Environmental Impact Statement, is anywhere from two (2) to
17 four (4) years. In all that time until there is a final
18 ruling on the License Termination Plan we will continue to
19 monitor semi-annually in accordance with the current
20 license. I'd like to say one (1) other thing about ah the
21 License Termination. Let's assume for a minute that when we
22 get to the end of this process that there is a ruling made

23

24

1 by the NRC that the license will be terminated and there is
2 no mon - monitoring required as long as the Institutional
3 Controls, the access controls, are maintained in effect.
4 That does not relieve the Army of the responsibility and the
5 liability for the depleted uranium in this area. We still
6 will own the land. We will still be responsible for the
7 depleted uranium. It is inaccurate to indicate that we will
8 not be responsible or liable should the access controls fail
9 or the regulations change. We will always be responsible
10 and liable for the material as long as it's there regardless
11 of whether or not monitoring is or is not being performed.

12

13 **MR. CHARLES FACEMIRE:**

14 What if monitoring's done by some outside
15 party shows that there is significant migration from the DU
16 area? Then what is the Army's responsibilities in regard to
17 that?

18

19 **MR. PAUL CLOUD:**

20 I would expect that that information would
21 be provided to the NRC and that if they had a concern they
22 would come back to us and provide whatever direction they

23

24

1 would require. But that would be their action because they
2 are still the regulator of record.

3

4 **MR. KEN BRANSTETTER:**

5 Paul I hate to say it but the way it looks
6 out there if they treated that like they did the other
7 fifty-two thousand (52,000) acres they just enlarged the DU
8 area. They said well the next thing you know we'd have two-
9 thirds (2/3) of Jefferson County in a DU area.

10

11

12 **MR. PAUL CLOUD:**

13 I'm not quite sure I follow why you think
14 that the two thousand (2,000) acre area where the depleted
15 uranium was tested has now expanded to fifty-two thousand
16 (52,000) which is automatically going to expand it to
17 something much greater?

18

19 **MR. KEN BRANSTETTER:**

20 I mean this is what he's saying. If it
21 migrated out of this it would enlarge the DU area.

22

23

24

1 **MR. PAUL CLOUD:**

2 If.

3

4 **MR. KEN BRANSTETTER:**

5 If.

6

7 **MR. PAUL CLOUD:**

8 If it - if there were indications that it
9 did as I've stated the Army is still liable and responsible
10 and if the NRC or any other regulator who has authority in
11 this issue required the Army to take action we would have to
12 go take whatever action they directed.

13

14 **MR. KEN BRANSTETTER:**

15 Another if.

16

17 **MR. PAUL CLOUD:**

18 Well if - if it migrates. We have no
19 indication that it's migrating off the two thousand (2,000)
20 acres.

21

22 **DR. DIANE HENSHEL:**

23

24

1 it to you, we talked about some of the deer samples?

2

3 **DR. DIANE HENSHEL:**

4 Yes? You did find deer samples?

5

6 **MR. PAUL CLOUD:**

7 I did find some - some results.

8

9 **DR. DIANE HENSHEL:**

10 Good.

11

12 **MR. PAUL CLOUD:**

13 When I get back I'll - I'll will make
14 copies. They are kind of faint. I think they were printed
15 on a dot matrix printer. But I will give you those.

16

17

18 **DR. DIANE HENSHEL:**

19 What do they say?

20

21 **MR. PAUL CLOUD:**

22 Basically non detect or so low that it's

23

24

1 almost negligible. But I did find some stuff. So I will -
2 I will send it to you.

3

4 **DR. DIANE HENSHEL:**

5 And that was liver, muscle, eyes, whatever?

6

7 **MR. PAUL CLOUD:**

8 I think it was liver. I can't remember. I
9 just remember it was before I went on vacation and ah I just
10 know we have it. I've seen it. NRC has it in fact because
11 we actually got the information based on information we had
12 supplied to the NRC many years ago. And one (1) of our
13 attorneys asked for a complete copy of everything the NRC
14 had in their public document area. And I was going through
15 that and I just happened - I was looking for actually
16 something else and I just happened to see that. Deer
17 sample. This is what we were talking about before and we
18 couldn't find it. Richard?

19

20 **MR. RICHARD HILL:**

21 You're sure that was deer samples?

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MR. PAUL CLOUD:

Yes. It said - yeah.

MR. RICHARD HILL:

I looked through the NRC files too which you know is - stands (indicating).

MR. PAUL CLOUD:

The way I read it I - I --

MR. RICHARD HILL:

But by it being that big (indicating) I can understand how I could have missed it.

MR. PAUL CLOUD:

The way I read it it was JPG specific and it was deer.

MR. RICHARD HILL:

Okay.

MR. PAUL CLOUD:

1 But when I get back I will find it. Joyce
2 has that information now. I gave it all to her. I mean
3 like you said it's about - it's about this all (indicating).
4

5 **MR. RICHARD HILL:**

6 Yeah I know.
7

8 **MR. PAUL CLOUD:**

9 Any other questions or comments regarding
10 the DU? Sir?
11

12 **MR. KEN BRANSTETTER:**

13 I guess. You gave me a what if there a
14 while ago. Well what if an independent agency or agencies
15 went in there and tested this same area like you, the Army
16 did? Would their results be comparable or what would we
17 find?
18

19 **MR. PAUL CLOUD:**

20 You would probably find the same thing we
21 found.
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MR. KEN BRANSTETTER:

Probably?

MR. PAUL CLOUD:

Well there's always a possibility you might find something different. Ah that's - you know there's no hundred (100) percent guarantee in life for that matter. But what I'm saying is we believe based on what we have found and all the sampling and all the testing and all the analysis that we have done that the radiological exposures that would result from leaving the DU in place with restrictive access to that area satisfies the NRC criteria for a Restricted Reuse Termination. But that is a decision for the NRC to make and they will have, as I understand it, at least two (2) to four (4) years to make a review and analysis of that situation before they make a determination.

MR. KEN BRANSTETTER:

I would like to see them get somebody besides we to do some testing.

1 **MR. PAUL CLOUD:**

2 That's - that's up to the NRC. You know if
3 you have a concern or an issue on that point I would suggest
4 that you call Dr. Mclaughlin. But that's - you know that's
5 what he's available for is to take that input. Any other
6 comments or questions?

7

8 **MR. KEN KNOUF:**

9 Paul?

10

11 **MR. PAUL CLOUD:**

12 Ken?

13

14 **MR. KEN KNOUF:**

15 We've - we've really hit hard the whole
16 concept of the radiological. We haven't really talked about
17 the toxicological. What mechanism is there to kind of keep
18 an eye on that, any potential long term effects? Does the
19 EPA come into that or how does that work?

20

21 **MR. PAUL CLOUD:**

22 It's my understanding that currently there

23

24

1 are no known regulatory avenues to address that from a
2 purely heavy metal toxicological prospective. However,
3 under the NRC's NEPA process under their Environmental
4 Impact they have to take that kind of factor into
5 consideration. Now if there is something out there I know
6 that EPA and the State are looking into that issue trying to
7 see if there are specific exposure criterias for the heavy
8 metal of uranium. I don't know that they found anything
9 yet. I'm led to believe that they haven't. But they're
10 free to continue that search. And if there is something or
11 something has developed then we will have to address that at
12 that time. Currently we are not aware of anything.

13

14 **MS. KAREN MASON-SMITH:**

15

16 Yes. My name is Karen and I'm with EPA in
17 Chicago. What Paul has said is pretty much accurate. We
18 talked about that today at our BRAC Clean Up Committee and
19 it - it's ironic that Ken asked that question because that's
20 what I just ran over to ask Kevin. At our last RAB meeting
21 I think Dr. Henshel had a question and we were left with we
22 were going to come back to you after checking into it. Both

23

24

1 of us have checked and at least I can speak on my part from
2 EPA and in our meeting today IDEM had also checked. NRC is
3 the regulatory agency. So you know I know that's not
4 necessarily the answer that people like to hear but ah like
5 the gentleman in the back stated we're all government
6 agencies and have a certain pecking order that we follow.
7 So ah NRC is - is the regulating agency. And so they will
8 make the final decision. But what we would do is that
9 doesn't cut us out of the picture. EPA I am told will
10 continue to comment. We will be provided comments on the
11 document, on the LTP or whatever it is, License Termination
12 Plan. It would be similar to some of those comments that I
13 provided when Paul had his initial public comment period and
14 we stood up and we provided questions regarding ah the
15 issues that you have with Save The Valley, that document or
16 that process. So it will be a continuation of those
17 concerns because we do have the same concerns and one (1) of
18 the questions that EPA raised initially was regarding heavy
19 metals and the toxicity of that and so it's not that we're
20 not aware of it. It's just a matter that we are not the
21 regulating agency on this particular issue so we can't take
22 the forefront. But we will continue to raise our concerns

23
24

1 and then try to make NRC aware of it. And I think NRC is
2 trying to work with us. We just haven't done this before.
3 But we have received a letter from NRC stating that - I
4 don't know if some of the other RAB members have received it
5 also but we've received a letter stating that they're going
6 to ah possibly come out and visit us to talk about any
7 concerns we have or public technical assistance, public
8 participation. And ah I don't know if any other RAB members
9 have received that letter. So we're looking forward to
10 that. And we would assume at that time that they would take
11 any concerns or any issues that we have and they would have
12 to - it would be their - it would be their job to take into
13 consideration any concerns we have. So at that time if -
14 whatever answer they provide back in response to the
15 comments we raise, if we don't like it we will do the normal
16 process that we normally do just as we - the same process I
17 guess that we've used here ah with the BRAC Clean Up team.

18

19 **MR. CHARLES FACEMIRE:**

20 I guess that's the problem. We're dealing
21 with radioactive material and the clean up levels are all in
22 eco periods for liter or something rather than parts per
23

24

1 million which it would mean we're talking strictly heavy
2 metal. And so there we're - we're sort of between a rock
3 and a hard spot in lots of these.

4

5 **MS. KAREN MASON-SMITH:**

6 Right.

7

8 **MR. CHARLES FACEMIRE:**

9 Aspects of the things because there's no -
10 there's no data.

11

12

13 **MS. KAREN MASON-SMITH:**

14 And that's all we have. We don't - we can't
15 give you any other answers but we are still searching.
16 We're not shutting the door. We understand the concerns and
17 we do understand the concerns that the community has.

18

19 **DR. DIANE HENSHEL:**

20 Just out of curiosity because it might help
21 us in terms of talking to any of these people is this a law
22 or is it just a policy, is the policy written down, is it a

23

24

1 verbal policy, is it the same - is it like one (1) executive
2 order that came down and affected both State and Federal?

3

4 **MS. KAREN MASON-SMITH:**

5 Is what a law?

6

7 **DR. DIANE HENSHEL:**

8 This - everything that got turned over to
9 the NRC?

10

11 **MS. KAREN MASON-SMITH:**

12 That is a law.

13

14

15 **MR. KEVIN HERRON:**

16 There's a State law.

17

18 **MS. KAREN MASON-SMITH:**

19 That is a law.

20

21 **MR. KEVIN HERRON:**

22 There is a law that prohibits the State from

23

24

1 doing anything on - on radiological things if there is a
2 law.

3

4 **DR. DIANE HENSHEL:**

5 Aha.

6

7 **MS. KAREN MASON-SMITH:**

8 It is a law.

9

10 **MR. KEVIN HERRON:**

11 On the books that prohibits --

12

13 **MR. PAUL CLOUD:**

14 In the Indiana Administrative Code there is
15 a, as Kevin has said, there's a specific statutory item that
16 addresses this. And basically in a nutshell what it says is
17 if a licensee is regulated by the Nuclear Regulatory
18 Commission for that material then the State defers
19 unequivocally to the NRC period.

20

21 **DR. DIANE HENSHEL:**

22 So a law. And federally?

23

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MR. PAUL CLOUD:

But it's for radiological issues.

MR. CHARLES FACEMIRE:

That's only for the radiological properties and stuff, not for their heavy metal properties. We've talked about that.

MR. PAUL CLOUD:

That's an accurate statement.

DR. DIANE HENSHEL:

We talked about that.

MR. KEVIN HERRON:

Well you're right on the types of - types of radiological. I've talked to our State Department. We've got a letter from the Mayor questioning the concerns on - on the DU area in total. And at the term Environment Impact you know we're fairly limited in what we can do. So it's - our greatest concern is the exposure to human health. So

1 what we're doing is working with our State Department of
2 Health that has direct contact with the ATSDR. Hopefully
3 they as being human health people hopefully they can come up
4 with something. But you're right. There is no real
5 information out there.

6

7 **MR. CHARLES FACEMIRE:**

8 Right.

9

10 **MR. KEVIN HERRON:**

11 And who does the studies? It's the ATSDR,
12 the CDC and some universities and stuff like that.

13

14 **DR. DIANE HENSHEL:**

15 I don't think the ATSDR does do that.

16

17 **MR. PAUL CLOUD:**

18 Actually they have.

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21 **DR. DIANE HENSHEL:**

22 Have they really?

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MR. PAUL CLOUD:

We had earlier this summer just after our meeting in May two (2) representatives from the ATSDR come out to JPG specific to the DU issue. And they were basically responding to a petition request from Mr. Lenny Segal out in California many years ago on this issue. And he identified a whole shotgun number of sites. JPG just happened to be one (1) of them. And after they had negotiated or had Mr. Segal clarify on the number of sites that he would like to see, you know JPG just made that cut. So they came out this summer and looked at the area. I can go back next week when I'm in the office and I can provide you with a point of contact if you're interested with who from the ATSDR came out but they have actually come out to JPG this summer.

MR. CHARLES FACEMIRE:

But Paul that probably --

MR. KEN KNOUF:

For us lay people, excuse me.

1 **MR. CHARLES FACEMIRE:**

2 That's all right.

3

4 **MR. KEN KNOUF:**

5 For us lay people and maybe Sharon what does
6 that stand for?

7

8 **DR. DIANE HENSHEL:**

9 Agency for Toxic Substances and Disease
10 Registry.

11

12 **MR. PAUL CLOUD:**

13 And they are part of the Center for Disease
14 Control.

15

16 **DR. DIANE HENSHEL:**

17 They were created by the SuperFund law in
18 order to look at the human health issues related to
19 SuperFund.

20

21 **MR. PAUL CLOUD:**

22 Yes.

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DR. DIANE HENSHEL:

There - they have no regulatory power at all. They are strictly the investigative body.

MR. KEVIN HERRON:

They can make the EPA go out and take action if they - if they can show --

DR. DIANE HENSHEL:

But they have recommendation ability.

MR. KEVIN HERRON:

They can make EPA take action on something they determine to have exposure threat in an area. They've done it in Indiana in neighborhoods that have lead contamination. The lead - EPA said if it was below our standards it was not a threat. ASTDR came out. They determined that there was an exposure threat to people in the neighborhood, there was evidence of lead in children and they said EPA you shall - will do this.

1 **DR. DIANE HENSHEL:**

2 Un-huh (yes).

3

4 **MR. KEVIN HERRON:**

5 And guess what? They did removal out there
6 for about five million (\$5,000,000) dollars.

7

8 **DR. DIANE HENSHEL:**

9 But it's my understanding though from
10 talking to Barry Johnson who is the -- that that's only
11 recommendation power. It's not legal power per se.

12

13 **MR. KEVIN HERRON:**

14 No. They made them do a removal action in
15 Indianapolis.

16

17 **DR. DIANE HENSHEL:**

18 Okay.

19

20 **MR. PAUL CLOUD:**

21 And I'll answer your question before Diane.
22 I don't know anything about that.

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MR. KEVIN HERRON:

I can just speak to what happened in Indianapolis.

DR. DIANE HENSHEL:

Yes.

MR. KEVIN HERRON:

In that one (1) area.

DR. DIANE HENSHEL:

You're saying that when they recommend that strongly they ask --

MR. KEVIN HERRON:

And the only reason they made this an option was ASTDR. And I saw the letter that basically you will do it.

MR. KEN BRANSTETTER:

Can we get them to monitor out there?

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DR. DIANE HENSHEL:

The Army should be doing that.

MS. JULIE BERRY:

Has that been done?

MR. PAUL CLOUD:

What?

MS. JULIE BERRY:

ASTDR? Is that what we were talking about?

MR. PAUL CLOUD:

ASTDR representatives have been to the Proving Ground this summer. There were two (2) representatives from their agency in response to Mr. Segal.

MS. JULIE BERRY:

That's what you were referring to?

MR. PAUL CLOUD:

1 Yes. They were out here this summer. We
2 did show them the DU area. We showed them the streams. We
3 showed them the controls in the access in the entire area
4 and we responded to their questions. I am told or
5 understand that they may have a preliminary or a draft
6 response to Mr. Segal's early 1990 request sometime this
7 fall or winter. But that's up to them.

8

9 **MS. KAREN MASON-SMITH:**

10 Paul I have a question and a comment. Which
11 office? Where did ATSDR come from?

12

13 **MR. PAUL CLOUD:**

14 I believe they came out of Atlanta.

15

16 **MS. KAREN MASON-SMITH:**

17 Okay. And my comment is this must be a high
18 priority because they usually won't get involved unless they
19 see something that's priority. That's what we've been told.

20

21 **MR. PAUL CLOUD:**

22 Well --

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MS. KAREN MASON-SMITH:

We tried to get them out here to JPG a long time ago.

MR. PAUL CLOUD:

Let me, and I assumed the same thing. However let me give you some prospective on that from my - my position. Mr. Segal wrote his letter initially in 1992. It was late 1992 and then they - because he identified so many sites, and this was basically right after the Gulf War and that's what he used as the concern okay? He identified a large number of sites. Well that was clearly beyond the capability of the resources within ASTDR to go address. So they went back to Mr. Segal and asked for a priority or a ranking of a half a dozen or less number of sites. Well JPG made that cut. And between 1992-1993 and 2001 I don't know why they didn't come out sooner. But that's their decision. I - my perception would be that it is not that high a priority but I don't know that. That's for them to determine.

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MS. KAREN MASON-SMITH:

Yes. That's what we were told.

DR. DIANE HENSHEL:

When did they come exactly?

MR. PAUL CLOUD:

This summer.

DR. DIANE HENSHEL:

When this summer?

MR. PAUL CLOUD:

June. I think it was June. Late May or
early June.

DR. DIANE HENSHEL:

Okay.

MR. PAUL CLOUD:

See I came to JPG five (5) weeks in a row
for different things and that was one (1) of those five (5)

1 weeks.

2

3 **MR. CHARLES FACEMIRE:**

4 You say you're going to be here in
5 September?

6

7 **MR. PAUL CLOUD:**

8 I expect to be yes.

9

10 **MR. CHARLES FACEMIRE:**

11 And we can get up in the DU area?

12

M

13 **R. PAUL CLOUD:**

14 Sure. No problem. No problem.

15

16 **MR. CHARLES FACEMIRE:**

17 Let us know.

18

19 **MR. PAUL CLOUD:**

20 Okay. Easy. I'll call Richard and we'll
21 set it up. I will tell you right now when we go in the area
22 you will not leave the road.

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MR. CHARLES FACEMIRE:

I understand.

MR. PAUL CLOUD:

Period.

DR. DIANE HENSHEL:

We can bring whatever photographic equipment we want?

MR. PAUL CLOUD:

You bet. I'll have my digital camera there you know. And we can take photos if you like. I'll show you UXO right on the - right in the culvert.

MS. KAREN MASON-SMITH:

One (1) other comment. If anyone else has received that letter from NRC regarding the public participation they mention two (2) other sites that are also going through the same process. So JPG to my knowledge was the only Federal facility. And I think the other two (2)

1 were private.

2

3 **MR. PAUL CLOUD:**

4 That's my understanding. I don't know how
5 far they, these other licensees, are along. I believe we
6 are at least as far along as anyone else but I don't know
7 that for a fact. You could get that information from the
8 NRC, you know Dr. McLaughlin. Any other comments or
9 questions regarding this issue?

10

11 **MR. RICHARD HILL:**

12 I have something.

13

14 **MR. PAUL CLOUD:**

15 Go ahead. Well before you do Richard this
16 gentleman in the back hasn't had an opportunity.

17

18 **MR. RICHARD HILL:**

19 I'm in no hurry.

20

21 **MR. PAUL CLOUD:**

22 Yes sir?

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MR. GEORGE SCOTT:

That's mentioned a Mr. Segal? Is that his name?

MR. PAUL CLOUD:

Yes.

MR. GEORGE SCOTT:

Who is that?

MR. PAUL CLOUD:

He's an environmental activist concerned citizen on the West Coast who has been involved and concerned with unexploded ordnance and depleted uranium issues for years. He is recognized at least in the public community arena as somewhat of an expert on community concerns. And he is very well known in the Beltway and at the Pentagon. He has dealt with Secretariat level individuals all the way up to the Department of Defense. I beg your pardon?

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MR. GEORGE SCOTT:

So he'd be a good person for us to know.

MS. KAREN MASON-SMITH:

He's a community activist.

MR. RICHARD HILL:

He's with an organization called the Center for Public and Environmental Oversight is what he calls - what it's called right now. Back in '92 they had another name.

MR. PAUL CLOUD:

Yeah.

MR. RICHARD HILL:

But I can't recall at this time.

MR. PAUL CLOUD:

Lenny's been around for a while.

MR. RICHARD HILL:

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Yeah.

MR. PAUL CLOUD:

I used to be out in California and had the opportunity to be at the same place at the same time.

MR. GEORGE SCOTT:

Is he any relation to Bugsy Segal?

MR. PAUL CLOUD:

You'll have to ask Lenny. I don't know.

MR. KEN BRANSTETTER:

No but he got his neighborhood cleaned up.

MS. KAREN MASON-SMITH:

The process --

MR. PAUL CLOUD:

Richard you had some questions?

MS. KAREN MASON-SMITH:

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I had a real quick one (1).

MR. PAUL CLOUD:

Go ahead.

MS. KAREN MASON-SMITH:

The process that JPG and Save The Valley are going through, are you guys still in discussion?

MR. RICHARD HILL:

I can address that.

MR. PAUL CLOUD:

Go ahead.

MR. RICHARD HILL:

Okay. But not first - the first thing - maybe two (2) other things. Who knows? Ah thanks Paul. I did talk to Dr. Thomas Mclaughlin today on the telephone. Ah and ah I appreciate Paul giving me this number, giving me Tom's number earlier in the week. All these days are running together for me right now. We're busy with registration and it's been busy, busy, busy. But I finally

1 got ahold of him today. We played phone tag yesterday. And
2 for one (1) thing Dr. Mclaughlin did ah give me the
3 information about the time line on the process that - that
4 Paul showed us earlier about you know the time line for the
5 Acceptance Review, the Technical Review that the NRC will
6 do, the Environmental Report and that so you've seen all of
7 that tonight. So we talked about that a little bit. He did
8 ah want me to express that the NRC is - is not ignoring us
9 right now by not being here. That they're not ready to be
10 here yet because they haven't done these reviews yet. They
11 don't have any public or official stand on any of this right
12 now. They've just started in the process of going through
13 it. So he wanted me to - let's see three (3) things. That
14 we're not forgotten, that it's a long process, and it's a
15 team process if you notice there are a lot of different
16 people. So I told him I would pass that on. And we had a
17 good conversation. I felt more informed, much more informed
18 after I talked to him. And ah there was just really nothing
19 surprising. I mean it's the same kinds of things that we've
20 talked about with the Army and it's you know going along
21 with the process that that property is going through right
22 now. Although it does get a little confusing the different

23

24

1 reports, reviews and things that come in to it at different
2 times. But we will get that all straightened out. Ah he
3 also recommended ah actually you know - facilities being
4 decommissioned it's okay, they're fine. He recommended that
5 I talk to ah a woman by the name of Lisa Clark who is in the
6 General Counsel Office at NRC and he gave me her number, Mr.
7 Mclaughlin - Dr. Mclaughlin gave me her number so I got
8 ahold of her today. Because - the main reason that I needed
9 to talk to her is that now I'm going to muddy the issue
10 terribly. It gets more confusing. You can forget a lot
11 about it and a lot after I say it okay? The - back in 1999,
12 right at the end of '99, and I'll look at Paul once in a
13 while and you jump in if I get the date wrong or something.
14 But anyway right at the end of '99, it was in December I'm
15 pretty sure, the Army submitted a Decommissioning Plan for
16 the DU through the NRC?

17

18 **MR. PAUL CLOUD:**

19 Correct.

20

21 **MR. RICHARD HILL:**

22 The NRC put a notice in the Federal Register

23

24

1 opening that Decommissioning Plan up for comment and an
2 opportunity for public hearing if anyone wanted to - not a
3 public hearing, I'm sorry. It's called a hearing but it's
4 more of an administrative type hearing before an
5 Administrative Judge. At the time that Save The Valley
6 reviewed that Decommissioning Plan, I'll call it the old
7 Decommissioning Plan, we did not think that it was suitable
8 at all and I think that the Army would agree with us that it
9 was not suitable because they ended up withdrawing that
10 Plan.

11

12 **MR. PAUL CLOUD:**

13 And - and let me jump in here to explain
14 that.

15

16 **MR. RICHARD HILL:**

17 Yes.

18

19 **MR. PAUL CLOUD:**

20 One (1) of the reasons why ah that Plan was
21 not as accurate and as detailed as the Plan that we have
22 just recently submitted, which Richard and I think would -

23

24

1 we'd refer to as the new Plan, is that the old Plan was
2 submitted before the NRC had specific regulations on the
3 content and the requirements for a Plan. JPG was way ahead
4 of that process but we had to get something in to them so we
5 gave them a very minimal document. Even if Save The Valley
6 had not requested their hearing the Army would have provided
7 a Revised Plan regardless. Go ahead Richard.

8

9 **MR. RICHARD HILL:**

10 Okay. And I would expect that if you had
11 not that the NRC would have required you to do that?

12

13 **MR. PAUL CLOUD:**

14 I would expect that they would have. Yes.

15

16 **MR. RICHARD HILL:**

17 Because things were changing.

18

19 **MR. PAUL CLOUD:**

20 Yes.

21

22 **MR. RICHARD HILL:**

23

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1 Rules were changing at that time. So okay.
2 That's accurate. So ah part of - well at - at the time
3 that it was announced in the Federal Register, Save The
4 Valley contacted the NRC with all the paper work you have to
5 do and everything to request this - this hearing. We had
6 discussions with the Judge. The Judge and the Army and Save
7 The Valley agreed to not pursue the hearing at that time
8 because the Army was preparing this Revised Plan.

9

10 **MR. PAUL CLOUD:**

11 Revised Plan.

12

13 **MR. RICHARD HILL:**

14 And so we all agreed to that. Then we - the
15 Army came out the drafted, its Revised Plan and Save The
16 Valley looked over it and made comments to it and things
17 like that. And subsequently the new Plan has now come out.

18 The new Plan is totally different than that old Plan. So
19 there is - I wanted to ask Lisa Clark the Counsel in the NRC
20 that we were thinking in the right direction and things -
21 and what we were thinking is - there's just no use for Save
22 The Valley to pursue a hearing on the Plan that doesn't

23

24

1 exist anymore. I mean would you --

2

3 **MR. PAUL CLOUD:**

4 That's an accurate statement.

5

6 **MR. RICHARD HILL:**

7 Okay. So she told me that she's ninety-nine
8 (99) percent sure that that's an accurate assessment. She
9 is pretty new in this on - how do I want to say it? As far
10 as JPG itself. I have no idea how long she's been in NRC
11 here or an attorney or anything like that. I'm not sure
12 when she did that. But the JPG situation is fairly new to
13 her so she was under the impression, very strongly, that
14 this is not just an amendment to that old Plan but it's a
15 different Plan.

16

17 **MR. PAUL CLOUD:**

18 That's correct.

19

20 **MR. RICHARD HILL:**

21 I agree. I mean I don't see any way that it
22 could be construed as being an amendment of the old Plan.

23

24

1 So that being so Save The Valley is going to withdraw its
2 request for a hearing on that old Plan but not - we just
3 don't have a statement right now as to whether we will
4 request a hearing on the new Plan. From what Ms. Clark
5 communicated to me the new Plan will go through the process
6 that Dr. McLaughlin and Paul explained tonight. And then
7 she was again ninety-nine (99) percent certain that it would
8 come out as a notice in the Federal Register and people
9 would be afforded the opportunity to request a hearing at
10 that time. So it's silly for us to spin our wheels and all
11 that sort of thing and waste time and money and what not to
12 pursue a Plan that doesn't really exist anymore. So you
13 know as people may hear - I wanted to make it clear that
14 what we're dropping is - is the request for a hearing on
15 that old Plan which isn't here anymore anyway. So. Is that
16 clear as mud?

17

18 **MS. KAREN MASON-SMITH:**

19 Yes.

20 **MR. RICHARD HILL:**

21 Okay. But we are definitely going to supply
22 comments about the current Plan, how we think the monitoring

23

24

1 should be continued and a lot of the things that have been
2 brought out you know this evening already. So are there any
3 questions about that?
4

5 **MS. KAREN MASON-SMITH:**

6 No. But I just wanted to say thank you. I
7 was not aware all that was going on. This old Plan versus
8 the new Plan and all that. So thanks for that.
9

10 **MR. RICHARD HILL:**

11 The old Plan if you have it, throw it away.
12 It's not of any use anymore.
13

14 **MS. KAREN MASON-SMITH:**

15 Okay. Got you.
16

17 **MR. RICHARD HILL:**

18 The one (1) you've got now is the one (1)
19 we're looking at. Thank you.
20

21 **MR. PAUL CLOUD:**

22 Any other comments or questions on the DU?
23
24

1 Karen?

2

3

4 **MS. KAREN MASON-SMITH:**

5 I have a question. The comments that we
6 provide during that - during the public comment night that
7 you had, the public comment meeting, will the Army answer
8 those questions now that Save The Valley has dropped the
9 hearing or whatever you had on the whole Plan?

10

11 **MR. PAUL CLOUD:**

12 Those questions or comments have already
13 been provided to the NRC and they will do an evaluation. If
14 they - if that results in them coming back to us with
15 specific questions we will respond to them because we are in
16 their process now because we have submitted the Plan.

17

18 **MS. KAREN MASON-SMITH:**

19 Okay.

20

21 **MR. PAUL CLOUD:**

22 I think we have answered most of those

23

24

1 questions tonight based on the fact that the Army believes
2 that the radiological exposures that would be an evident or
3 at risk to the general public at JPG for this specific
4 situation are at such a low level that they satisfy the
5 NRC's criteria for a Restricted Reuse Termination. But the
6 NRC will make that ruling.

7

8 **MS. KAREN MASON-SMITH:**

9 But I understand what you're saying but I'm
10 not sure if you clearly answered my question. There was -
11 there was a number of questions from different people and I
12 left that meeting with the understanding that at that
13 particular time the Army could not answer those questions
14 but they would at some point in time.

15

16 **MR. PAUL CLOUD:**

17 We - we will not answer them specifically.
18 It's not my expectation that the Army will respond to those
19 questions, to those individuals, formally and officially in
20 writing. But all of those comments and questions have been
21 provided verbatim to the NRC. Should the NRC make a request
22 based on that information or subsequent public meetings that

23

24

1 the NRC holds, they can come back to us and ask us that.

2

3 **MS. KAREN MASON-SMITH:**

4 I see.

5

6 **MR. PAUL CLOUD:**

7 And that's how I think we would respond.

8

9 **MS. KAREN MASON-SMITH:**

10 I see.

11

12 **MR. PAUL CLOUD:**

13 Does that answer your question?

14

15 **MS. KAREN MASON-SMITH:**

16 Yes.

17

18 **MR. PAUL CLOUD:**

19 Okay. If anyone does have a question for
20 our point of contact in the Army I think you've seen this
21 slide before (indicating). This is Ms. Kuykendall. We have
22 an address and E-mail, Snail-Mail address, a phone number,

23

24

1 fax number. You can also contact her. I would highly
2 encourage you though if you have specific questions and you
3 want to insure that the NRC gets them that you call Dr.
4 Mclaughlin. That is why I coordinated with him and provided
5 his phone number, his name and his mailing address because
6 now they are officially in the picture because we have
7 supplied and provided to them our request for this License
8 Termination. So they can now get involved more specifically
9 in the process. Yes ma'am?

10

11 **MS. PEGGY VLEREBOME:**

12 Is it just because I'm a newspaper reporter
13 but the last time I called her she said she's not allowed to
14 talk to me.

15

16 **MR. PAUL CLOUD:**

17 Typically what they will do, depending on
18 the specifics is, the Army like any other federal agency has
19 a Public Affairs Office. Depending on the specifics of the
20 issue and the specific questions they may refer you to the
21 Public Affairs Office. That is you know not uncommon. EPA
22 has them, the NRC has them. All federal agencies have them.

23

24

1 It depends on the specifics.

2

3 **MS. PEGGY VLEREBOME:**

4 If Richard calls he talks to her.

5

6 **MR. PAUL CLOUD:**

7 He may. But he may also get referred. It
8 depends on the specifics. Ah I can't answer anything more
9 than that. If you called me back in Aberdeen and asked me a
10 very specific question it would depend on the nature of that
11 question. I may refer you to Mr. Morales in the PAO office.
12 It just depends.

13

14 **MS. PEGGY VLEREBOME:**

15 She just simply said she's not allowed to
16 talk to me.

17

18 **MR. DENNIS LINDSEY:**

19 That would be a policy, their policy.

20

21 **MS. PEGGY VLEREBOME:**

22 But I think she had talked to other

23

24

1 reporters. Or maybe she had said something --

2

3 **MR. PAUL CLOUD:**

4 To the best of my knowledge I don't know.

5

6 **MS. KAREN MASON-SMITH:**

7 Did she refer you to someone else?

8

9 **MR. PAUL CLOUD:**

10 She referred you to the PAO office?

11

12 **MS. PEGGY VLEREBOME:**

13 Yeah and they never call me back. I just
14 remember she won't talk to me.

15

16 **MR. PAUL CLOUD:**

17 Any other comments or questions on any of
18 the subjects we've talked about tonight or anything else
19 that may be on your mind regarding JPG and the clean up and
20 the restoration and the reuse?

21

22 **DR. DIANE HENSHEL:**

23

24

1 Can I just ask one (1) question Paul? You
2 knew I couldn't let it go. Ah because decommissioning was
3 proposed first and then switched to License Termination
4 which is slightly different process, why did you switch?
5 Why didn't you just go back and do a decommissioning again?
6

7 **MR. PAUL CLOUD:**

8 Decommissioning as I understand it, and you
9 might want to get a more definitive explanation from Dr.
10 Mclaughlin, but as I understand it decommissioning by its
11 nature implies some amount of clean up, some amount of
12 remediation, some amount of clean up. License Termination
13 may or may not require any amount of clean up.
14

15 **DR. DIANE HENSHEL:**

16 So you want to stay away from that clean up?
17

18 **MR. PAUL CLOUD:**

19 I'm not saying that at all. What I'm saying
20 is the NRC's regulations specifically require any licensee
21 to submit a License Termination Plan. It may or may not
22 involve clean up or remediation or decommissioning. But
23

24

1 that's their criteria, their specifics. If you want anymore
2 I would suggest you talk to Tom because he could - he could
3 probably explain it must better than I. But that's my
4 understanding.

5

6 **MS. KAREN MASON-SMITH:**

7 It appears that the Termination Plan gives
8 the perception that the facility is trying to get away from
9 doing that.

10

11 **MR. PAUL CLOUD:**

12 But under the License Termination Process
13 there are various options that can be selected and approved
14 by the NRC. Some of them are unrestricted which may or may
15 not require remediation or clean up. In this particular
16 case the Army believes that based on the information and
17 data as we provided in the License Termination Plan that we
18 satisfied that criteria under the NRC regulations and it
19 doesn't warrant the extreme personal safety hazard for
20 exposure to the UXO in that area to go clean up something
21 where we already meet their exposure criteria.

22

23

24

1 **DR. DIANE HENSHEL:**

2 But you did do some clean up. There was --

3

4 **MR. PAUL CLOUD:**

5 No not in the DU area.

6

7 **DR. DIANE HENSHEL:**

8 I thought you said --

9

10 **MR. PAUL CLOUD:**

11 Not anything north of the firing line. No
12 ma'am. We've never cleaned up anything north of the firing
13 line.

14

15 **DR. DIANE HENSHEL:**

16 Nothing?

17

18 **MR. PAUL CLOUD:**

19 The - the only thing we've ever done there -
20 the only - let me explain.

21

22 **DR. DIANE HENSHEL:**

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Wait a second.

MR. PAUL CLOUD:

It wasn't a formal clean up. When the facility - when the facility was active periodically there was a superficial effort to go out with qualified people in the Army to go and recover things on the surface.

DR. DIANE HENSHEL:

Right.

MR. PAUL CLOUD:

And restore - and recycle them. But that was all. We didn't do any digging, excavation or anything else. And that was all that was done.

DR. DIANE HENSHEL:

All right. The fact that you considered some clean so up you could go back to the decommissioning to allow you to continue monitoring, not actually terminate the license?

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MR. PAUL CLOUD:

I'm - I'm not sure what you're - what you're implying there.

DR. DIANE HENSHEL:

In the decommissioning do you still have continued monitoring? You do not actually have a termination of the license. Once the license is terminated there is no future monitoring required other than potentially to make sure that these decommissioning proposals are in place, i.e. the fence?

MR. PAUL CLOUD:

That is our proposal. It is up to the NRC up to make that ruling based on their analysis of the Plan and their environmental assessment of the potential risks. But that is up to them to go make that decision. We believe based on what we know that we satisfy that criteria. But it is not our decision, it is theirs. If there are no further questions I would like to thank - Richard go ahead.

1 **MR. RICHARD HILL:**

2 I do have one (1) more thing. I barely mis-
3 spoke earlier ah when I was talking about the hearing, a
4 possible hearing for the new License Termination Plan. And
5 I said that Save The Valley didn't have an official you know
6 stand on that right now. And I - I - that's not right. At
7 the board meeting the other night ah we did say that if the
8 Army would agree to continue the monitoring that we would
9 not serve the hearing. So I want to make that correct. I'm
10 - I'm sorry I said that. I didn't say it quite right
11 before.

12

13 **MR. PAUL CLOUD:**

14 Any other comments or questions, statements?

15

16 **MS. KAREN MASON-SMITH:**

17 Can you repeat that, the last part?

18

19 **MR. RICHARD HILL:**

20 I said at our board meeting this last week
21 that we, that Save The Valley resolved that if the Army
22 would continue their DU monitoring program at JPG that we

23

24

1 would not pursue a hearing through the NRC on - on that
2 matter.

3

4 **MR. CHARLES FACEMIRE:**

5 For how long?

6

7 **MR. RICHARD HILL:**

8 We - that I - I would assume that that would
9 be something that would have to be negotiated if it came to
10 that. Because we didn't put a time limit on it.

11

12 **MS. KIM KREUZBURG:**

13 And the Army has not responded to that I
14 assume?

15

16 **MR. RICHARD HILL:**

17 Oh well. Maybe we could ask Paul right now.

18

19 **MR. PAUL CLOUD:**

20 That's - that's a very easy response.

21

22 **MR. RICHARD HILL:**

23

24

1 The Army believes that the License
2 Termination Plan as submitted to the NRC answers that
3 question.

4

5 **MS. KIM KREUZBURG:**

6 Okay.

7

8

9 **MR. PAUL CLOUD:**

10 The - if there are no further questions or
11 comments ah I would like to thank everyone for coming.
12 Again please insure that you signed in and put your name and
13 address on the attendance sheets so that we can insure that
14 we continue to provide you with information and provide you
15 with the opportunities to express your questions and your
16 comments and concerns not only to us but the State and the
17 EPA and the NRC. Our next RAB meeting is in November, seven
18 (7) P.M. Wednesday, November the 14th. It's at the public
19 library in Jennings County in North Vernon. I hope to see
20 you all there. I have no further comments. Richard do you
21 have any closing comments?

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MR. RICHARD HILL:

Not other than to thank everybody for coming out tonight and commenting and asking questions. Thank you.

* * * * *

CONCLUSION OF HEARING

C E R T I F I C A T E

STATE OF INDIANA)
) SS:
COUNTY OF JEFFERSON)

I, Sharon Shields, do hereby certify that I am a Notary Public in and for the County of Jefferson, State of Indiana, duly authorized and qualified to administer oaths; That the foregoing public hearing was taken by me in shorthand and on a tape recorder on August 22, 2001 in the Venture Out Business Center, 975 Industrial Drive, Madison, IN; That this public hearing was taken on behalf of the Jefferson Proving Ground Restoration Advisory Board pursuant

1 to agreement for taking at this time and place; That the
2 testimony of the witnesses was reduced to typewriting by me
3 and contains a complete and accurate transcript of the said
4 testimony.

5 I further certify that pursuant to stipulation by and
6 between the respective parties, this testimony has been
7 transcribed and submitted to the Jefferson Proving Ground
8 Restoration Advisory Board.

9 WITNESS my hand and notarial seal this _____ day of
10 September, 2001.

11 _____
12 Sharon Shields, Notary Public
Jefferson County, State of Indiana

13 My Commission Expires: July 2, 2007

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