A public hearing of the Jefferson Proving Ground Restoration Advisory Board meeting was held at the Jennings County Public Library, 143 East Walnut Street, North Vernon, IN on November 3, 2004.

OPENING STATEMENTS BY MR. PAUL CLOUD:

All right. I'd like to welcome everyone to the Jefferson Proving Ground Restoration Advisory Board meeting. My name is Paul Cloud. I'm the Environmental Coordinator for the Proving Ground for the Army and the Army's co-chair for the RAB. If you haven't signed in please do on our attendance sheet. We have a copy of all the handouts tonight and ah copies of the slides that you will be seeing and if you're not on our mailing list we can insure that you're added and then made aware of future meetings and if you've changed your address we can also update that. Ah I don't have anything else to start as a welcome. Richard Hill is the community co-chair. Richard do you have some introductory comments?

MR. RICHARD HILL:

I really have nothing to add at this time except to say good evening and thanks for coming.

Mr. PAUL CLOUD:

Okay. What I'd like to do then is get started. The next slide you see is what the agenda for the meeting tonight is. We will talk about property transfers and Findings of Suitability to Transfer. The ah Record of Decision, the RDRA for the Cantonment Area for JPG and the status of the Depleted Uranium License Amendment and then we have an open discussion period. While we had a specific sequential order with a discussion period at the end if you do have a question or comment at any time feel free to ah speak up if you want or if you want to hold it till the end, whatever your prerogative is. Ah the first thing I would like to talk about is the Findings of Suitability to Transfer update. We have basically three (3) parcels: the Northeastern Parcel, the Western Wooded Parcel and then two (2) parcels that will be in one (1) FOST, the Southeastern Parcel and the Northwestern portion of the Central Cantonment Area. The Northeastern Parcel ah as you see here is in the Northeast corner of the Cantonment Area. It is about three hundred and sixty-five (365) acres, thirty-nine (39) buildings and what's proposed for unrestricted use. The Draft FOST went out in August of 2002. We received comments from the State, the EPA and the community on the - between the dates shown in 2002. The Army responded to those comments in February of 2003 and then in late February

of that same year ah a Revised FOST was put out and requested either a concurrence or an identification of outstanding issues. We did receive comments from the State, the EPA and ah the community on the dates shown. The Army provided responses to the outstanding comments in May of that year. The document was then staffed up within the Army. The Army found it suitable and it was approved in August of 2003. In April of this year the Deed was sent to Mr. Ford and we are awaiting for him to ah sign the Deed at this time. Once it's signed it goes back to the Pentagon to be signed by the Army and then the parcel will be transferred. Are there any comments or questions regarding that parcel?

MR. MIKE MULLETT:

Why would it take so long?

MS. DIANE HENSHEL:

Yeah.

MR. PAUL CLOUD:

Typically, and I'm only speaking for Jefferson Proving Ground, we have found that from the time that the FOST is signed to the time that the parcel is physically transferred with a Deed title is averaging somewhere between

twelve (12) and fifteen (15) months. And it's usually because there is outstanding questions or issues that have come up between the time the FOST was signed and the time the Deed is ah prepared and provided to Mr. Ford for review. Some examples might be lead based paint or asbestoses, ah things of that nature, or easements, things of that nature.

MS. DIANE HENSHEL:

Right. But it's been six (6) months since Ford had it.

MR. PAUL CLOUD:

I understand that.

MS. DIANE HENSHEL:

Is that typical?

MR. PAUL CLOUD:

It's a little longer than normal but I don't think it's that unusual. Any other questions? Joe?

MR. JOE ROBB:

So have you received some kind of indication from Mr. Ford requesting additional information about that parcel?

MR. PAUL CLOUD:

Actually he sent a letter to the Army Secretariat and that letter dealt with the Endangered Species Covenant and the Wetlands Covenant. And that is the controlling item right now. The Army is evaluating whether we're going to make any accommodations or not.

MS. DIANE HENSHEL:

Without feedback from any other agencies of the public?

MR. PAUL CLOUD:

I think the Army has that authority because the FOST has already been signed and if you go back to the FOST there are no sections in the FOST that identify or address those issues. And we have already coordinated with the regulators of record for Endangered Species and Wetlands, in this case Fish and Wildlife Service for Endangered Species and for Wetlands the Corps of Engineers. Any other questions? (Indicating) This is a schematic of where that parcel is. As I said it's in the Northeast Corner. The next parcel is the Western Wooded Parcel and the Army ah approved the community's Public Conveyance Request back in May of 2003. The Draft FOST was put out in June of that year. Comments were requested by the first of

August. We did receive comments from the EPA. We received concurrence from the community and IDEM in July and August as it shows there. In September of 2003 we ah responded to the EPA comments and revised the FOST. We requested either the EPA concur with the document or provide an identification or outstanding issues by middle of October of last year. By the middle of October we did receive a concurrence from EPA. The FOST was forwarded to the Department of the Army and it was approved in November of last year, actually December, I'm sorry. The date of assignment to the National Park Service was September of this year. And what that means is is that the parcel was transferred from Army ownership to the National Park Service. If you're not familiar with Public Benefit Conveyances they require the requesting entity, and it usually is a public entity, a community, county, something of that nature, have a federal sponsor. In this particular case because it's a park and it is to be used for recreational and park purposes, the National Park Service is the federal sponsor of record. Last month the Park Service sent to Jefferson County a constructive possession letter, and you have a copy of that in the handouts. Basically what that does, as I understand it, once the County Commissioners sign that and send it back to Park Service is it obligates the County for maintenance and ah upkeep of the parcel until

such time as the ah Deed is actually processed. In discussion with the Park Service earlier this week their goal is to have the transfer completed by the end of this year.

MS. DIANE HENSHEL:

Not exactly fifteen (15) days from receipt of the letter is it?

MR. PAUL CLOUD:

Any comments or questions? (Indicating) This is a diagram of that particular parcel.

MR. JOE ROBB:

I have a question.

MR. PAUL CLOUD:

Sure Joe.

MR. JOE ROBB:

With the latest - well it had to be resurveyed correct?

MR. PAUL CLOUD:

It has been.

MR. JOE ROBB:

Well how does the boundaries run in reference to the roads on the boundaries? Are they middle of the road, not including the road?

MR. PAUL CLOUD:

It depends on which road you're speaking. If you're talking about the North area where the firing line/Woodfill Road is, it's just south of the road. It - if you follow - well if I can reach all the way over here - (indicating) up on the top it follows just south of the road. On Tokyo Road it's just west of the road. When it gets here to the West Perimeter it goes out to the boundary of the property which is outside the fence line.

MR. JOE ROBB:

So there's no road access to that area?

MR. PAUL CLOUD:

Yes there is. That's a legal requirement when you transfer. In fact ah you weren't at the meeting in August. Teresa was there. But ah there was a discussion on that. You have to provide a legal access to a parcel.

MR. JOE ROBB:

Which parcel?

MR. PAUL CLOUD:

And the parcel access there is through Gate Nineteen (19).

MR. JOE ROBB:

Okay.

MR. PAUL CLOUD:

Any other questions?

MR. RICHARD HILL:

So just for clarification, the road on the North and Eastern sides are outside the County’s area so that would be in Mr. Ford’s area?

MR. PAUL CLOUD:

Ultimately, yes.

MR. RICHARD HILL:

And then the road along the Western boundary would be within the County’s?

MR. PAUL CLOUD:

That portion of the West Perimeter Road will belong to the County, yes sir.

MR. RICHARD HILL:

Okay. That's the way I understood it.

MR. PAUL CLOUD:

Yeah.

MS. DIANE HENSHEL:

So just the Western, not that Northern edge?

MR. PAUL CLOUD:

That's correct.

MR. RICHARD HILL:

And there is a gate there?

MR. PAUL CLOUD:

Gate Nineteen (19) is open twenty-four seven (24/7) now. Has been for several months. Any other questions? Okay. (Indicating) The next parcel or actually parcels are the next FOST that is currently being worked on and it's - will comprise the Southeastern Parcel which is

about seven hundred and fifty (750) acres and the Northwestern portion of the Central Cantonment Area and that's about three hundred (300) acres. And I have diagrams further on that will show that. What is controlling the release of this document for public review and comment is the Army getting the Record of Decision for the Environmental Restoration of the area South of the firing line signed. And the reason that has to be signed is that there are areas within those two (2) parcels that have to be documented officially as no further action before we can proceed with a potential transfer. Once the Record of Decision is signed then the Army will perform their internal review of the document and then we will start the thirty (30) day Public Comment Review Period. Right now we're looking at the end of this year and it may slip into the beginning of next year with the holidays. This is a diagram of the Southeastern Parcel and this is a diagram of the Northwestern Portion of the Central Cantonment Area and it goes all the way out to Gate Nineteen (19). Any questions on that parcel?

MR. JOE ROBB:

That still excludes Building one twenty-five (125)?

MR. PAUL CLOUD:

No it will include Building one twenty-five (125). Any other questions? Okay. The Proposed Plan Record of Decision I should probably update that to just Record of Decision since we've already gone through the Proposed Plan. Ah right now the ROD is up for signature ah and we're hoping it's signed within the next week or so. It has gone through all the reviews that I'm aware of and I'm hopeful that it will be signed within the next couple of weeks. Ah the slide that follows this one (1) shows you somewhat convoluted review process and this is controlled by ah basically the amount of money that is estimated that the Record of Decision will cost. The more or the higher the amount of money that the Record of Decision is estimated to cost, the more portions of this particular Flow Chart become applicable and the numbers I believe are at ah one million ($1,000,000), five million ($5,000,000) and ten million ($10,000,000) dollars. One million dollars ($1,000,000) the Facility Commander can sign the ROD. At five million dollars ($5,000,000) ah the Directors of the Regional Field offices can sign them. At - up to ten million dollars ($10,000,000) the Chief of the DA BRAC office can sign them and anything about ten million ($10,000,000) ah the Army Secretariat has to sign. Also the Army Secretariat, just because they have ah the authority can come in and select to

sign any ROD at any time. As far as I know they have not made that decision in this particular case although it could still happen. Right now we are expecting the Chief of the DA BRAC office to sign it within the next couple of weeks. (Indicating) The next slide there was a question last RAB meeting what all those acronyms and things meant so I spent some time and I didn't even know some of them.

MS. DIANE HENSHEL:

Oh cool. Thank you.

MR. PAUL CLOUD:

So that's what all those different acronyms on that previous Flow Chart stands for.

MR. RICHARD HILL:

Oh you did that? You put that together?

MR. PAUL CLOUD:

With some help.

MR. RICHARD HILL:

I thought Ken was supposed to do that and I figured that's why he wasn't here tonight.

MR. PAUL CLOUD:

No. Ah we talked about it and it became obvious that it would probably be easier for me. In fact I talked to the gentleman that made that Flow Chart and it took him some time to come up with some of the names.

MR. RICHARD HILL:

Thank you.

MR. PAUL CLOUD:

So that will hopefully explain what some of those archaic acronyms stand for. Any questions on the ROD? Okay. The next item is the status of the Depleted Uranium License Amendment. Now we've gone through a number of these ah slides already so I'll probably go through these fairly quickly but as I think most people here know February of last year the Army sent a Contingent Alternative License Amendment request to the NRC. In April of that year the NRC accepted that. Ah there was a meeting at NRC Headquarters in July of 2003 to discuss the status of that License Amendment submittal. In September of last year we submitted the Possession Only License Amendment and later that month the NRC acknowledged receipt of it. The NRC then sent out an Administrative Review ah for that License Amendment in October of last year and it commenced their Detailed

Technical Review of the Amendment Request. They also put out a Federal Register Notice with a request for an opportunity to request a hearing between October and November of last year. Save the Valley did in fact make such a request the end of November last year. The Army and the NRC staffs both responded to the NRC hearing request and in January of this year ah the Administrative Hearing Judge did in fact grant Save the Valley their hearing request. The hearing currently is delayed until completion of the Technical Review by the NRC. Any further details on that particular process or timing is best made with the NRC staff. That would be Dr. McLaughlin and we do have his name, phone number and point of contact information on a later slide. In June of this year the NRC sent the Army a request for additional information or what we refer to as an RAI. In July the Army met with the NRC staff that was an open meeting. I believe some of the people here actually participated via phone conference. Ah then in August the Save the Valley sent the NRC a letter regarding UXO issues and there’s a copy of that letter here for your information. October NRC responded to Save the Valley letter regarding those issues and at the same date the NRC sent the Army a letter requesting some details regarding the NRC or the Save the Valley letter. The next bullet ah refers to the Army’s submittal of their response to the NRC RAI. We did that

Monday of this week. There is a cover letter and the forty-four (44) pages that we comprised that response. Right now ah the Army is estimating that we will respond to the NRC letter of October 5th in February of next year. It's my understanding that once the NRC has no further questions of the Army that they will then schedule a series of public meetings. My understanding is that they would hold them in all three (3) counties, probably on consecutive days. They would be public meetings for the public to comment on the Army's ah request for a License Amendment for Possession Only. But any details would have to be asked of the NRC staff. Also it is possible that as a result of those NRC public meetings that issues, questions, concerns that are raised at that time may prompt the NRC to seek additional information again from the Army. That is unclear at this point. I'll have to change this. I just recognized that this is an old website address so ignore this website address. We are in the process of revising the JPG website. The new or the current website address is still www.jpg.army.mil. We are no longer part of SBCCOM and haven't been for about two (2) years. I'll have to take blame for this. I'll fix this on the next go round.

MR. MIKE MULLETT:

Say it again.

MR. PAUL CLOUD:

Www.jpg.army.mil, m-i-l.

MS. DIANE HENSHEL:

And then it's uranium DU?

MR. PAUL CLOUD:

Well you can - you can go - I mean it's on the left hand side. You go to environmental and it will break it out to depleted uranium so on and so forth. I don't remember the exact breakdown after that. (Indicating) Now the NRC point of contact information is shown here as Dr. McLaughlin. There's his e-mail, his commercial and his toll free phone number. All of that is a Washington D.C. address. They are actually physically located in Rockville, Maryland. I don't know why they had a D.C. address but they do. The Army's point of contact information is Ms. Joyce Kuykendall. She's the Radiation Safety Officer and that's her point of contact information. And there's been no changes there. Questions, comments?

MR. RICHARD HILL:

I have a question for Joe probably. But you may - may or may not or maybe you know the answer to or maybe you can point me in another direction. I do know that

in the ah request for additional information that the NRC ah was asking of the Army and the Army has responded back about - it had to do with uranium concentrations in deer. And ah that brought a question into my mind when I was reading over it if you have any idea typically how far say an individual deer ranges in its normal, or even its lifetime I guess? Do they normally stay?

MR. JOE ROBB:

It - it can be in the miles.

MR. RICHARD HILL:

A few miles? I did some looking on the internet to try and see and that’s what it looked like to me from what I could gather that just probably a few miles normally.

MR. JOE ROBB:

This time of year maybe a little bit more because of the rut.

MR. RICHARD HILL:

The what?

MR. JOE ROBB:

The rut.

MR. RICHARD HILL:

Yeah. And probably some of it varies on if they have to go looking further for food and things like that? Okay.

MR. PAUL CLOUD:

How would the fence, perimeter fence, impact that range Joe?

MR. JOE ROBB:

Ah you - sometimes you can have a deer shot like in Area Forty (40), a mile or two (2) from the fence. And when you gut it and see what’s in the crop or in the stomach you’d find corn which it would have to be going out of the grounds and coming back in to have corn that far in. But I mean that’s an example.

MR. RICHARD HILL:

Un-huh (yes).

MR. PAUL CLOUD:

Any other questions, comments?

MR. MIKE MULLETT:

What's the next step with regard to the interchange between the Army and the NRC with regard to the RAI?

MR. PAUL CLOUD:

My understanding is that the NRC staff is currently reviewing our responses. In some manner or fashion they will get back to us at some undisclosed period of time, don't know yet when, haven't - because we just submitted it two (2) days ago. We haven't really asked that question yet. But with the holidays coming up I would guesstimate probably not until the beginning of next year. They may or may not have additional questions or want further expansion on a particular response or responses, don't know that yet. Our responses may generate additional questions, don't know that yet. Or they may say thank you very much, you've answered our questions, and ah wait for our response in February for the other letter. Don't know yet. But in either case sooner or later we'll have to hear back from them on the RAI and like I said we're anticipating to respond to their October 5th letter in February of next year. Does that answer your question?

MR. MIKE MULLETT:

It does. Thank you.

MR. PAUL CLOUD:

Joe?

MR. JOE ROBB:

I was going to offer, Mr. Hill do you have someone interested in getting deer sample from an area near the DU area? This would be the easy time to get that. We have deer brought in, we know the area, and if you would tell us what kind of sample you would like maybe Dr. Henshel or somebody would like to do a sample.

MS. DIANE HENSHEL:

Am I going to get paid to do it?

MR. JOE ROBB:

Ah --

MS. DIANE HENSHEL:

If I'm going to be coming down here --

MR. RICHARD HILL:

Who are you asking?

MR. PAUL CLOUD:

I hope you're looking at Save the Valley.

MS. DIANE HENSHEL:

I was hoping the Army would pay me actually or pay my students.

MR. JOE ROBB:

Even if you made a request to Fish and Wildlife Service, which I don't know what you are saying, a zillion billion dollars, no. If you're talking five hundred dollars ($500) I would say I could do that.

MS. DIANE HENSHEL:

I'll tell you what Joe, I'll train you.

MR. JOE ROBB:

I can get the samples for you but we don't have a lab or anything that we could do analysis.

MS. DIANE HENSHEL:

I'll see if I can find somebody in New York who would be willing to do the analysis for you.

MR. JOE ROBB:

Well get with me quick because the deer - the gun deer season is starting this weekend and we get two hundred (200) or three hundred (300) deer.

MS. DIANE HENSHEL:

And do you - can you make sure that the hunters will track where they collected it?

MR. JOE ROBB:

Well we would know exactly what area that they would be in so that would be within a couple of hundred (200) acres. But they do gut the deer on - at site, so what they're bringing back is something eviscerated, nothing - there might be pieces of lung. A lot of times a hunter will, if we ask him, in an area and a hunter shoots a deer in Area Fifty-two (52) which is right next to the DU area to collect a liver or I don't know what - what you would be looking for, lung tissue perhaps, they could - they could perhaps bag that and bring that back to us.

MS. DIANE HENSHEL:

What about kidneys?

MR. JOE ROBB:

Kidney would be an easy one (1). Or if you want to think about it and do it next year because this is short time now. You might want to think about it a little bit more and investigate what would be the most appropriate sample. Some of this has been collected before am I right Paul?

MR. PAUL CLOUD:

There have been a few samples taken and analysis made, yes. The results have been provided to the NRC and Save the Valley.

MR. RICHARD HILL:

You can see some of the results in this handout here.

MR. JOE ROBB:

But if you're interested in pursuing some more sampling we would.

MS. DIANE HENSHEL:

Like the range and number?

MR. RICHARD HILL:

Un-huh (yes).

MR. JOE ROBB:

We would be willing to cooperate.

MR. RICHARD HILL:

Well thank you.

MS. DIANE HENSHEL:

I would be happy to sort of help figure out where we could go but it would be nice to have some money for analysis for what we're talking about.

MR. JOE ROBB:

It's nice to have money. I will agree with that.

MR. PAUL CLOUD:

Any other comments or questions? Diane?

MS. DIANE HENSHEL:

No. There isn't much to say right now you know.

MR. PAUL CLOUD:

That's never stopped you.

MS. DIANE HENSHEL:

You're just disappointed. You like to shoot me down and say well we have every right to say whatever we choose.

MR. PAUL CLOUD:

That's not true either.

MR. RICHARD HILL:

Which part?

MR. MIKE MULLETT:

Why did the Army leave some of these pages intentionally blank?

MS. DIANE HENSHEL:

To waste paper.

MR. PAUL CLOUD:

Because when it's bound up and actually presented to the NRC it - sometimes they print on both sides of the page and sometimes they don't. That's just the way

the contractor did it. I mean we don't have any specific guidelines on that you know. As long as the document or the submittal of the response or whatever it is is complete I mean it doesn't make a whole lot of difference. Any other questions? Richard?

MR. RICHARD HILL:

Ah give me just a minute okay?

MR. PAUL CLOUD:

Okay.

MR. RICHARD HILL:

I'm collecting my thoughts. I don't think I have any other questions right now but let's just wait about one (1) more minute here and we'll see.

MR. PAUL CLOUD:

Kevin?

MS. DIANE HENSHEL:

Could you potentially change the August 3rd date if it seems like that's a bad time?

MR. PAUL CLOUD:

August 3rd date of what?

MS. DIANE HENSHEL:

For the next meeting. You asked if there were questions?

MR. PAUL CLOUD:

You're talking - we haven't gotten that far yet. That's a possibility. It depends on when. I mean we have already coordinated between Richard and I on those dates along with our Court Reporter. I do understand that there are other priorities for other people but we have changed them in the past. But we can look at it. What I would suggest is if there is a request of that nature that alternative dates be proposed.

MS. DIANE HENSHEL:

Okay I don't know yet.

MR. PAUL CLOUD:

And the reason why.

MS. DIANE HENSHEL:

Oh it would be for vacation.

MR. PAUL CLOUD:

Mr. Hudson?

MR. ROBERT HUDSON:

No.

MR. PAUL CLOUD:

Peggy?

MS. PEGGY VLEREBOME:

No.

MR. PAUL CLOUD:

Joe? Do you want to introduce your assistant?

MR. JOE ROBB:

This is Dan Matiatos. He is our new Assistant Refuge Manager, Refuge Operations Specialist at the Big Oaks National Wildlife Refuge. Say hi Dan and make him feel welcome.

MR. PAUL CLOUD:

Okay while Richard is still getting his thoughts together the next RAB meeting is scheduled for

Wednesday, February 2nd at the Madison-Jefferson County Library. Now we did check with the library because they did have a program going on on Wednesday evenings in the auditorium where we typically meet but it looks like they've either terminated that or scheduled it for another date. So right now ah this is the time and date of the next meeting. If for some reason the library changes its mind I will notify Richard as soon as possible. But we don't expect that right now. And the other reason we weren't at the library last meeting was because they were going through a renovation and so we couldn't use the library at all. But I think the renovation is just about done now so clearly by February we expect it will be. And then this slide (indicating) shows the scheduled meetings for next year. February meeting we've already talked about. April meeting would be in Versailles Elementary School and then back to the library in Madison in August and back up here in November. Any comments or questions? Richard?

MR. RICHARD HILL:

Ah the only other thing right now is if Kevin or Diane o Joe or anybody else that typically makes it to the meetings if one (1) of these dates is not good be sure and let me know and I will - you know we will get together - and as Paul said the reason again Paul and I will get

together and see if it would be possible to change to an alternate date if you have - if you offer us an alternate date.

MR. PAUL CLOUD:

It can be not only an alternate date but even a different day in the same week. Sometimes it’s a day or two (2).

MR. RICHARD HILL:

True.

MR. PAUL CLOUD:

We’ve done that. Or sometimes it’s a week or two (2). We’re flexible to a degree.

MS. DIANE HENSHEL:

We haven’t worked on our summer planning yet.

MR. PAUL CLOUD:

If you had kids in college like I do you don’t go on vacation anymore.

MS. DIANE HENSHEL:

Yeah.

MR. PAUL CLOUD:

Sir do you have another comment?

MR. MIKE MULLETT:

Can I ask you another question?

MR. PAUL CLOUD:

Go ahead. No problem.

MR. MIKE MULLETT:

About the RAI?

MR. PAUL CLOUD:

Go ahead.

MR. MIKE MULLETT:

Ah look at page three (3) up here at the top question one (1) the last sentence. (Reading) The Army should provide information on the interrelationship between DU concentrations in the groundwater, surface water, caves, springs and stream sediments. Then if you go down to the information in the basis (reading) the question posed is whether the conceptualized site model used to locate the monitoring wells in the first place is correct. An

understanding of the interrelationships between unsaturated flow, groundwater, surface water, caves and springs that impact the fate and transport of the DU from degrading penetrators is critical in design of the monitoring system. And then when you go over to the response which I think takes us ah pretty much over to page nine (9) it says (reading) during the collection of the historical samples at the DU Impact Area, no flow data were collected in conjunction with sampling of surface water, sediment and groundwater. No flow data have been collected from any of the springs or caves documented to be within the DU Impact Area. Without flow data, the interrelationship of groundwater, surface water, springs, caves, and sediment cannot be identified and evaluated. Flow data are needed to determine the inputs of groundwater and surface water and what conditions are present, such as a losing stream, gaining stream, discharge of groundwater from springs and streams to the surface water causing dilution or addition of DU, and conditions affecting sediment load in the stream and erosion/deposition rates. These data are essential to establishing the interrelationship of the groundwater, surface water, caves, springs, and sediments. Then it just stopped. So I guess - and I - I don’t in terms of protocol at - here between the NRC and ah - and the Department of Army, when they say the Army should provide information on

interrelationships between DU concentrations in the groundwater, surface water, caves, springs and stream sediments and as I would essentially read this the Army says there are no such data, I mean is that a response or does then the Army wait for the NRC to come back and say oh okay then how are you guys getting this data? Or I mean that - that just seems to me to be you've got the NRC asking a question kind of out here and then the Army is providing an answer on here and then you have this huge hole here kind of in the middle between the question and the answer. I mean it's --

MR. PAUL CLOUD:

Well I think you hit it on the head when you identified the information is not available. There is no information and the Army so stated that. But they also identified for the NRC the information that they thought might be relevant. Now it's up to the NRC to respond back to us whether or not they believe what we've identified is information that is necessary or not and then the Army and the NRC will have to work on whether or not it's essential enough to risk people going out into the area where we have UXO.

MS. DIANE HENSHEL:

Okay. So I mean because it's more than that one (1) point where there's these kind of issues.

MR. PAUL CLOUD:

Well if you - that's an accurate statement but if you look at the Save the Valley letter of August of this year and the NRC's response to them and the NRC's response - letter of request for ah information to the Army in October, I think that addresses that issue because the NRC asked the Army to identify those areas, issues, subjects where they believe because of the presence of UXO it was not safe to go out and gather that information at this time. That's what we're intending to respond to in February of next year.

MS. DIANE HENSHEL:

All right. But in the meantime --

MR. PAUL CLOUD:

The NRC has the RAI responses to review.

MS. DIANE HENSHEL:

Oh I have not finished the sentence Paul. Give me a second. In the meantime does that mean that we as citizens can make comments on this response to the RAI?

MR. PAUL CLOUD:

You'll have to talk to the NRC. I don't know.

MS. DIANE HENSHEL:

Okay.

MR. RICHARD HILL:

I'm sure we can.

MS. DIANE HENSHEL:

So that's what our next step needs to be then? That's what I was assuming.

MR. RICHARD HILL:

Well you should be thoroughly familiar with it yes.

MS. DIANE HENSHEL:

In other words we come back to the NRC with comments on this?

MR. RICHARD HILL:

Should at least have some ready.

MS. DIANE HENSHEL:

Yeah. Right.

MR. KEVIN HERRON:

Diane they still have to have their public meetings to accept public comment during their public meetings.

MR. RICHARD HILL:

Yeah.

MR. KEVIN HERRON:

So if it’s out there it’s available for public comments. So you’re still going to have that opportunity so if there’s something in here that you don’t like or you have questions concerning it you can --

MS. DIANE HENSHEL:

This is somewhat of a circular process.

MR. MIKE MULLETT:

It’s irritative.

MS. DIANE HENSHEL:

Would that be backwards?

MR. MIKE MULLETT:

It’s like a ping pong game.

MR. KEVIN HERRON:

And also it lies within my - in the way I would re - in the way I view it on the similarity of regulations between CIRCLA and the NRC regulations that it would lie with the NRC to say okay for us, Army, to understand what’s going on you - you need to do these things. And I think that’s - they’re heading in that direction but they’re wanting the Army - what we do we - we put the burden of proof or the burden of all the work on the other people to provide to us and that’s what they’re in the process of doing that now with the Army and the Army’s response in February is going to say well this is what we can do and these areas to be safe and then the NRC is going to have to evaluate in fact whether that is sufficient enough or whether they’re going to say okay well - okay we don’t agree, we think that this needs to be done because - to develop that additional information that - that is necessary for us to understand the interrelationships. So it’s - it’s still on going the way I would look at it. Slow.

MR. PAUL CLOUD:

Any other questions or comments? I don't have anything else. Like we said the next meeting is February 2nd at the Madison-Jefferson County Library. Make sure you take a copy of all the handouts, that you've signed in, if you have a new address please make sure you have so we can keep you on an updated mailing list. And ah Richard do you have any closing comments?

MR. RICHARD HILL:

Ah thanks for coming.

MS. DIANE HENSHEL:

Wait. Wait.

MR. PAUL CLOUD:

Diane?

MS. DIANE HENSHEL:

Wait. I have a question. There are some citations in here. Can we contact you and ask for copies of them?

MR. PAUL CLOUD:

Either us or the NRC.

MS. DIANE HENSHEL:

Well this is your report to the NRC so theoretically you came up with the sites.

MR. PAUL CLOUD:

Well we should be able to find them.

MS. DIANE HENSHEL:

Yeah. Like personal communication would be one (1) that I would like.

MR. PAUL CLOUD:

If there’s a document of record of it, it may be all verbal.

MS. DIANE HENSHEL:

All right. So I’ll write to you for that? Deal?

MR. PAUL CLOUD:

Anything else? That’s all we have. Thank you very much.

* * * * *

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 November 3, 2004 at the Jennings County Public Library, North Vernon, IN; That this public hearing was taken on behalf of the Jefferson Proving Ground Restoration Advisory Board pursuant to agreement for taking at this time and place; That the testimony of the witnesses was reduced to typewriting by me and contains a complete and accurate transcript of the said testimony.

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

WITNESS my hand and notarial seal this _____ day of November, 2004.

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

My Commission Expires:

July 2, 2007