



U.S. Army Corps of Engineers Proposed Plan and Requests Public Comments Nantucket Memorial Airport Formerly Used Defense Site (FUDS) Munitions Response Site 1

Nantucket, Massachusetts

November 2016

Text in bold italics indicates that a word/phrase is included in the glossary at the end of this Proposed Plan.

MARK YOUR CALENDAR!

The U.S. Army Corps of Engineers will hold a **public meeting** to explain the preferred remedial alternative and proposed plan on the date and time below. This will be an opportunity for the public to ask questions.

Public Meeting

Date: Wednesday, December 7th, 2016

Time: 6:00 p.m.

Place: Public Safety Facility

4 Fairgrounds Road

Nantucket, MA 02554

We invite questions and comments at the public meeting or in writing during the public comment period.

Public Comment Period

December 1, 2016 – January 6, 2017

Comments must be postmarked or e-mailed by midnight December 20, 2016. You can comment orally at the meeting or in writing by mail or e-mail to:

LATA-Matrix ATTN: Mr. Kent Boler
2878 Johnson Ferry Road, Suite 100
Marietta, GA 30062
kent_boler@matrixdesigngroup.com

Comments are being solicited by LATA-Matrix, on behalf of the U.S. Army Corps of Engineers. Questions regarding this project can be directed to the U.S. Army Corps of Engineers Project Manager, Ms. Carol Ann Charette, at 978-505-2918.

Project Information Repository

This Proposed Plan is available in the project **information repository** at the **Nantucket Atheneum Public Library**. This repository contains technical reports and community outreach material prepared for the **Nantucket Memorial Airport FUDS**.

This **Proposed Plan** is presented by the United States (U.S.) Army Corps of Engineers (USACE) to facilitate public involvement in the review and commenting on the remedy selection process for the Nantucket Memorial Airport (NMA) **Formerly Used Defense Site (FUDS)**. **The USACE is proposing a decision of No Action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the Munitions Response Site (MRS) -1 (Burial Site)** (hereafter referred to as the Site) Project Number D01MA049901 at the Nantucket Memorial Airport (NMA) located on Nantucket Island, Massachusetts. The Proposed Plan outlines the reasons for this proposed decision. The Proposed Plan was prepared using guidance provided in the *Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents* (USEPA, 1999).

The final decision for the Site will be made after reviewing and considering all information submitted during the public comment period. The proposed decision presented in the Proposed Plan may be modified based on new information or public comments. The public is encouraged to review and comment on the Proposed Plan.

The FUDS program addresses the potential explosives safety, health, and environmental issues resulting from past munitions use at former defense sites under the Department of Defense (DoD) Military Munitions Response Program, established by the U.S. Congress under the Defense Environmental Restoration Program. The FUDS program only applies to properties that transferred from DoD before October 17th, 1986. The first priority of USACE is the protection of human health, safety, and the environment. The Army is the executive agent for the FUDS Program, and USACE is the lead agency for investigation/reporting and remedial decision-making at this MRS with regulatory support provided by the Massachusetts Department of Environmental Protection (MassDEP).

Figure 1 shows the location of the Site.



Figure 1 – Site Location Map

This Proposed Plan proposes that No Action is required for the Site. Action is not necessary at the Site because there are no identified releases of hazardous substances and no identified explosive safety hazard associated with former Department of Defense (DoD) activities at NMA FUDS MRS-1 (Burial Site).

USACE will select a final remedy for the NMA FUDS MRS-1 (Burial Site) after considering all public comments. The public is also encouraged to review supporting technical documents and community outreach material that are available in the project **information repository**, located at the Nantucket Atheneum Public Library. This project information repository provides copies of documentation included in the **Administrative Record file** for this MRS. The official Administrative Record file for the MRS-1 (Burial Site) is stored at the USACE, New England District located at 696 Virginia Road, Concord, Massachusetts 01742-2751, and is maintained by USACE. The selected remedy will be announced in a local newspaper notice and the final **Decision Document (DD)**.

The FUDS program follows the requirements of the *National Oil and Hazardous Substances Pollution Contingency Plan¹ (NCP) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)* of 1980 and its amendments of 1986. This Proposed Plan is prepared to be consistent with the requirements of Section 117(a) of CERCLA, Title 40 Code of Federal Regulations (CFR) Section 300.430(f)(2) of the NCP, and the U.S. Environmental Protection Agency (EPA) guidance.

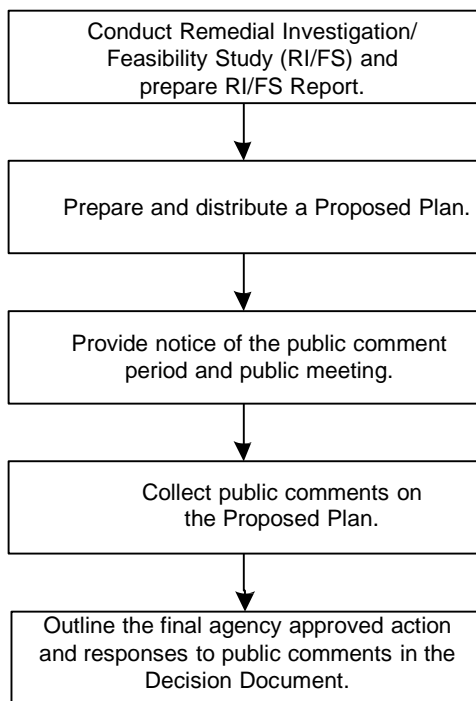


Figure 2: Public Participation Process

This Proposed Plan recommendation of No Action, is primarily based on the results of the 2015-2016 MRS-1 (Burial Site) **Remedial Investigation (RI)**, conducted in accordance with CERCLA, which identified no burial pit(s) or other munitions source, and no **unexploded ordnance (UXO)** or **discarded military munition**

¹ *Section 300.430(f)(1)(ii) and 300.430(f)(4)(i) of the NCP requires public participation in the process of approving a proposed Decision Document. This Proposed Plan summarizes the technical documents available in the project information repository located at the Nantucket Atheneum [1 India Road, Nantucket, Massachusetts, 02554].

(**DMM**), which are considered **munitions and explosives of concern (MEC)**. No unacceptable risks were identified for any human health or ecological receptors. Based on the results of the RI, completion of a **Feasibility Study (FS)** was not warranted. The public has until January 6, 2017 to comment on the Proposed Plan. See the Mark Your Calendar! box on page 1 to find out how to submit your opinion.

MRS-1 (BURIAL SITE)

History and Description

The MRS-1 (Burial Site) covers a 2.4-acre portion of the FUDS in Nantucket County, Massachusetts (*see Figure 3*). The Nantucket Memorial Airport FUDS property consists of 577.5 acres located on the south-central portion of Nantucket Island. The FUDS was leased by the U.S. Government between 1942 and 1946, and was used as a minor auxiliary air facility and staging point to support refueling, airplane training, and emergency missions.

The NMA facility was first identified as FUDS-eligible via the Inventory Project Report prepared by USACE in 1992. A Visual Site Inspection conducted in 2000 coupled with a USACE review of historical documentation in the Archives Search Report (2001) and the Archives Search Report Supplement (2004) of the FUDS found surficial **munitions debris (MD)** and small arms ammunition in a 2.4 acre potential dumping ground or burial site designated as MRS-1 (Burial Site).

The 2.4 acre Site is a flat rectangular area located on the northeast side of the airport, outside of the airport security fence in an airport owned industrial park (*see Figure 3*). The industrial park has been developed by the NMA over the past decade. It is used in part by the airport and was leased to a variety of commercial/landscaping tenants. Current land use for the site is industrial. Future land use is anticipated to remain industrial. Site surface soils have been mostly replaced during site development by the leased tenants and limited undisturbed habitat remains.

The Site provides habitat for an extremely limited variety of plants and animals and no Federally-listed threatened and endangered species, state-listed endangered species, state-listed threatened species, or state-listed special species of concern have been observed or are likely to be present on-site. Further, no

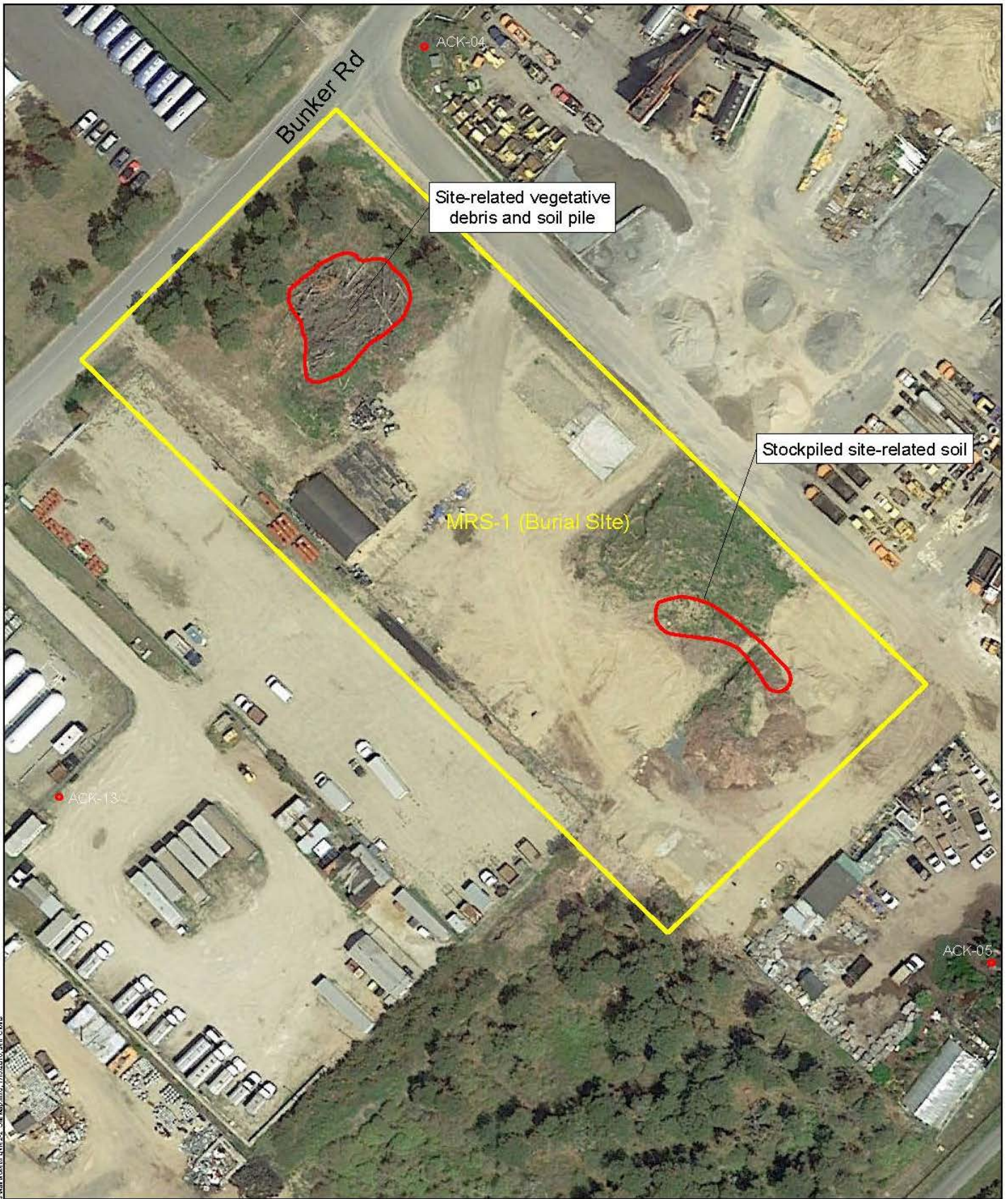


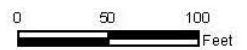
Figure 3

Legend

- MRS-1 (Burial Site)
- Major Road
- Streets
- Well

**Site Map
(2015 Imagery)**

Nantucket Memorial Airport
FUDS MRS-1



FILE:G:\P\DOCK\MUMHIS\DOCK\MUMHIS\ACK\04\Fig 03_Site Map.mxd, 1/16/2015, 1:47:01 PM

Drawing Date
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sensitive habitat, wetlands, or surface water or sediment media are present within the MRS-1 (Burial Site).

Public water service for the NMA and industrial park is provided by Wannacomet Water Company. Nantucket is a designated USEPA sole source aquifer, but the Site is not located within well head protection areas used as the drinking water source.

The Massachusetts Historical Commission indicates that the entire Island of Nantucket is listed as a historic district in the National Register of Historic Places and is designated as a National Historic Landmark. The Island of Nantucket is archaeologically-sensitive and likely contains areas of cultural significance to the Wampanoag Tribe. However, no cultural or archeologically significant findings were documented within the MRS during the RI.

A review of historical records, and an initial field investigation including limited chemical sampling for potential *munitions constituents (MC)* was conducted as part of the *Site Inspection (SI)* (2008). No MD debris was found, although no subsurface investigation for MEC was performed at that time. No MC analytes were detected above screening levels in groundwater or subsurface soil either. Antimony, copper, lead, nickel and zinc were identified in surface soil as potential contaminants of human health or ecologic concern warranting further investigation and background evaluation. No MC analytes were detected above screening levels in groundwater and no volatile organic compounds have been detected in annual airport groundwater compliance sampling (demonstrating that VOC concentrations were below applicable screening levels).

Since 2008, most of the previously wooded Site's tree cover was cleared and most of the site surface soils were removed and replaced with a surficial layer of non-native (not site related) soil/gravel by the leased tenants. Some site-related surface soil was stockpiled on site, but most of the site surface soils were moved offsite in 2013. One MD, a 5-inch rocket was encountered during movement of site soils offsite. Tenants also erected multiple small buildings, temporary structures, and established multiple soil and material stockpiles (*see Figure 2*). To facilitate the characterization of MRS-1 (Burial Site), two landscaping tenants and the majority of the site related structures and non-site related materials were relocated by the airport prior to the start of RI fieldwork.

2015 MRS-1 (BURIAL SITE) REMEDIAL INVESTIGATION

MEC Screening of Stockpiles

Remaining on-site native soil material stockpiles were screened for MEC. No MEC and only 1 piece of MD, a 3 pound MK-23 practice bomb, was found. The USACE screened an offsite stockpile of site-related surface soil as well for MEC and found no munitions-related material.

Geophysical Surveys and Intrusive MEC Investigation

A full coverage 2.4-acre EM31-MK2 geophysical survey was completed over the Site to detect potential burial pits (*see Figure 4*). No burial pits were detected.

A full coverage 2.4-acre EM61-MK2 geophysical survey was performed to detect MEC items in site soils. Metallic *anomalies* were detected and targeted with concurrence of the USACE (*see Figure 5*). Because this is a small site, more than 75% (362) of all targeted anomalies were intrusively investigated. No MEC was identified during intrusive activities and only two pieces of MD, rocket nose cones, were encountered in surface soils. No MD was encountered below 6 inches.

Nature and Extent of MEC

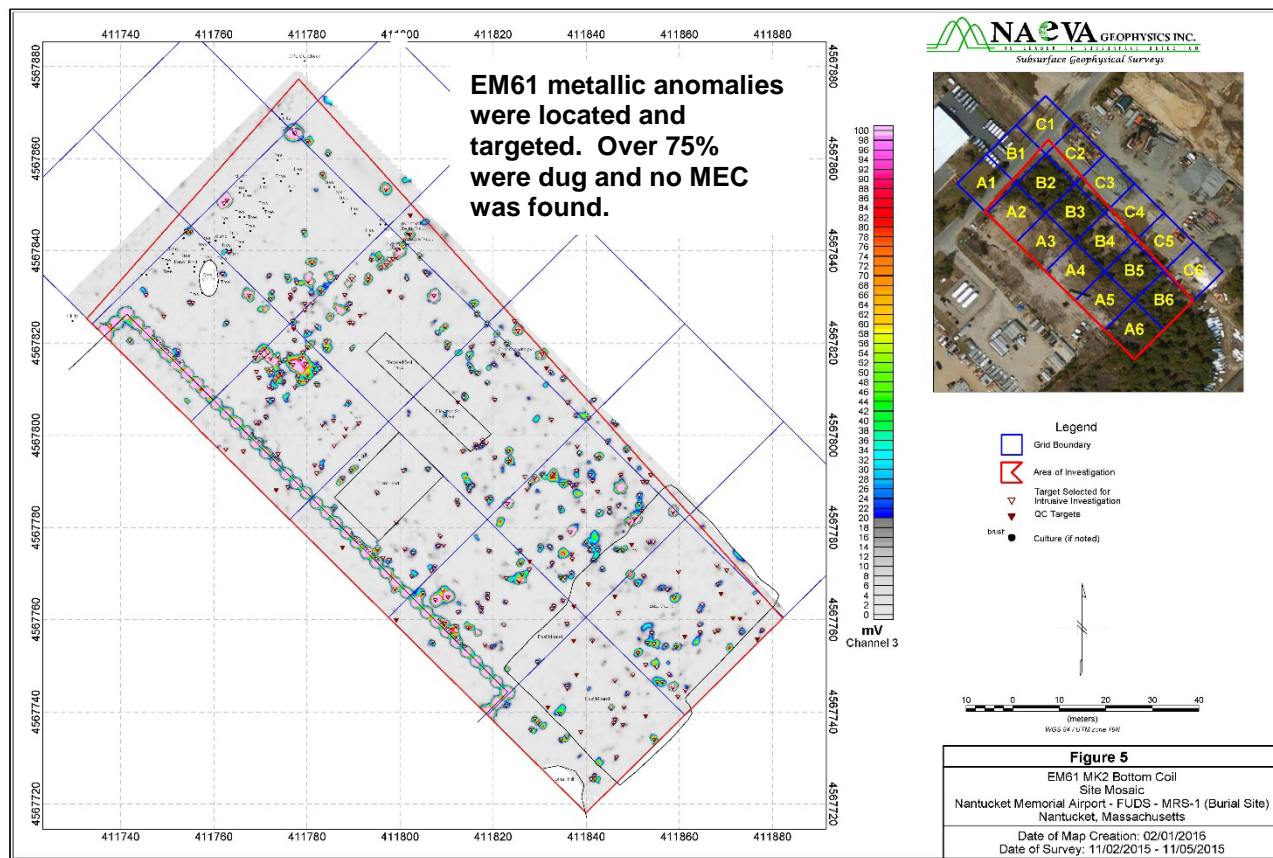
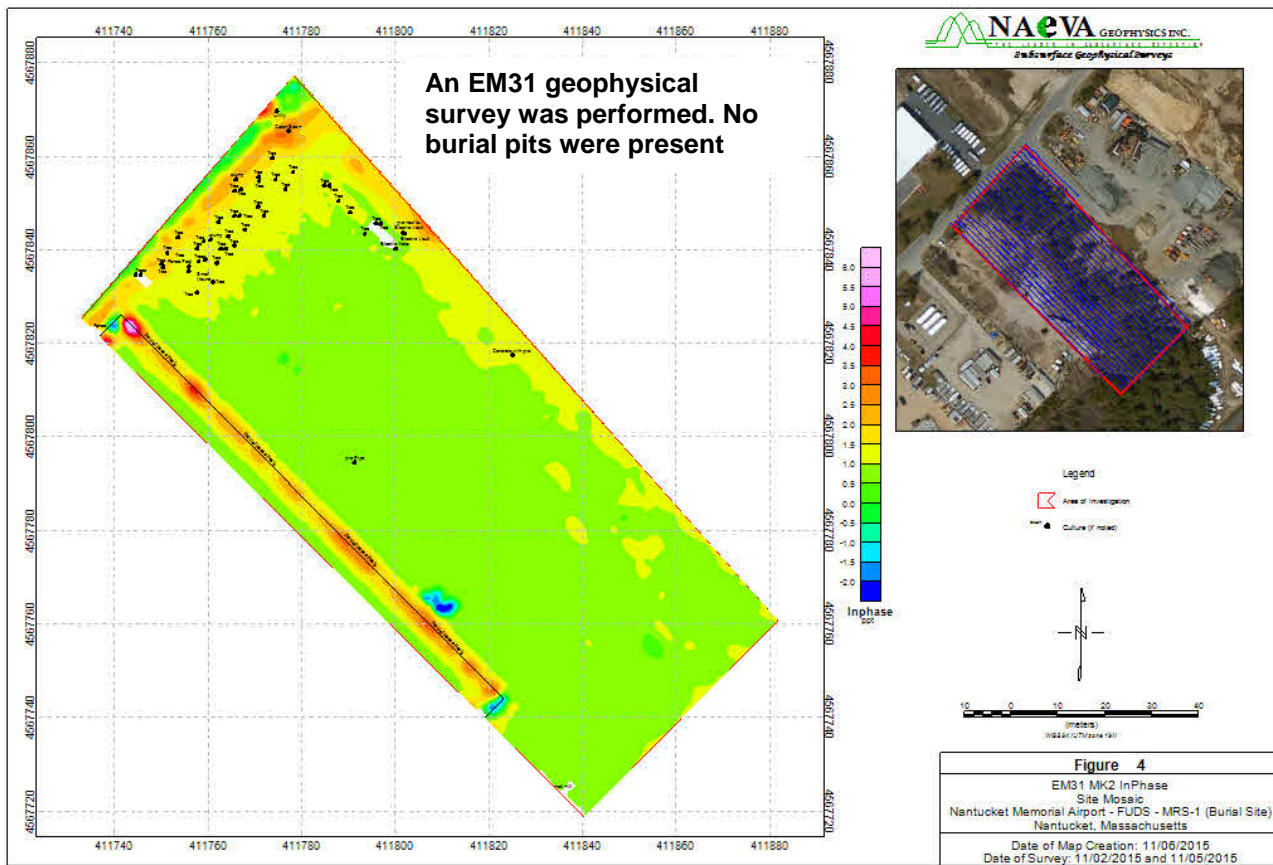
No MEC (UXO or DMM) were encountered during the RI, and only three pieces of MD were encountered. Historical suspicion of potential burial pit(s) were not confirmed. No MEC or subsurface burial pits or other potential MEC sources were found during the RI. All MD was recovered and ultimately classified as material documented as safe.

Based on all information collected to date – the absence of both MEC and burial pits, and very limited MD recovered – the project team determined that no MEC source or explosive safety hazard is present and any remaining uncertainty that MEC is present is low.

Munitions Constituent (MC) Sampling

MC analysis for the Site included explosives, perchlorate, and MC metals (antimony, copper, lead, nickel, and zinc). Incremental Sampling Methodology was used to sample, in triplicate, seven sampling units – four for site-related soil, one for non-native soils, and one for background surface and one for background subsurface soil (*see Figure 6*). Thirty incremental soil samples were collected and composited for each sampling unit. The analytic data was validated, and evaluated in comparison to the screening levels selected for the RI.

No analytes were detected above human health screening levels. Only lead in surface soil was detected above an ecological screening level; however the mean of the lead



concentrations in site-related surface soil (11 mg/kg) is less than the mean of the lead concentrations in the background surface soil locations (16 mg/kg). There is insufficient evidence to conclude the site mean is greater than the background mean. Additionally, the site and site background means were less than the MassDEP regional background mean of 19.5 mg/kg. It is noted the 90th percentile of the MassDEP regional background is 100 mg/kg.

Surface water and sediment are not present on the site, and groundwater was not evaluated based on the absence of MEC or burial pits and the project team's evaluation of the soil sampling results.

Risk Assessment

No MC analytes (explosives, antimony, copper, lead, nickel, zinc) were detected in soils above human health risk assessment screening level and are therefore not a concern for potential exposure to current and/or future human health receptors.

One MC analyte, lead, was detected in surface soil above the project ecologic risk screening levels. However, the site-related concentrations are consistent with both site-specific mean background and MassDEP background concentrations of lead; therefore, the lead concentrations in soil are considered to be attributable to natural background levels for the region.

SUMMARY OF MRS RISKS

Based on the results of the SI and RI, no burial pit or other potential MEC source area is present, no UXO or DMM were identified, and only a very limited amount of MD was encountered during characterization of the MRS-1 (Burial Site). An *explosive safety hazard* is not anticipated to exist at the Site. An explosive safety hazard is the possibility that a MEC item will explode and potentially cause harm if handled or disturbed. Since no MEC have ever been found on the Site, the project team determined that a Munitions and Explosives of Concern Hazard Assessment was not warranted. The project team determined that no MEC source or explosive safety hazard is present.

No unacceptable risks were identified for any human health or ecological *receptors*.

SCOPE AND ROLE OF RESPONSE ACTION

This Proposed Plan addresses only the MRS-1 (Burial Site). The proposed decision of No Action is intended to be the final decision for the Site, and it does not impact any other source areas or areas of concern at NMA FUDS.

STATUTORY AUTHORITY FINDING

CERCLA Section 104(a)(3) states action should not be taken in response to a release or threat of release of a

naturally occurring substance in its naturally occurring and unaltered form or a naturally occurring substance that has been altered solely through naturally occurring processes or phenomena, from a location where it is naturally found. Therefore, USACE does not have authority under CERCLA to address the lead concentrations in surface soil in MRS-1 (Burial Site) because the presence of lead at these concentrations is within Site and Massachusetts background concentrations due to naturally occurring geochemical processes.

PROPOSED DECISION

The proposed decision is No Action under CERCLA, because there is no identified release of hazardous substances and no MEC hazards associated with former DoD activities at NMA FUDS MRS-1 (Burial Site).

COMMUNITY PARTICIPATION

Public input is important to the decision-making process. Nearby residents and other interested parties are encouraged to use the comment period for questions and concerns about the proposed decision for the Site. USACE will summarize and respond to public comments in a responsiveness summary, which will become part of the official Decision Document.

How to Submit Comments

The Public Comment Period for the MRS-1 (Burial Site) Proposed Plan offers the public an opportunity to provide input to the process of selecting the proposed decision for the Site. The Public Comment Period will begin on 1 December 2016 and end on 6 January 2017. A public meeting will be held on 7 December 2016. The meeting will provide an additional opportunity for the public to submit comments regarding the Proposed Plan. An example comment sheet is provided at the end of the document. Submit written or email comments (postmarked no later than 6 January 2017) to:

LATA-Matrix
ATTN: Mr. Kent Boler
2878 Johnson Ferry Road, Suite 100
Marietta, GA 30062
kent_boler@matrixdesigngroup.com

Community Acceptance and Decision Document

Community acceptance of the proposed decision of no action will be evaluated after the public comment period ends.

USACE will respond in writing to comments in a responsiveness summary that will be part of the Final Decision Document for the MRS-1 Burial Site). Once finalized, USACE will announce the selected remedy in a local newspaper advertisement and will place a copy of the Final Decision Document in the project information repository

REFERENCES

ALION. 2008. *Final Site Inspection Report* for the Nantucket Memorial Airport, January 2008.

EPA (U.S. Environmental Protection Agency). 1988. *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*, Office of Emergency and Remedial Response, EPA/540/G-89/004, OSWER Directive 9355.3-01. October 1988.

EPA. 1999. *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents*. EPA 540-R-98-031. OSWER 9200-1-23P.

LATA-Matrix Environmental and Munitions Services, LLC (LATA-Matrix). 2016, *Final Remedial Investigation Report for Nantucket Memorial Airport FUDS MRS-1 (Burial Site), Nantucket, MA*. FUDS Project No. D01MA049901. September 2016.

U.S. Army. 2009. *Final Munitions Response Remedial Investigation/Feasibility Study Guidance*. Military Munitions Response Program. November 2009.

USACE (U.S. Army Corps of Engineers). 1992. *Inventory Project Report for Nantucket Memorial Airport, DERP-FUDS Site D01MA049901, Nantucket, Massachusetts*. March, 1992.

USACE. 2001. *Defense Environmental Restoration Program for Formerly Used Defense Sites Ordnance and Explosive, Archive Search Report Findings for Naval Auxiliary Air Facility, D01MA049901*.

USACE. 2004a. *Engineer Regulation 200-3-1, Formerly Used Defenses Sites (FUDS) Program Policy*. 10 May 2004.

USACE. 2004b. *ASR Supplement, Nantucket Memorial Airport, FUDS Property Number D01MA049901*. November 26.

USACE. 2006. *Engineer Pamphlet 1110-1-18. Military Munitions Response Process*. 3 April 2006.

**PROPOSED PLAN
MRS-1 (BURIAL SITE)
NANTUCKET MEMORIAL AIRPORT FUDS
NANTUCKET, MASSACHUSETTS
GLOSSARY FOR SPECIALIZED TERMS**

Administrative Record file	A collection of documents containing the information and reports generated during the entire phase of investigation and remedial action at a site, which are used to make a decision on the selection of a response action under CERCLA. This file is to be available for public review and a copy maintained near the site (i.e., information repository). The official Administrative Record file for the MRS-1 (Burial Site) is located at USACE, New England District, and is maintained by USACE.
Anomaly(ies)	An anomaly is an irregularity within a particular set of data. During the RI, an anomaly was recognized as a metallic object (or cluster of objects) detected with specialized equipment at or below ground surface.
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)	Commonly known as Superfund, this Act was enacted by Congress on December 11, 1980, and modified in 1986 by the <i>Superfund Amendments and Reauthorization Act (SARA)</i> , to investigate and clean up hazardous substances.
Decision Document (DD)	The Department of Defense has adopted the term Decision Document (DD) to refer to a legal public document, similar to a Record of Decision completed for National Priorities List sites, that: certifies that the remedy selection process was carried out in accordance with CERCLA and the NCP; provides a substantive summary of the technical rationale and background information in the Administrative Record file; provides information necessary in determining the conceptual engineering components to achieve the remedial action objective (RAO) established for a site; and serves as a key communication tool for the public that explains the identified hazards that the selected remedy will address and the rationale for remedy selection. The DD will be maintained in the Administrative Record file.
Discarded Military Munitions (DMM)	Military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include UXO, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of, consistent with applicable environmental laws and regulations [10 USC 2710(e)(2)].
Explosive Safety Hazard	The probability for a MEC item to detonate (explode) and potentially cause harm to people, property, or the environment as a result of human activities. An explosive safety hazard exists if a person can come into contact with a MEC item and act upon it to cause it to detonate or explode. The potential for an explosive safety hazard depends on the presence of three critical elements: a source (presence of MEC), a receptor or person, and an interaction between the source and the receptor (such as picking up the item or disturbing the item by digging). There is no explosive safety hazard if any one element is missing.

GLOSSARY OF TERMS (CONTINUED)

Feasibility Study (FS)	An evaluation of viable technologies and treatment options that can be used to remediate a site. These technologies and treatment options are assembled into a number of different remedial alternatives that are evaluated using the nine CERCLA/NCP criteria. The overall purpose of the FS is to provide the analysis in order to identify a preferred remedial alternative in the Proposed Plan.
Formerly Used Defense Site (FUDS) Property	A FUDS is defined as a facility or site (property) that was under the jurisdiction of the Secretary of Defense and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances. By the Department of Defense Environmental Restoration Program (DERP) policy, the FUDS program is limited to those real properties that were transferred from DoD control prior to 17 October 1986. FUDS properties can be located within the 50 States, District of Columbia, Territories, Commonwealths, and possessions of the United States.
Information Repository (IR)	A file containing current information, technical reports, and reference documents duplicated from the Administrative Record file maintained for a site. The information repository is usually located in a public building that is convenient for local residents, such as a public school, city hall, or library. The project information repository is located at the Nantucket Atheneum [1 India Street, Nantucket, Massachusetts, 02554].
Munitions and Explosives of Concern (MEC)	This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means unexploded ordnance (UXO), discarded military munitions (DMM), or munitions constituents (MC) (e.g., explosives) that are present in high enough concentrations to pose an explosive hazard.
Military Munitions	All ammunition products and components produced or used by or for the U.S. DOD or the U.S. Armed Services for national defense and security, including military munitions under the control of the DOD, the U.S. Coast Guard, the U.S. DOE, and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed. (40 CFR 260.10).
Munitions Constituents (MC)	Any chemicals contained in unexploded ordnance (UXO), discarded military munitions (DMM), or other military munitions. These chemicals include explosives, metals, and chemical breakdown products.
Munitions Debris (MD)	Remnants of munitions (e.g., fragments, penetrators, projectiles, shell casings, links, fins) remaining after munitions use, demilitarization, or disposal.
Munitions Response Site (MRS)	A specific area on a defense site that is known or expected to contain munitions and that requires investigation to determine whether munitions or munitions constituents are present.

National Oil and Hazardous Substances Pollution Contingency Plan (NCP)	The Federal regulation that implements CERCLA. The NCP was revised in February 1990. The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, or contaminants.
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GLOSSARY OF TERMS (CONTINUED)

Proposed Plan (PP)	A document that presents a proposed remedial alternative, including rationale for selection, and requests public comments regarding the proposed alternative.
Receptor	Receptors include both humans and biota (plants or animals) that may come into contact with a hazardous substance, including munitions and munitions constituents, either directly (e.g., picking an item up) or indirectly (e.g., through ingestion).
Remedial Action	An action taken instead of or in addition to removal of munitions or chemicals in the environment that may pose a risk to humans, animals, or other potential receptors or to prevent these munitions or chemicals from entering the environment and causing risk. The term includes, but is not limited to, actions such as covering or capping, excavation and disposal, chemical treatment, incineration, transportation, storage, or any other actions necessary to protect the public health or welfare and the environment, such as land use and institutional controls.
Remedial Investigation (RI)	A study of a site that provides information regarding the location and concentration of chemicals and munitions in soil, surface water, groundwater, and/or sediment and whether these chemicals and munitions pose a risk to human health and the environment.
Site Inspection (SI)	A study of a site that reviews historical information and performs limited environmental (e.g., soil, surface water, waste, etc.) sampling to determine what chemicals are present at a site, and if the chemicals are being released to the environment and may pose a risk to human health or the environment.
Superfund Amendments and Reauthorization Act (SARA)	In 1986, this legislation established standards for remedial activities, required federal facility compliance with CERCLA, and clarified public involvement requirements.
Technical Project Planning (TPP)	<p>The TPP is a team-based, comprehensive, and systematic planning process for identifying project objectives and designing data collection program at MEC and hazardous/ toxic/ radioactive waste sites. There are four phases to the TPP process. Phase I involves identifying and becoming familiar with the project. Phase II involves evaluating existing project data, determining the data needed to make appropriate and supportable decisions, and identifying new methods for collecting that data. Phase III involves developing and documenting the field methods to be used. Phase IV involves finalizing and documenting the data collection alternatives and decisions, including documentation of the data quality objectives.</p> <p>For the MRS-1 (Burial Site), the TPP has included USACE and their contractor, the Massachusetts Department of Environmental Protection, and the property owners/representatives.</p>
Unexploded Ordnance (UXO)	Includes military munitions that have been primed, fuzed, armed, or otherwise prepared for action; have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material; and remain unexploded either by malfunction, design, or any other cause. (10 USC 101(e)(5)(A) through (C) and 40 CFR 266.201).

