

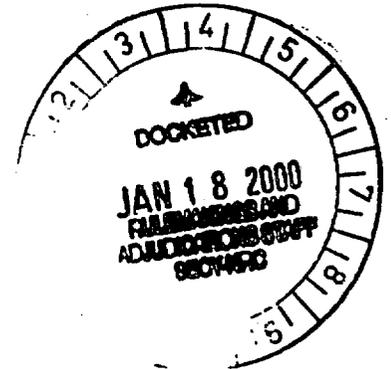


# SAVE THE VALLEY

SAVE THE VALLEY, INC., P.O. BOX 813, MADISON, IN 47250  
phone & fax: (812) 265-4577; e-mail: phill@venus.net  
*Protecting the Ohio River Valley environment since 1974*

January 13, 2000

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attn: Rulemaking and Adjudications Staff



Dear Secretary:

We are requesting a hearing regarding the Notice of Consideration of Amendment Request for U.S. Army Jefferson Proving Ground Site in Madison, Indiana, and Opportunity for Hearing [Docket No. 040-08838] as published in the Federal Register/Vol. 64, No. 241/Thursday, December 16, 1999.

I am requesting the hearing as representative of Save the Valley, Inc. (STV). STV is a nonprofit environmental organization based in the Madison, Indiana area. STV has been incorporated since 1974 with the purpose of protecting the environment of southeastern Indiana and northern Kentucky approximately between Lawrenceburg, Indiana and Louisville, Kentucky. STV has members who live near the boundaries of Jefferson Proving Ground.

Some STV members that live on property which is traversed by Big Creek have expressed concerns about the potential of DU migrating to their property. These members live downstream from the DU area. Big Creek runs directly through the DU area. These concerns include questions about possible effects on human health, as well as effects on the biological environment of the Big Creek area. Other members, as well as city and county officials have expressed concern about potential health effects on the general public.

Our examination of the decommissioning plan leaves us with questions that we believe must be addressed. These questions include issues surrounding the extent of the cleanup of DU, future monitoring of the area and areas downstream, and the procedures that will be insure that the area remains restricted.

### Extent of the DU Cleanup

In part 5.0 Completing the Decommissioning, it is stated that "... collection of DU fragments deposited in the soil surface would be a cost effective means to keep the exposure of humans and animals to residual radiation as low as reasonably

achievable." However, it is not clear to us that such a collection is actually the option that will be pursued. Further, we believe that a plan should be in place to periodically reevaluate the area for further cleanup if additional DU should migrate to the surface due to freeze/thaw effects, erosion, or other means.

#### Future Monitoring

Part 5.0 also states that "... continued environmental monitoring of soil concentrations, groundwater, surface water, and possibly plants and animals will provide the data to show the potential doses delivered to site users, people who use water downstream from the impact area, and animals living in the impact area". However, we do not find in the plan any assurance as to how often and for how long monitoring would be implemented.

#### Restricted Use

We agree that the DU area should be considered for restricted use only. However, we believe that more details are needed as to how this will be accomplished.

We are looking forward to hearing from you regarding a hearing to resolve these and other questions and concerns that may arise.

Sincerely,



Richard Hill  
President, STV

cc: Mr. Dal M. Nett, U.S. Army Test & Evaluation Command  
Executive Director for Operations, U.S. Nuclear Regulatory Commission



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request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the *Federal Register*. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Rulemakings and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Pathfinder Mines Corporation, 935 Pendell Boulevard, P.O. Box 730, Mills, Wyoming 82644, Attention: Tom Hardgrove; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

In addition, members of the public may provide comments on the subject application within 45 days of the publication of this notice in the *Federal Register*. The comments may be provided to David L. Meyer, Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland this 9th day of December 1999.

Dan Gillen,

*Acting Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 99-32639 Filed 12-15-99; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-08838]

### Notice of Consideration of Amendment Request for U.S. Army Jefferson Proving Ground Site in Madison, Indiana, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Materials License No. SUB-1435 issued to the U.S. Army (licensee), to authorize decommissioning of its Jefferson Proving Ground (JPG) site in Madison, Indiana.

From 1941 to 1994, the licensee conducted ordnance testing on the JPG site, and fired more than 24 million rounds of conventional explosive. From 1984 to 1994, the licensee conducted accuracy testing of depleted uranium (DU) tank penetrator rounds at the site. An NRC license was issued to authorize the U.S. Army to use, store, and perform testing of DU munitions at JPG. The DU penetrator rounds vary in size but can be generally described as rods comprised of a DU titanium alloy with a diameter of approximately 2.5 centimeters (cm) (1 inch) and a length as much as 61 cm (2 feet). The DU munitions testing contaminated approximately  $5.1 \times 10^6$  square meters ( $m^2$ ) (1260 acres) of the site with an estimated  $7 \times 10^4$  kilograms ( $1.5 \times 10^5$  pounds) of DU. In accordance with the Defense Authorization Amendments and Base Realignment and Closure Act of 1988 (Public Law 100-526), the licensee was required to close the JPG base on September 30, 1995. Currently, the licensed material is kept onsite in the restricted area known as the "Depleted Uranium Impact Area." This area under Materials License No. SUB-1435 is located north of the firing line, and consists of approximately  $12 \times 10^6$   $m^2$  (3,000 acres).

An NRC administrative review, documented in a letter to the licensee dated November 16, 1999, found the site decommissioning plan (SDP) acceptable to begin a technical review. The SDP requested restricted release of the JPG site in accordance to § 20.1403. If the NRC approves the SDP, the approval

will be documented in an amendment to NRC License No. SUB-1435. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

NRC hereby provides notice that this is a proceeding on an application for an amendment of a license falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules of practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of this *Federal Register* notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to Secretary, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm, Federal workdays; or

2. By mail or facsimile addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR § 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, U.S. Army Test and Evaluation Command, 314 Longs Corner Road, Aberdeen Proving Ground, MD 21005-5055, Attention: Mr. Dal M. Nett; and

2. The NRC staff, by delivery to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, between 7:45 am and 4:15 pm, Federal workdays, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In addition to meeting other applicable requirements of 10 CFR part 2 of NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor

should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstance establishing that the request for a hearing is timely in accordance with § 2.1205(d).

**FOR FURTHER INFORMATION CONTACT:** The SDP and supporting documentation are available for inspection at NRC's Public Document Room, 2120 L Street, NW, Washington, DC 20555-0001, and at NRC's Public Electronic Reading Room on the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html>. Questions with respect to this action should be referred to Ms. Sherry W. Lewis, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001. Telephone: (301) 415-6619. Fax: (301) 415-5398.

Dated at Rockville, Maryland, this 9th day of December 1999.

For the Nuclear Regulatory Commission,  
Larry B. Bell,

*Acting Chief, Decommissioning Branch,  
Division of Waste Management, Office of  
Nuclear Material Safety and Safeguards.*

[FR Doc. 99-32641 Filed 12-15-99; 8:45 am]

BILLING CODE 7590-01-P

### NUCLEAR REGULATORY COMMISSION

#### Application for a License To Import Radioactive Waste

Pursuant to 10 CFR 110.70(c) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the

#### NRC IMPORT LICENSE APPLICATION

Name of applicant, date of application, date received, application No.	Description of material			Country of origin
	Material type	Total qty	End use	
Siemens Power Corporation, September 23, 1999, September 29, 1999, IW009.	Class A waste. Combustible material contaminated with low enriched uranium (5% max. U-235).	1200 kgs U, 36 kgs U <sup>235</sup> .....	Material will be incinerated and uranium will be recovered.	Germany.

Dated this 9th day of December 1999 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Ronald D. Hauber,

*Deputy Director, Office of International Programs.*

[FR Doc. 99-32637 Filed 12-15-99; 8:45 am]

BILLING CODE 7590-01-M

### NUCLEAR REGULATORY COMMISSION

#### Application for a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70(c) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following application for an export license. Copies of the application are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <<http://www.nrc.gov/NRC/ADAMS/index.html>> at the NRC Homepage.

#### NRC EXPORT LICENSE APPLICATION

Name of applicant, date of application, date received, application No.	Description of material			Country of destination
	Material type	Total qty	End use	
Westinghouse Electric Company, November 24, 1999, November 30, 1999, XW003.	Radioactive waste—zirconium scrap contaminated with low enriched uranium (5% max. U-235).	20.0 kgs U, 1.0 kgs U <sup>235</sup> .....	Uranium will be removed from zirconium scrap and disposed of as waste at AECL Chalk River, Ontario, disposal site.	Canada.

following application for an import license. Copies of the application are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <<http://www.nrc.gov/NRC/ADAMS/index.html>> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning the application follows.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning the application follows.