

April 3, 2000

MEMORANDUM TO: David L. Meyer, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

FROM: Larry W. Camper, Chief /s/  
Decommissioning Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: CONSIDERATION OF A LICENSE AMENDMENT FOR U.S. ARMY  
JEFFERSON PROVING GROUND SITE IN MADISON, INDIANA AND  
OPPORTUNITY FOR A HEARING

Attached please find one signed original of the subject Federal Register notice for your transmittal to the Office of the Federal Register for publication. Also, attached are five copies of the signed notice and a 3.5" diskette with the notice in WordPerfect.

Docket No. 040-08838  
License No. SUB-1435

Attachments: 1. One signed original FRN  
2. Five copies of signed FRN  
3. 3.5" diskette of FRN

cc: JPG distribution list

Contact: Sherry W. Lewis, NMSS/DWM  
(301) 415-6619

U.S. Army Jefferson Proving Ground Distribution List - Memo Dated April 3, 2000

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Mr. John M. Ferriter, Director  
Operations, Remediation and Restoration  
U.S. Army Soldier and Biological Chemical Command  
5183 Black Hawk Road  
Aberdeen Proving Ground, MD 21010-5424

Mr. Dal M. Nett, Chief  
Safety Division  
Directorate of Installation Management  
U.S. Army Developmental Test Command  
Attn: CSTE-DTC-IM-S  
Aberdeen Proving Ground, MD 21005-5055

Ms. Joyce E. Kuykendall, Health Physicist  
U.S. Army Soldier and Chemical Biological Command  
Attn: AMSSB-RCB-RS  
5183 Black Hawk Road  
Aberdeen Proving Ground, MD 21010-5424

Dr. John L. Russell, Director  
Washington Office and Assistant to the President  
Center for Nuclear Waste Regulatory Analyses  
Twinbrook Metro Plaza, #210  
12300 Twinbrook Parkway  
Rockville, MD 20852-1606

Mr. Kevin Herrom, State Remedial Project Manager  
Federal Programs Section  
Office of Land Quality  
Indiana Department of Environmental Management  
P.O. Box 6015  
Indianapolis, IN 46206

Ms. Karen Mason-Smith, Remedial Project Manager  
U.S. Environmental Protection Agency  
Mail Code SRS-5J  
77 West Jackson Blvd.  
Chicago, IL 60604

Mr. Richard Hill, Co-Chair  
Jefferson Proving Ground Restoration Advisory Board  
P.O. Box 813  
Madison, IN 47250

U.S. 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) at the Jefferson Proving Ground (JPG) site in Madison, Indiana. The licensee requested, in a letter dated February 15, 2000, to: (1) authorize transfer of licensing responsibilities for the Jefferson Proving Ground (JPG) site from the U.S. Army Test and Evaluation Command (TECOM) to the U.S. Army Soldier and Biological Chemical Command (SBCCOM), (2) designate Ms. Joyce E. Kuykendall as the Radiation Safety Officer (RSO) for the site, and (3) include the revised JPG Security Plan in the license.

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 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 March 15, 2000, found the license amendment application acceptable to begin a technical review. The application requested to: (1) authorize transfer of licensing responsibilities for the JPG site from TECOM to SBCCOM, (2) designate Ms. Joyce E. Kuykendall as the RSO for the site, and (3) include the revised JPG Security Plan in the license. The NRC Decommissioning Branch is currently changing its policy regarding listing the RSO by name in the license. Instead, the license will include the qualifications that an RSO must meet for the respective site. NRC staff plans to revise the JPG license condition on the RSO accordingly.

If the NRC approves the February 15, 2000, request, 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 or a Categorical Exclusion.

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, telegram, 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 Soldier and Biological Chemical Command, 5183 Black Hawk Road, Aberdeen Proving Ground, MD 21010-5424, Attention: Mr. John M. Ferriter, 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 requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requester 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: The application for license amendment and supporting documentation are available for inspection 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 3<sup>rd</sup> day of April 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

Larry W. Camper, Chief  
Decommissioning Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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