

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

**DOCKETED 05/03/00**

Before Administrative Judges:

**SERVED 05/03/00**

Alan S. Rosenthal, Presiding Officer  
Thomas D. Murphy, Special Assistant

In the Matter of  
  
U.S. ARMY  
  
(Jefferson Proving Ground  
Site)

Docket No. 40-8838-MLA

ASLBP No. 00-776-04-MLA

May 3, 2000

MEMORANDUM

(Confirming Scheduling of  
Telephone Status Conference)

This will confirm the previous informal notice provided the parties to this proceeding to the effect that a telephone status conference will be held at 11:00 a.m. (EDT) on Thursday, May 11, 2000. Unless advised to the contrary in the interim, it will be assumed that the participating counsel or other representative of the parties will be reachable at that time at the telephone number at which he or she has been contacted in the past.

Now that the Staff has provided a hearing file,<sup>1</sup> the principal purpose of the conference will be to ascertain whether there is good reason to go forward with a hearing in the matter at the present time. In its March 17, 2000

---

<sup>1</sup> See April 28, 2000 NRC Staff letter to the Presiding Officer.

answer to the hearing request, the Licensee specifically requested (at page 6) that any hearing be deferred until it had responded to the concerns of, and had met with, the NRC staff and had filed an amended or revised decommissioning plan. The answer went on (ibid.) to represent that "[d]uring this time, the [Licensee] would be more than willing to work with [the hearing requester] on [its] issues, with the goal of addressing these issues in the revised Plan and avoiding the need for a hearing." The Special Assistant and I will be particularly interested in being informed in some detail as to what has transpired on these fronts since that filing. In the event that the matter remains in a state of flux, we will additionally desire to be supplied with the best current estimate respecting both (1) when any revised Plan is likely to surface; and (2) the degree of likelihood that it will resolve the current concerns of the hearing requester.

BY THE PRESIDING OFFICER<sup>2</sup>

/RA/

---

Alan S. Rosenthal  
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 3, 2000

---

<sup>2</sup> Copies of this memorandum were sent this date by Internet e-mail transmission to representatives of the Licensee and the Petitioner. Although the NRC Staff has elected not to become a party to the proceeding, an informational copy nevertheless has been sent to its counsel by the same means of transmission.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
U.S. ARMY ) Docket No. 40-8838-MLA  
 )  
(Jefferson Proving Ground Site) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (CONFIRMING SCHEDULING OF TELEPHONE STATUS CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through internal NRC distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Alan S. Rosenthal, Presiding Officer  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Thomas D. Murphy, Special Assistant  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dennis C. Dambly, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dal M. Nett  
U.S. Army Test and Evaluation Command  
314 Longs Corner Road  
Aberdeen Proving Ground, MD 21005

Peggy L. Giesecking, Esq.  
U.S. Army Soldier and Biological Chemical  
Command  
5183 Blackhawk Road  
Office of Counsel, AMSSB-CC (Building E4435)  
Aberdeen Proving Ground, MD 21010-5424

Richard Hill, President  
Save the Valley, Inc.  
P.O. Box 813  
Madison, IN 47250

Docket No. 40-8838-MLA  
LB MEMORANDUM (CONFIRMING

SCHEDULING OF TELEPHONE  
STATUS CONFERENCE)

[Original signed by Adria T. Byrdsong]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 3<sup>rd</sup> day of May 2000