

**RAS 1764**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

**DOCKETED 06/01/00**

**SERVED 06/01/00**

Before Administrative Judges:

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

June 1, 2000

MEMORANDUM

(Memorializing Telephone Status Conference)

This proceeding involves a proposed amendment to the materials license held by the U.S. Army (Licensee) in connection with its Jefferson Proving Ground Site, located in Madison, Indiana. The amendment would permit, in accordance with 10 C.F.R. § 20.1403, the restricted release of the site on which there is currently an accumulation of depleted uranium munitions that had been utilized by the Licensee under the aegis of the license.

On March 23, 2000, I granted the request of Save the Valley, Inc. for a hearing on the proposed amendment and called upon the NRC Staff (Staff) to furnish a hearing file, as required in that event by 10 C.F.R. § 2.1231(a). See LBP-00-09, 51 NRC \_\_ (2000). In the wake of the receipt of that file, a telephone status conference was held on May 11 for the principal purpose of determining whether the matter might be now ripe for hearing. In addition to Judge Murphy and me, the participants in the conference were Peggy L. Giesecking, Esq., counsel for the Licensee, and Richard Hill, Petitioner's representative. For its part, the Staff

had previously announced that it did not desire to be a party to the proceeding and, therefore, was not asked to participate in the conference.

It appeared from disclosures during the conference and in the Licensee's subsequent May 19 follow-up e-mail submission that the Licensee has now furnished the Staff with what it has characterized as a "conceptual" response to the Staff's January 31, 2000 request for additional information regarding the decommissioning plan. It further appeared that it is the Licensee's current purpose to prepare revised decommissioning (alternatively denominated "license termination" by the Licensee) and institutional control plans in time for their submission to the Staff by the end of this September. The Licensee cautions, however, that circumstances may necessitate an alteration of the present schedule.

Obviously, in light of the foregoing, the holding of a hearing at this juncture would serve no worthwhile purpose. Accordingly, the proceeding will be held in abeyance until it appears appropriate to move forward. In this regard, the Licensee has been directed to supply quarterly written status reports, beginning with one due on September 30, 2000. These reports should enable Judge Murphy and me to keep abreast of future developments so as to allow an informed assessment of hearing readiness.

It nonetheless well may ultimately turn out that a hearing will be unnecessary. At the conference, the Licensee's counsel reaffirmed the previously expressed commendable willingness of her client to work with Petitioner in an endeavor to address Petitioner's articulated concerns in the formulation of the revised plans. Judge Murphy and I thus anticipate that, over the course of the next several months, there will be extended communication

between the Licensee and Petitioner. It is our hope that the discussions will prove fruitful and lead to a satisfactory resolution of all now existing differences between the two parties.

BY THE PRESIDING OFFICER<sup>1</sup>

***/RA/***

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Alan S. Rosenthal  
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 1, 2000

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<sup>1</sup> Copies of this memorandum were sent this date by Internet e-mail transmission to representatives of the Licensee and the Petitioner.

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LB MEMORANDUM  
(MEMORIALIZING TELEPHONE  
STATUS CONFERENCE)

[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 1<sup>st</sup> day of June 2000