

the restricted release of the site on which there is currently an accumulation of depleted uranium (DU) munitions.

After the May 11, 2000, telephone conference, the Licensee submitted a copy of its conceptual responses to the NRC's January 31, 2000, Request for Additional Information (RAI) to the Petitioner and the Board (Parties) on May 22, 2000. This information was submitted to these Parties electronically.

In the conceptual response, the Licensee also requested an extension for those RAIs related to the risk assessment due to the impact of the wildfires in the Los Alamos area. Los Alamos National Laboratory (LANL) has been the Licensee's support contractor for the DU risk assessment at JPG since this effort began a few years ago. To ensure needed continuity, the Licensee wanted to continue using LANL in its revision of the draft Decommissioning Plan even though the labs were closed due to the wildfires from May 8, 2000, to May 29, 2000. This extension was granted and these additional RAI responses were submitted to the NRC on June 19, 2000.

On a related note, the NRC license amendment No. 10 was approved by the NRC on June 8, 2000. The purpose of this license amendment to Material License No. Sub-1435 was to transfer the NRC license from the "U.S. Army Test and Evaluation Command" to the "U.S. Army Soldier and Biological Chemical Command". This license amendment also identified the Radiation Safety Officer for the U.S. Army Soldier and Biological Chemical Command.

Also of interest this summer at JPG was the dedication by the U.S. Fish and Wildlife Service (FWS) of the Big Oaks National Wildlife Refuge on July 8, 2000, at JPG. Part of this refuge includes the site where the depleted uranium (DU) munitions is located (DU Impact Area). In coordination with this dedication, a Memorandum of Agreement (MOA) was negotiated and entered into between the Army, the Air Force and the U.S. Fish and Wildlife Service (FWS) through which the FWS will operate this refuge and

the Air Force will retain use of a bombing range which is also included in the DU Impact Area. This MOA will be integral to the institutional control plan needed for this license termination effort at JPG.

The following proposed schedule for revision of the draft Decommissioning Plan (DP) and Institutional Control Plan (ICP) was also submitted to the Board and Petitioner on May 22, 2000.

Initial Schedule (May 2000)

Revise Draft Decommissioning Plan (DP)	54 days	01 June 2000	24 July 2000
Write Draft Institutional Control Plan (ICP)	54 days	01 June 2000	24 July 2000
SBCCOM/STV Review of Draft DP and ICP	15 days	24 July 2000	11 August 2000
Comments due on Draft DP and ICP	N/A	11 August 2000	11 August 2000
Comment resolution period on Draft DP and ICP	15 days	11 August 2000	25 August 2000
Prepare Final Draft DP and ICP	29 days	25 August 2000	22 September 2000
Final Draft DP and ICP to NRC	N/A	22 September 2000	22 September 2000

1. The schedule start date of 01 June 2000 is contingent upon adequate funding being received for this effort no later than 01 June 2000. All parties will be notified of any potential funding problems that could impact schedule start.
2. This schedule may change based on the extent of comments received during the comment period. Any revised schedules will be prepared as required.
3. Also, the Army has not been able to contact Los Alamos due to the fire. Los Alamos will be revising the supporting Risk Assessment. As soon as contact is made with Los Alamos, a schedule for revision of the Risk Assessment will be prepared. Preparation of the Risk Assessment schedule may necessitate a change in this schedule as all 3 reports need to fit together. Any changes to this schedule will be provided to all parties.

As noted in this submittal, the proposed schedule start date was June 1, 2000, and the completion date was September 22, 2000, with the completion being defined as the submission of the final draft DP and ICP to the NRC. This schedule also called for review of the draft DP and ICP by the Petitioner, followed by a comment resolution period, with the goal of resolving Petitioner's issues raised in their hearing request prior to sending these plans to the NRC.

The dates in this schedule were contingent upon adequate funding being received by the Licensee by June 1, 2000, with the Licensee then using the U.S. Army Center for Health Promotion and Preventive

Medicine (USACHPPM) to prepare the draft DP and ICP, while also working with the LANL for the risk assessment input. The mission of USACHPPM is to provide worldwide technical support for implementing preventive medicine, public health, and health promotion/wellness services into all aspects of America's Army and the Army Community, anticipating and rapidly responding to operational needs and being adaptable to a changing world environment. The USACHPPM headquarters is located at the Edgewood Area of Aberdeen Proving Ground, MD.

There was a delay in getting the funds to the Licensee, and hence transferred to USACHPPM and LANL, by the anticipated June 1, 2000, date so the start date of revising the draft DP and ICP was delayed this summer. Funds were not received and transferred to USACHPPM until July 17, 2000 and to LANL until August 1, 2000, thereby resulting in a delay to the initial schedule. However, upon receipt of funds, USACHPPM began work on the revision of the draft plans, to include working with LANL to ensure the risk assessment information is appropriately addressed in the draft plans.

Although not an inclusive discussion of the changes made to these draft plans, an example of revisions made by Licensee to date include —

- a clear statement of the Licensee's recommendation to terminate the site at JPG under restricted release conditions in accordance with 10 CFR § 20.1403(b),
- identification of the main criteria for this termination, to include the use of institutional controls and exposure levels to the critical group in accordance with the NRC regulations,
- a summary of the institutional controls planned for the site (this is a new section),
- a discussion of license history and previous decommissioning activities,
- documentation of the "As Low As Is Reasonably Achievable" analysis, and
- a more organized format, to include a Table of Contents.

Accounting for the delay incurred this summer due to funding lapses as well as work scheduling issues and the transition of new employees, both for USACHPPM and the NRC staff, the Licensee would like to offer the following revised schedule for submission of the final draft DP and ICP to the NRC. In addition to the delay, this revised schedule also provides for a longer internal review of these draft plans by the Licensee (30 days instead of the original 15 days) and the inclusion of the Air Force and the FWS in this internal review, followed by submission of these plans to Petitioner for a 30-day comment period by Petitioner. There is also a comment resolution period of 30 days included to allow Petitioner and Licensee to meet, discuss and address any comments or concerns raised by Petitioner.

Revised Schedule (September 2000)

Revise Draft Decommissioning Plan (DP)	92 days	01 August 2000	31 October 2000
Write Draft Institutional Control Plan (ICP)	92 days	01 August 2000	31 October 2000
SBCCOM (Licensee) Review of Draft DP and ICP ¹	30 days	01 November 2000	30 November 2000
Submission of Draft DP and ICP to STV	N/A	01 December 2000	01 December 2000
STV Comments due on Draft DP and ICP	30 days	01 December 2000	30 December 2000
Comment resolution period on Draft DP and ICP	30 days	01 January 2001	30 January 2001
Prepare Final Draft DP and ICP	30 days	01 February 2001	02 March 2001
Final Draft DP and ICP to NRC	14 days	02 March 2001	16 March 2001

1. This internal review will include the Air Force and the FWS due to their involvement with the ICP through the MOA.

Licensee realizes this change in the schedule pushes submission of the final draft plans to the NRC to March 2001, but it is Licensee's understanding that delay of this submission will not adversely impact the NRC staff from a resource perspective. The Licensee also hopes the additional time proposed with Petitioner upfront (*i.e.*, a 30-day comment period and a 30-day comment resolution period during

which the Licensee and Petitioner can meet) will result in an effort which can be supported by both the NRC and the Petitioner.

This schedule is being proposed for review and approval by both the Board and the Petitioner. The Licensee would be willing to entertain a change in this schedule to accommodate any concerns the Petitioner may have (*e.g.*, additional review time due to the holidays). As noted from the beginning, it is the Licensee's intention to work with the Petitioner in addressing the concerns raised in the hearing request and to ensure all Parties are satisfied with both the process and the final product.

The next quarterly written status report is due to the Board and the Petitioner on December 30, 2000.

Dated this Wednesday, September 27, 2000



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

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

In the Matter of)	Docket No. 40-8838-MLA
)	
U.S. ARMY)	ASLBP No. 00-776-04-MLA
)	
(Jefferson Proving Ground Site))	September 27, 2000
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Quarterly Status Report have been served upon the following persons by U.S. mail, first class.

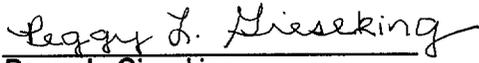
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