

**RAS 3533**

October 29, 2001

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

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

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

Dear Administrative Judges:

Pursuant to discussion during the telephone conference of October 18, 2001, the Staff hereby provides its views on the status of the license amendment request to the materials license held by the U.S. Army for this site to authorize decommissioning noticed in the Federal Register on December 16, 1999. This notice was prompted by the submittal of a decommissioning plan for the site under 10 C.F.R. § 40.42. Thereafter, another decommissioning plan was submitted for Staff review on June 27, 2001. As the Staff indicated in a letter to the Army on October 17, 2001, it considered the new submission to supercede the original plan and therefore discontinued its review of the original plan. In doing so, the Staff also discontinued its consideration of amending the Army's license to authorize decommissioning under that plan. In the Staff's view, therefore, the license amendment under consideration has become moot and is no longer pending before it. Likewise, since the Staff has rejected the second decommissioning plan submitted by the Army, the Staff is no longer considering an amendment to the license to authorize decommissioning of the site under that plan. Thus, if, as expected, the Army submits another decommissioning plan for review, the Staff will consider anew whether to approve the plan and, if so, whether to amend the license to permit decommissioning in accordance with the plan.

Sincerely,

**/RA/**

Lisa B. Clark  
Counsel for NRC Staff

cc: Office of the Secretary  
Richard Hill  
Richard Wakeling  
Adjudicatory File

Office of Commission Appellate  
Adjudication  
Atomic Safety and Licensing Board  
Panel