

RAS 5161

DOCKETED
USNRC

December 30, 2002 (11:04AM)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ATOMIC SAFETY AND LICENSING BOARD PANEL

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

December 20, 2002

Quarterly Status Report

The following activities were conducted during the period of 1 October 2002 and 20 December 2002 in connection with the proposed amendment to the materials license held by the U.S. Army (Licensee) at Jefferson Proving Ground Site (JPG). The proposed amendment would permit, in accordance with 10 Code of Federal Regulations (CFR) §20.1403, the restricted release of the site on which there is currently an accumulation of depleted uranium (DU) munitions.

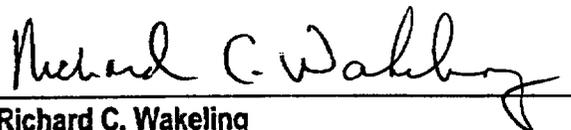
1. On November 7, 2001, Presiding Officer issued Memorandum and Order Granting STV Request to Hold Proceeding in Abeyance and directing the Army to continue to furnish quarterly status reports.
2. A Restoration Advisory Board (RAB) meeting for JPG was held in Indiana. The RAB serves as a site-specific advisory board for JPG and meets periodically in the local area. The goal of the RAB is to ensure the concerns of the community are identified and addressed to the extent possible through public participation. JPG/SBCCOM uses the RAB as one means to provide for community participation and input on JPG license termination activities. Questions or comments on the depleted uranium license termination efforts are being accepted through a variety of ways, to include in writing to the JPG Site Manager or the SBCCOM Radiation Safety Officer or through electronic email to the SBCCOM Radiation Safety Officer. Nuclear Regulatory Commission (NRC) toll free telephone number and e-mail address for public accessibility were also provided to the community at the February 2002 JPG RAB meeting.

3. On 1 October 2002, NRC Staff completed acceptance review of revised Decommissioning Plan and Environmental Report submitted by the Army on 27 June 2002 and accepted them for technical review as documented in a letter to the Army on 1 October 2002. On 7 October 2002, Notice of Appearance filed by Counsel, Michael A. Mullett, on behalf of Save the Valley, Inc. On 10 October 2002, Memorandum and Order issued by Presiding Officer, Rosenthal to NRC Staff requesting identification of anticipated completion date of administrative/preliminary technical review of Army's revised Decommissioning Plan and Environmental Report. On 14 October 2002, Federal Register notice published by NRC providing notice of consideration of the issuance of license amendment to U.S. Army's Material License No. SUB-1435 at Jefferson Proving Ground and providing notice of opportunity to comment or request a hearing. On 17 October 2002, Counsel for NRC Staff filed Memorandum indicating NRC Staff initiated a detailed technical review of accepted Decommissioning Plan and Environmental Report with projected completion date by October 2004. On 24 October 2002, Memorandum and Order issued by Presiding Officer, Rosenthal indicating present inclination not to hold up further hearing proceedings, pending NRC Staff technical review and notifying parties that they would have an opportunity to express their views on proceeding with the hearing once the time for filing a new hearing request pursuant to NRC Federal Register notice has expired. On 16 December 2002, STV filed a Motion to Defer Hearing Pending completion of Technical Review and a Request for Hearing and Comments on Revised Decommissioning Plan By Save the Valley, Inc. On 18 December 2002, Presiding Officer issued an Order pursuant to an unopposed motion by DA to extend the time to 17 January 2003 for DA to file its reply to filings of STV and for NRC staff to provide views on merits of STV motion to defer hearing.

Current Schedule (December 2002): By 17 January 2003, DA files responses to filings of Save the Valley, Inc., and NRC staff provides its views on the merits of the STV motion to defer hearing pending completion of NRC staff technical review of DA revised Decommissioning Plan.

The next quarterly written status report is due to the Board and the Petitioner on or before April 1, 2003.

Dated this Friday, December 20, 2002



Richard C. Wakeling
U.S. Army Garrison APG
2201 Aberdeen Boulevard
Office of the Staff Judge Advocate,
AMSSB-GJA (Bldg. 310)
Aberdeen Proving Ground, MD 21005-5001

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))	December 20, 2002
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Quarterly Status Report has been served upon the following persons by U. S. mail:

Office of the Secretary
Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16-G-15
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 20555-0001

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F23
Washington, DC 20555

Office of the Secretary
Attn: Rulemaking & Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16-G-15
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 20555-0001

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

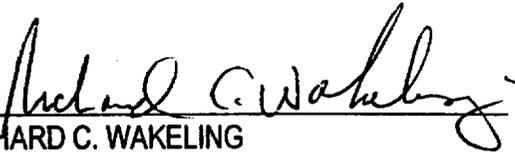
Dennis C. Dambly, Esq
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Jerome E. Polk
Michael A. Mullett, Esq.
Mullett & Associates
309 West Washington Street
Suite 233
Indianapolis, IN 46204-2721

Stephen H. Lewis
David A. Cummings
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Tom McLaughlin, Decommissioning Branch
Division of Waste Management
Office of Nuclear Materials & Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

DATE: 20 December 2002


RICHARD C. WAKELING
U.S. Army Garrison Aberdeen Proving Ground