

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING OFFICER

In the Matter of)	
)	Docket No. 4a0-8838-MLA
U.S. ARMY)	
)	
(Jefferson Proving Ground Site))	ASLBP No. 00-776-04-MLA

NRC STAFF'S STATEMENT AS TO PROJECTION TO COMPLETE
 TECHNICAL REVIEW OF REVISED DECOMMISSIONING PLAN
 AND RESPONSE TO PRESIDING OFFICER'S REQUEST
 FOR VIEWS ON MOTION TO DEFER HEARING

INTRODUCTION

The Presiding Officer has requested the views of the NRC Staff ("Staff") on Intervenor, Save the Valley's ("STV") "Motion to Defer Hearing Pending Completion of Technical Review," dated December 16, 2002. The Staff had earlier advised the Presiding Officer that the Staff's detailed technical review of the revised Decommissioning Plan ("DP"), submitted by the U.S. Army ("Licensee") in June 2002, would require approximately two years, *i.e.*, until approximately October 2004. See "Memorandum Regarding Status of Review of Jefferson Proving Ground Decommissioning Plan," dated October 17, 2002. The Presiding Officer requested the Staff to provide the bases for its projection of two years to complete the technical review. See Order, dated December 17, 2002, as modified by Order, dated December 18, 2002. The Staff herein responds to both requests.

DISCUSSION

Based upon its experience with reviews of a DP for a complex site, such as Jefferson Proving Ground ("JPG"), the Staff uses two years as its projection of the time needed to complete its technical review. As amply indicated by the fact that there have been three successive DPs

submitted by the Licensee during the pendency of this proceeding, and that the 2002 DP is the first one that has been accepted by the Staff for its detailed review, the Staff has no reason to believe that the technical review of the current DP is likely to be accomplished in a shorter time than the standard two year estimate.

The activities that the Staff anticipates are needed to accomplish the “technical review” are roughly the following:

1. Secure a contractor to perform the technical review;
2. Review of the DP by the contractor, the Staff, and any outside governmental entities with whom the Staff determines it is necessary, or appropriate, to consult;
3. Prepare a draft Safety Evaluation Report (“SER”) and, if needed, a Request for Additional Information (“RAI”) based upon input from all of the above entities;
4. Transmit the RAI to the Licensee;
5. Meet with the Licensee to discuss the RAI (desirable);
6. Receipt of Licensee’s response to the RAI and contractor/Staff review thereof;
7. Proceed into the second phase of the DP review, which is intended to result in the issuance of the Staff’s SER and its Environmental Impact Statement (“EIS”);
8. Secure additional contracting needed for review of the DP, as supplemented by the RAI response, and the Licensee’s Environmental Report (“ER”);
9. Publish a Notice of Intent to Prepare an EIS in the *Federal Register*, and conduct the National Environmental Policy Act evaluation, in accordance with 10 C.F.R. Part 51.
10. Conduct Staff and contractor technical reviews;
11. Issue additional RAIs, if any, to Licensee;
12. If additional RAIs sent, receive response from Licensee and evaluate; and
13. Prepare a DEIS and provide copies to the State(s).

There is no precise demarcation between the “technical review” and the subsequent Staff activities (such as preparation of a final SER and EIS). The above list of activities that comprises the Staff’s technical review has, however, been prepared in consultation with the Division of Waste Management, Office of Nuclear Materials Safety and Safeguards. The Staff believes that this review would take the Staff to the point in the process upon which STV is focusing, the development of a Staff position on whether the DP meets the criteria for restricted release set forth in 10 C.F.R. § 20.1403.

The Presiding Officer has also asked for the Staff’s views on STV’s deferral motion. Since the Staff is not a party to this proceeding, it would presumably be less impacted by a denial of STV’s motion than would the Licensee and STV. Nevertheless, the Staff’s views are as follows. The history of this proceeding compellingly indicates that the mere filing of a DP, or even its acceptance for detailed technical review, is not determinative as to whether the Staff will conclude that the Licensee has satisfied the requirements for license termination on a restricted release basis. Thus, we consider that STV has a sound basis for its deferral request. Grant of the requested deferral is also consistent with the time needed to complete the Staff’s technical review. For these reasons, the Staff supports the deferral motion.

CONCLUSION

In accordance with the Presiding Officer’s request, the Staff has provided the bases for its two-year projection for completion of the technical review of the DP and has indicated its support of the deferral motion.

Respectfully submitted,

/RA/

Stephen H. Lewis
Counsel for NRC Staff

Dated at Rockville, Maryland
this 17th day of January, 2003

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) Docket No. 40-8838-MLA
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(Jefferson Proving Ground Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S STATEMENT AS TO PROJECTION TO COMPLETE TECHNICAL REVIEW OF REVISED DECOMMISSIONING PLAN AND RESPONSE TO PRESIDING OFFICER'S REQUEST FOR VIEWS ON MOTION TO DEFER HEARING" in the above captioned proceeding have been served on the following persons by United States mail, first class, or through deposit in the Nuclear Regulatory Commission's internal mail distribution as indicated by an asterisk(*); and by electronic mail as indicated by a double asterisk (**) on this 17th day of January, 2003.

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