

**RAS 6099**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 03/19/03**

**SERVED 03/19/03**

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

March 19, 2003

MEMORANDUM AND ORDER

This license amendment proceeding involves the U.S. Army's submitted revised plan for the decommissioning of its Jefferson Proving Ground Site (JPG) on which there is currently an accumulation of depleted uranium munitions that had been utilized by the Army under the aegis of its NRC materials license. The decommissioning plan contemplates a restricted release of the site in accordance with the provisions of 10 C.F.R. § 20.1403. It was accepted by the NRC Staff for technical review last October. For the reasons set forth in LBP-03-02, 57 NRC\_\_ (February 6, 2003), the proceeding is now in a state of suspension to await the completion of the technical review.

On March 11, 2003, the NRC Staff furnished to all concerned a copy of a February 4, 2003 letter that it had received from the Army. In that letter, the Army made a "contingent request for an alternative schedule for submittal of a Decommissioning Plan for the termination of the [existing JPG] license." It explained:

The alternative schedule is necessary due to the acknowledged unexploded ordinance and the personnel safety hazard that would be created should the Army be requested by NRC to provide additional site specific data during technical review to further validate termination of the JPG license under 10 C.F.R. § 20.1403, restricted conditions.

What the Army proposes is the negotiation of a license amendment that "would create a 5-year renewable possession only license for an indefinite time period." Should the NRC agree to this proposal, the Army would then withdraw the decommissioning plan now before the NRC Staff for technical review, along with the accompanying Environmental Report.

Given that six weeks have now elapsed since the February 4 letter was furnished to the NRC Staff, it seems reasonable to assume that, by the end of this month, some negotiations will have taken place between the Army and the Staff with regard to the former's new proposal. In its quarterly status report due at that time, the Army will be expected to provide detailed information regarding the then status of the negotiations and a best estimate as to the likely date of their completion. In addition, the Army should present its view respecting the impact that a Staff acceptance of the Army proposal would have on this proceeding.

Should it be disposed to do so, intervenor Save The Valley, Inc., may present its views on this development in a memorandum to be filed and served within fifteen days of its receipt of the Army's status report. Although the NRC Staff is not currently a party to the proceeding, the receipt of its views within the same time frame would be welcome on both (1) the likelihood of acceptance of the Army proposal (assuming that it is still under review); and (2) the impact of such an acceptance upon the current proceeding.

It is so ORDERED.

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

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Alan S. Rosenthal  
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 19, 2003

UNITED STATES OF AMERICA

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<sup>1</sup>Copies of this memorandum and order were sent this date by Internet electronic mail transmission to the counsel for the parties and the NRC Staff.

## NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER DATED MARCH 19, 2003 have been served upon the following persons by U.S. mail, first class, or through internal NRC distribution.

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LB MEMORANDUM AND ORDER DATED  
MARCH 19, 2003

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 19<sup>th</sup> day of March 2003