UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D C. 20555-0001

OFFICE OF THE
GENERAL COUNSEL

March 19, 2003

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

Dear Messrs Mullett and Polk:

It has been brought to my attention that you were inadvertently omitted from the service of a "Board Notification" from the NRC's Jefferson Proving Ground Project Manager to the Atomic Safety and Licensing Board, dated March 11, 2003. The Board Notification transmits to the Board a letter from the Licensee to the NRC staff making a "contingent request for an alternative schedule for submittal of a Decommissioning Plan for the termination of the Jefferson Proving Ground (JPG) license SUB-1435." We apologize for the omission and will put you on all service lists related to the JPG proceeding.

Please call me at (301) 415-1684, if you have any questions regarding what this Board Notification represents. I will likely need to bring Tom McLaughlin, the Project Manager, into such a call to adequately address your questions.

Sincerely,

Stephen H. Lewis

Stephen H. Lewis
Counsel for NRC Staff

cc w/o att: Service List

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

C. Craig

March 11, 2003

Board Notification 2003-01

MEMORANDUM TO : Atomic Safety and Licensing Board and All Parties

FROM: Thomas McLaughlin, Project Manager
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety and Safeguards

Tom McLaughlin

SUBJECT: SUPPLEMENTAL INFORMATION POTENTIALLY RELEVANT AND MATERIAL TO BOARD PROCEEDING IN THE MATTER OF THE U.S. ARMY AND THE JEFFERSON PROVING GROUND SITE

In conformance with the Commission's policy on notification of the Atomic Safety and Licensing Board (ASLB) of new, relevant, and material information, this memorandum provides the information discussed below.

In a letter dated February 4, 2003 (See Attached), the U.S. Army (the licensee) submitted a contingent request for an alternate decommissioning schedule for the Jefferson Proving Ground (JPG) license SUB-1435. The licensee states that the unexploded ordnance on site is a safety hazard and, therefore, the licensee would not be able to provide site-specific data if required by NRC during the technical review of the current decommissioning plan. The licensee proposes to submit a license amendment request for SUB-1435 that would create a 5-year renewable possession-only license for an indefinite time period. The licensee goes on to say that if NRC were to grant the license amendment, the licensee would then formally withdraw its current decommissioning plan since it would no longer be performing decommissioning at this time. The licensee would continue to conduct environmental monitoring as part of its radiation protection program to ensure that no depleted uranium is migrating off-site.

This information is being brought to the attention of the ASLB and all parties, as it may be relevant and material to issues pending before the ASLB.

Docket No. 40-8838-MLA
ASLBP No. 00-776-04-MLA

Attachment: Letter from the U.S. Army dated February 4, 2003

cc w/attach: See next page

CONTACT: Thomas McLaughlin, NMSS
301-415-5869

BOARD NOTIFICATION NO. 2003-01

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

Administrative Judge Alan S. Rosenthal,
Presiding Officer
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555-0001

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

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Administrative Judge Thomas D. Murphy
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ATTN: Rulemaking and Adjudications Staff
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Washington, D.C. 20555

Office of Commission Appellate Adjudication
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Tom McLaughlin, Decommissioning Branch
Division of Waste Management
Office of Nuclear Materials and Safegaurds
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Jefferson Proving Ground Site

cc:

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MR ALLEN FRANKLIN
RIPLEY COUNTY COMMISSIONERS
RIPLEY COUNTY COURTHOUSE
VERSAILLES IN 47042

Jefferson Proving Ground Site

cc:

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U.S. ARMY SOLDIER AND BIOLOGICAL CHEMICAL COMMAND
AMSSB-RCB-RS
5183 BLACKHAWK ROAD
ABERDEEN PROVING GROUND
MD 21010-5424

PAUL CLOUD
U.S. ARMY SOLDIER AND BIOLOGICAL CHEMICAL COMMAND
AMSSB-OET
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MS JANE E SMITH
INDIANA STATE DEPARTMENT OF HEALTH
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KEVIN HERROM, STATE PROJECT MANAGER
FEDERAL PROGRAMS SECTION
OFFICE OF LAND QUALITY
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INDIANAPOLIS, IN 46206

INDIANA STATE DEPARTMENT OF HEALTH
RADIOLOGICAL HEALTH SECTION
5TH FLOOR
2 N. MERIDIAN STREET
INDIANAPOLIS, IN 46204
ATT. JOHN RUYACK

ATTACHMENT

DEPARTMENT OF THE ARMY
U.S. ARMY SOLDIER AND BIOLOGICAL CHEMICAL COMMAND
5183 BLACKHAWK ROAD
ABERDEEN PROVING GROUND, MARYLAND 21010-5424

04 FEB 2003

REPLY TO ATTENTION OF

Office of the Director, Stockpile,
Industrial, Remediation and Restoration

Mr. Larry Camper
Chief, Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety and Safeguards
US Nuclear Regulatory Commission
Washington DC 20555

Dear Mr. Camper:

In accordance with 10 CFR 40.42 (g) (2), the US Army makes a contingent request for an alternative schedule for submittal of a Decommissioning Plan for the termination of the Jefferson Proving Ground (JPG) license SUB-1435. The alternative schedule is necessary due to the acknowledged unexploded ordnance 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.

The Army proposes that a license amendment for SUB-1435 be negotiated with NRC that would create a 5-year renewable possession only license for an indefinite time period. Contingent upon the successful negotiation of an indefinite duration possession only license amendment for JPG, the Army would then formally withdraw the revised Decommissioning Plan (June 2002) and Environmental Report (June 2002) for decommissioning of JPG administratively accepted by NRC for technical review on October 1, 2002.

Ms. Joyce Kuykendall, SBCCOM Radiation Safety Officer, may be contacted for additional information at (410) 436-7118, facsimile (410) 436-4445 or by email at joyce.kuykendall@sbccom.apgea.army.mil.

Sincerely,

Dr. John Ferriter
Director, Stockpile, Industrial,
Remediation and Restoration

Board Notification 2003-01

MEMORANDUM TO : Atomic Safety and Licensing Board
and All Parties

FROM: Thomas McLaughlin, Project Manager
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safegaurds

SUBJECT: SUPPLEMENTAL INFORMATION POTENTIALLY RELEVANT AND MATERIAL TO BOARD PROCEEDING IN THE MATTER OF THE U.S. ARMY AND THE JEFFERSON PROVING GROUND SITE

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Docket No. 40-8838-MLA
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Attachment: Letter from the U.S. Army dated February 4, 2003
cc w/attach: See next page
CONTACT: Thomas McLaughlin, NMSS
301-415-5869

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DOCUMENT NAME: Board notification of letter from Army

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OFC	DCB	OGC NLO	DCB	DCB	DWM
NAME	T.McLaughlin	S.Lewis	C.Craig	L.Camper for	J.Greeves
DATE	3/7/03	3/7/03	3/10/03	3/10/03	3/11/03

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