



OFFICE OF THE  
GENERAL COUNSEL

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

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,

A handwritten signature in cursive script that reads "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 *Tom McLaughlin*  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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

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

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

Stephen H. Lewis  
David A. Cummings  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
0-15D21  
Washington, DC 20555

Administrative Judge Thomas D. Murphy  
Special Assistant  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3-F-23  
Washington, D.C. 20555

Office of the Secretary  
ATTN: Rulemaking and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16-G-15  
Washington, D.C. 20555

Office of Commission Appellate Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16-G-15  
Washington, D.C. 20555

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:

MR BOB GREW  
DIRECTOR  
JPG REGIONAL DEVELOPMENT BOARD  
1505 ORDNANCE DRIVE  
JEFFERSON PROVING GROUND  
MADISON, IN 47250-5100

MR SCOTT PRUITT  
US FISH & WILDLIFE  
620 SOUTH WALKER  
BLOOMINGTON IN 47403

DR NORMAL HESTER  
INDIANA STATE GEOLOGIST  
INDIANA UNIVERSITY  
INDIANA GEOLOGICAL SURVEY  
611 NORTH WALNUT GROVE  
BLOOMINGTON IN 47405-2208

MS KAREN MASON-SMITH  
US ENVIRONMENTAL PROTECTION AGENCY  
REGION V  
MAIL CODE HSRW-6J  
77 WEST JACKSON BLVD  
CHICAGO ILLINOIS 60604-3590

MR GEORGE STEGNER  
TOWN COUNCIL TOWN HALL  
VERSAILLES IN 47242

MR DAVID KOENIG  
865 WEST US-50  
PO BOX 15  
NORTH VERNON IN 47625

MR DAVID DAGHIR  
2135 MICHIGAN ROAD  
MADISON IN 47250

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

Jefferson Proving Ground Site

cc:

JOYCE KUYKENDALL (SITE RSO)  
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  
5183 BLACKHAWK ROAD  
ABERDEEN PROVING GROUND  
MD 21010-5424

MS JANE E SMITH  
INDIANA STATE DEPARTMENT OF HEALTH  
1330 WEST MICHIGAN ST  
PO BOX 1964  
INDIANAPOLIS, IN 46206-1960

KEVIN HERROM, STATE PROJECT MANAGER  
FEDERAL PROGRAMS SECTION  
OFFICE OF LAND QUALITY  
I INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
P.O. BOX 6015  
I INDIANAPOLIS, IN 46206

INDIANA STATE DEPARTMENT OF HEALTH  
RADIOLOGICAL HEALTH SECTION  
5<sup>TH</sup> 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 2002

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](mailto:joyce.kuykendall@sbccom.apgea.army.mil).

Sincerely,

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

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

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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

ADAMS Accession No. ML030620443

OFC	DCB	OGC <i>NLC</i>	DCB	DCB	DWM <i>mid</i>
NAME	T. McLaughlin <i>fm</i>	S. Lewis <i>S. H. Lewis</i>	C. Craig <i>CC</i>	L. Camper <i>L. Camper</i>	J. Greeves <i>J. Greeves</i>
DATE	3/7/03	3/7/03	3/7/03	3/7/03	3/7/03

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