

RAS 6962

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

DOCKETED 10/30/03

SERVED 10/30/03

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

October 30, 2003

ORDER

I have been advised by counsel for the NRC Staff that, on October 28, 2003, the Staff published in the Federal Register a notice of opportunity for hearing on the Department of the Army's application for a license amendment that would provide it with a five-year, renewable, possession-only license in connection with the depleted uranium munitions that are currently amassed on its Jefferson Proving Ground site. 68 Fed. Reg. 61,471. In light of this development, the Army, Save the Valley, Inc., and the Staff are requested to file and to serve memoranda on or before November 13, 2003 addressed to the following questions:

1. Does this development have the effect of now requiring the dismissal as moot of the proceeding in hand that is addressed to the previously submitted decommissioning plan for the site? If not, why not?

2. If not subject to dismissal at this time as moot, what then should be deemed the present status of that proceeding and what, if any, action should now be taken by this presiding officer with regard to it?

It is so ORDERED.

BY THE PRESIDING OFFICER¹

/RA/

Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 30, 2003

¹ Copies of this memorandum were sent this date by Internet electronic mail transmission to the counsel for the parties.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED OCTOBER 30, 2003 have been served upon the following persons by U.S. mail, first class, or through internal NRC distribution.

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Docket No. 40-8838-MLA
LB ORDER DATED OCTOBER 30, 2003

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 30th day of October 2003