

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONOctober 14, 2004
DOCKETED 10/15/04BEFORE THE PRESIDING OFFICER

In the Matter of)

U.S. ARMY)

(Jefferson Proving Ground Site))

Docket No. 40-8838-MLA-2

ASLBP No. 04-819-04-MLA

NRC STAFF RESPONSE TO ORDER, DATED OCTOBER 4, 2004INTRODUCTION

The NRC Staff (Staff) informed the Presiding Officer in a status report dated June 8, 2004, that the Staff had requested additional information from the Department of the Army (Licensee) needed to complete the Staff's evaluation of the Licensee's license amendment application.¹ In an Order issued October 4, 2004, the Presiding Officer directed the Staff to report whether the Staff has obtained the additional information sought, so that the Staff might be able to complete its review of the Environmental Radiation Monitoring (ERM) Program Plan submitted in support of the Licensee's application, and issue an Environmental Assessment (EA) and Safety Evaluation Report (SER) by March 2005, as previously estimated. The following discussion details the current status of the Staff's technical review.

DISCUSSION

As previously communicated to the Presiding Officer, the Staff issued requests for additional information (RAIs) to the Licensee on May 20, 2004.² By letter dated June 9, 2004, the Licensee requested a meeting with the Staff to assist the Licensee in providing its response.³ The

¹ See NRC Staff Status Report at 1 (June 8, 2004) (ML041670077).

² See Board Notification 2004-01 at 1 (May 26, 2004) (ML041400485); Letter from Tom McLaughlin, NRC, to Colonel Mike G. Mullins, U.S. Army (May 20, 2004) (ML041350063) (a copy of the Staff's RAIs is attached hereto as Attachment A).

³ See Letter from Mike G. Mullins, Colonel, U.S. Army, to Dr. Tom McLaughlin, NRC (June 9, 2004) (ML041740069) (attached hereto as Attachment B).

Staff responded by holding a public meeting at NRC Headquarters with the Licensee on July 28, 2004, at which the RAIs were discussed.⁴ In the course of the meeting, the Licensee also requested a clarification of the Staff's request for additional data on the solubility of depleted uranium (DU), which the Staff committed to provide within forty-five days.⁵ The Staff and the Licensee then agreed that the Licensee would provide responses to the RAIs by November 1, 2004.⁶

The Staff still requires the additional information sought by its RAIs so that it may have sufficient data to complete its evaluation of the ERM Program Plan and issue an EA and SER. Thus, the Staff does not anticipate completion of an EA and SER by March 2005, as previously estimated. The Staff anticipates a delay of approximately two months in preparing its analyses commensurate with the additional time required for the Licensee to furnish the necessary information, and would be able to provide a more precise estimate for completion of its technical review following actual receipt of the requested information.

CONCLUSION

In accordance with the Presiding Officer's Order of October 4, 2004, the Staff submits the foregoing response.

Respectfully submitted,

/RA/

Michael A. Woods
Counsel for NRC Staff

Dated at Rockville, Maryland
this 14th day of October, 2004

⁴ See Meeting Report at 1-2 (July 28, 2004) (ML042220047) (attached hereto as Attachment C).

⁵ *Id.* at 2. The Staff communicated informally with the Licensee by teleconference regarding open issues, and may hold a further teleconference at the end of October to clarify issues raised by the RAIs.

⁶ *Id.*

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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.314(b), the following information is provided:

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Name of Party:	NRC Staff

Respectfully submitted,

/RA/

Michael A. Woods
Counsel for NRC Staff

Dated at Rockville, Maryland
this 14th day of October, 2004

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO ORDER, DATED OCTOBER 4, 2004," and "NOTICE OF APPEARANCE" for Michael A. Woods in the above-captioned proceeding have been served on the following by deposit in the Nuclear Regulatory Commission's internal mail system as indicated by an asterisk (*), or by U.S. Mail, first class, and electronic mail as indicated by a double asterisk (**) on this 14th day of October, 2004.

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