

March 18, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING OFFICER

In the Matter of	)	
	)	Docket No. 40-8838-MLA-2
U.S. ARMY	)	
	)	ASLBP No. 04-819-04-MLA
(Jefferson Proving Ground Site)	)	
	)	

NRC STAFF RESPONSE TO ORDER DATED MARCH 3, 2005

The Presiding Officer issued an Order dated March 3, 2005, requesting that the Staff advise the judges when it currently anticipates the issuance of its environmental assessment (EA) and safety evaluation report (SER) pertaining to the license amendment application now under consideration.

The Staff transmitted its Request for Additional Information (RAI) on the pending license amendment request to the United States Army (Licensee) by letter dated May 20, 2004.<sup>1</sup> In addition, by letter dated October 5, 2004, the Staff requested that the Licensee provide specific details about the parameters needed for off-site transport modeling that could not be collected due to the presence of unexploded ordnance (UXO).<sup>2</sup> The Licensee responded to the Staff's May 20, 2004, RAI on November 1, 2004.<sup>3</sup> On January 31, 2005, the Licensee submitted a letter

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<sup>1</sup> The Staff's RAI was provided to the Presiding Officer and parties in Board Notification 2004-01, dated May 26, 2004

<sup>2</sup> See Letter from Tom McLaughlin, NRC, to Colonel Mike G. Mullins, Department of the Army (October 5, 2004) (ML042710122) (attached hereto as Attachment 1).

<sup>3</sup> See Letter from Alan G. Wilson, Department of the Army, to Tom McLaughlin, NRC (November 1, 2004) (ML043360318) (attached hereto as Attachment 2).

addressing the necessary off-site transport modeling parameters.<sup>4</sup> This letter also addressed the Licensee's plans to fill data gaps, acknowledged in its November 1, 2004, response to the NRC RAI, on the depleted uranium Impact Area.

The information provided in the Licensee's November 1, 2004, and January 31, 2005, responses is not sufficient to allow the Staff to proceed with preparation of an EA or SER. Based on the January 31, 2005, letter it is unclear to the Staff how the Licensee intends to proceed. At the request of the Staff, the Licensee has agreed to provide a letter clarifying its planned path forward with regard to the pending license amendment request. Pending that clarification, the Staff is not in a position to provide an estimated issuance date for the EA and SER.

Respectfully submitted,

*/RA/*

Shelly D. Cole  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 18<sup>th</sup> day of March, 2005

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<sup>4</sup> See Letter from Alan G. Wilson, Department of the Army, to Tom McLaughlin, NRC (January 31, 2005) (ML050330496) (attached hereto as Attachment 3).

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO ORDER DATED MARCH 3, 2005" in the above captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal Mail system (as indicated by a single asterisk) or by U.S. Mail, first class, and (as indicated by a double asterisk) by e-mail, this 18<sup>th</sup> day of March, 2005.

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