

June 15, 2005

MEMORANDUM TO: Michael T. Lesar, Chief  
Rules and Directives Branch  
Division of Administration  
Office of Administration

FROM: Daniel M. Gillen, Deputy Director **/RA/**  
Division of Waste Management  
and Environment  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: NOTICE OF LICENSE AMENDMENT REQUEST OF THE DEPARTMENT OF THE  
ARMY, U.S. ARMY GARRISON, ROCK ISLAND ARSENAL, ROCK ISLAND,  
ILLINOIS, AND OPPORTUNITY TO REQUEST A HEARING

Attached please find one signed original, four copies, and an electronic version on a 3.5-inch diskette of the subject *Federal Register* Notice for transmittal to the Office of the *Federal Register* for publication.

ADM/DAS/RDB has been given owner's rights to the Notice in Agency wide Documents Access and Management System (ADAMS) ML051660038. Publicly available Nuclear Regulatory Commission (NRC) documents referenced in the Notice have been finalized in ADAMS and profiled for public release. ADAMS accession numbers for all such documents are provided in the text under Further Information.

Copies of this Notice and the document being made available for public comment have been forwarded to the Office of the Chief Information Officer (OCIO) staff at [WEBWORK@nrc.gov](mailto:WEBWORK@nrc.gov) for posting to the NRC public Web site.

Please note that this Notice requires the insertion of a date by which a request for a hearing must be received. Insertion points are indicated parenthetically in bold type and brackets on pages 1 and 4 of the Notice.

Docket No. 040-08838

Staff Contact: Thomas McLaughlin

License No. SUB-1435

Phone No. (301) 415-5869

Attachments:

1. One original and four copies
2. One 3.5-inch diskette (electronic version)

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**ML051660038**

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|-------------|-------------|---------|---------|---------|
| <b>OFC</b>  | DWMEP       | DWMEP   | OGC     | DWMEP   |
| <b>NAME</b> | TMcLaughlin | KGruss  | STreby  | DGillen |
| <b>DATE</b> | 6/15/05     | 6/15/05 | 6/15/05 | 6/15/05 |

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**NUCLEAR REGULATORY COMMISSION**

**Docket No. 40-08838**

**Notice of Consideration of Amendment Request for an Alternate Decommissioning Schedule for the Department of the Army, U.S. Army Garrison, Rock Island Arsenal, Rock Island, Illinois, and Opportunity to Request a Hearing**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of license amendment, opportunity to request a hearing, and solicitation of public comments.

**DATES:** A request for a hearing must be filed by **[INSERT DATE: 60 DAYS FROM DATE OF PUBLICATION]**.

**FOR FURTHER INFORMATION CONTACT:** Tom McLaughlin, Project Manager, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; Telephone: (301) 415-5869; fax number: (301) 415-5398; e-mail: [tgm@nrc.gov](mailto:tgm@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to the Department of the Army (Army as the licensee) to amend its License No. SUB-1435 to authorize an alternate decommissioning schedule pursuant to 10 C.F.R. § 40.42(g)(2) for its facility at Jefferson Proving Ground, Madison, Indiana.

License No. SUB-1435 authorizes the licensee to possess depleted uranium in the "impact area" of Jefferson Proving Ground. The license amendment request for an alternate decommissioning schedule was submitted by the licensee on May 25, 2005. An NRC administrative review, documented in a letter to the U.S. Army Garrison at Rock Island Arsenal

on June 15, 2005, found the license amendment request acceptable to begin a technical review.

If the NRC approves the license amendment request, the authorization for an alternate decommissioning schedule will be documented in an amendment to NRC License No. SUB-1435. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

## **II. Opportunity to Request a Hearing**

The NRC hereby provides notice that this is a proceeding on an application for a license amendment to License No. SUB-1435 to request an alternate decommissioning schedule. In accordance with the general requirements in Subpart C of 10 CFR Part 2, as amended on January 14, 2004 (69 FR 2182), any person whose interest may be affected by this proceeding and who desires to participate as a party must file a written request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing.

In accordance with 10 CFR 2.302 (a), a request for a hearing must be filed with the Commission either by:

1. First class mail addressed to: Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemakings and Adjudications;
2. Courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Attention: Rulemakings and Adjudications Staff, between 7:45 a.m. and 4:15 p.m., Federal work days;

3. E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or
4. By facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Rulemakings and Adjudications Staff, at (301) 415-1101; verification number is (301) 415-1966.

In accordance with 10 CFR 2.302 (b), all documents offered for filing must be accompanied by proof of service on all parties to the proceeding or their attorneys of record as required by law or by rule or order of the Commission, including:

1. The applicant, U.S. Army Garrison, 1 Rock Island Arsenal, Rock Island Illinois, 61299, Attention: Alan G. Wilson, Garrison Manager; and
2. The NRC staff, by delivery to the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hearing requests should also be transmitted to the Office of the General Counsel, either by means of facsimile transmission to (301) 415-3725, or by email to [ogcmailcenter@nrc.gov](mailto:ogcmailcenter@nrc.gov).

The formal requirements for documents contained in 10 CFR 2.304 (b), (c), (d), and (e), must be met. In accordance with 10 CFR 2.304 (f), a document filed by electronic mail or facsimile transmission need not comply with the formal requirements of 10 CFR 2.304 (b), (c), and (d), as long as an original and two (2) copies otherwise complying with all of the requirements of 10 CFR 2.304 (b), (c), and (d) are mailed within two (2) days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.309 (b), a request for a hearing must be filed by **[insert date: 60 days from date of publication]**.

In addition to meeting other applicable requirements of 10 CFR 2.309, the general requirements involving a request for a hearing filed by a person other than an applicant must state:

1. The name, address, and telephone number of the requester;
2. The nature of the requester's right under the Act to be made a party to the proceeding;
3. The nature and extent of the requester's property, financial or other interest in the proceeding;
4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and
5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309 (b).

In accordance with 10 CFR 2.309 (f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;
2. Provide a brief explanation of the basis for the contention;
3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;
4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;
5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and

6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In accordance with 10 CFR 2.309 (g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

### **III. Opportunity to Provide Comments**

In accordance with 10 CFR 20.1405, the NRC is providing notice to individuals in the vicinity of the site that the NRC has received a license amendment request from the Army. The NRC will accept comments concerning this amendment request. Comments with respect to this action should be provided in writing within 30 days of this notice and addressed to Mr. Tom McLaughlin, U.S. NRC, Washington, D.C., 20555-0001. Comments received after 30 days will be considered if practicable to do so, but only those comments received on or before the due date can be assured consideration.

### **IV. Further Information**

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agency wide Document Access and Management System (ADAMS), which provides text and

image files of NRC's public documents. The ADAMS accession number for the document related to this notice is ML051520319. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room PDR Reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, located in O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 15th day of June, 2005.

For the Nuclear Regulatory Commission.

/RA/

Daniel M. Gillen, Deputy Director  
Division of Waste Management  
and Environment  
Office of Nuclear Material Safety  
and Safeguards