

**RAS 10337**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 08/18/05**

**SERVED 08/18/05**

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Alan S. Rosenthal, Presiding Officer  
Dr. Paul B. Abramson, Special Assistant

In the Matter of

U.S. ARMY

(Jefferson Proving Ground Site)

Docket No. 40-8838-MLA-2

ASLBP No. 04-819-04-MLA

August 18, 2005

ORDER

(Scheduling Telephone Conference)

As the parties to this materials license amendment were advised in an August 2, 2005 order, Judge Abramson and this presiding officer will hold a telephone conference with their counsel at 10:00 a.m. (EDT) on Wednesday, August 24, 2004. The purpose of the conference will be to consider further the licensee Department of the Army's July 19, 2005 motion to dismiss the proceeding; the July 29 opposition of intervenor Save the Valley, Inc (STV) to that motion; and the replies to that opposition that were filed by the Army and the NRC Staff on August 11 and 15, respectively.

The conference will be recorded and will focus most particularly, but not necessarily exclusively, on (1) the truly significant substantive difference, if any exists, between the proposal that the Army has abandoned and that which is currently before the Staff for its consideration; (2) whether, given the background of this proceeding as set forth in LBP-05-09, 61 NRC 218 (2005), its dismissal at this juncture would produce a fundamentally unfair result insofar as STV is concerned; and (3) in any event, whether prudence might dictate that the motion be held in abeyance pending the outcome of the inquiry instituted by the Commission in response to LBP-05-09.

Prior to noon on Tuesday August 23, each of the three parties shall furnish Ms. SherVerne Cloyd (SRC2@nrc.gov) with the name of the single individual who will represent it at the conference. In the event that a party should desire to have the conference audited by a person or persons at a different location, one (but only one) additional line will be made available to that party upon request to Ms. Cloyd by the same deadline. Access to the conference by participants and any auditors may be obtained by dialing 1(800) 638-8081 shortly before 10:00 a.m. and entering password 2379#.

It is so ORDERED.

BY THE PRESIDING OFFICER<sup>1</sup>

***/RA/***

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Alan S. Rosenthal  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 18, 2005

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<sup>1</sup>Copies of this order were sent this date by Internet electronic mail transmission to the counsel for the parties.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
U.S. ARMY ) Docket No. 40-8838-MLA-2  
Jefferson Proving Ground Site )  
Madison, Indiana )  
)  
(Materials License Agreement) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULING TELEPHONE CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through internal NRC distribution.

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Administrative Judge  
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Docket No. 40-8838-MLA-2  
LB ORDER (SCHEDULING TELEPHONE CONFERENCE)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

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