

RAS 11187

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

DOCKETED 02/21/06

SERVED 02/21/06

Before Administrative Judges:

Alan S. Rosenthal, Chairman
Dr. Paul B. Abramson
Dr. Richard F. Cole

In the Matter of

U.S. ARMY

(Jefferson Proving Ground Site)

Docket No. 40-8838-MLA

ASLBP No. 00-776-04-MLA

February 21, 2006

MEMORANDUM AND ORDER
(Requesting Status Report)

This proceeding involves the application of the Department of the Army (Licensee) for an amendment to its outstanding NRC materials license. The amendment would authorize an alternate schedule for the submittal of a decommissioning plan for its Jefferson Proving Ground (JPG) site located in Madison, Indiana, on which a quantity of depleted uranium munitions is currently amassed.

On February 2, 2006, in LBP-06-06, 63 NRC ____ (slip op.), we granted the hearing request of Save the Valley, Inc. (Petitioner) with regard to the alternate schedule proposal. Additionally, we granted Petitioner's unopposed motion to defer the hearing on the proposal pending the NRC Staff's completion of its technical review of it and the issuance of the documents reflecting the conclusions reached by the Staff.

It is not the function of Licensing Boards to become involved to any extent in the conduct of Staff technical reviews. That said, given the deferral of the hearing we have an understandable interest in when the review might be completed, thus enabling the Board to move forward with the proceeding in the manner set forth in LBP-06-06.

In that regard, it is now almost eight months since, on June 27, 2005, the Staff published in the Federal Register the notice reflecting its receipt of the alternate schedule proposal a month earlier. See 70 Fed. Reg. 36,964. Presumably, the technical review has been in progress during most, if not all, of that interval. Moreover, the Staff now has in hand the Licensee's response to its request for additional information to aid its evaluation of the Field Sampling Plan for the JPG site that is an integral part of the alternate schedule proposal. See Letter from Alan G. Wilson, Garrison Manager, to Dr. Tom McLaughlin, Office of Nuclear Materials Safety and Safeguards (Feb. 9, 2006).

Given these considerations, it might well be that the technical review of the alternate schedule proposal is now well on the road to completion, with the consequence that this proceeding might become active anew within the next month or two. On the other hand, the Staff might deem the Army's February 9 response to be insufficient and/or be of the opinion that still further information is necessary in order to enable it to reach an informed judgment on aspects of the alternate schedule proposal apart from the Field Sampling Plan.

In light of this uncertainty, we are now calling upon the Staff to file and to serve a brief memorandum by March 1, 2006 in which it provides its best current estimate of the date by which the technical review will likely be completed and the documents reflecting the conclusions reached therein made public. In that connection, we are not seeking any detail regarding the conduct of the technical review itself. Once again, that is a matter beyond our area of present concern. Rather, our desire is simply to obtain some insight regarding the likely timing of the resumption of the proceeding. Presumably, that insight would be equally appreciated by both the Licensee and the Petitioner.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Alan S. Rosenthal, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 21, 2006

¹ Copies of this order 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 MEMORANDUM AND ORDER (REQUESTING STATUS REPORT) have been served upon the following persons by U.S. mail, first class, or through internal NRC distribution.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of February 2006