

August 1, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

JOINT NOTIFICATION TO TREAT CONSULTATIONS AS SETTLEMENT DISCUSSIONS

As discussed in the "Order (Deferring Evidentiary Hearing)," July 26, 2006, issued by the Atomic Safety and Licensing Board, the parties to the above-captioned proceeding have agreed to consult on issues of concern raised by the Intervenor, Save the Valley, Inc., in its hearing request. The Board further indicated that if the parties desired that information revealed during these consultations be treated as settlement discussion information and therefore not admissible in this litigation, they should so notify the Board in writing before the commencement of the consultations. Accordingly, the parties hereby notify the Board that they intend to treat these consultations as settlement discussions and agree that information revealed during these discussions will not be admissible in this litigation.

Counsels for the Intervenor, Save the Valley, Inc. and for the Licensee, the Department of the Army, have reviewed this Joint Notification and have authorized Counsel for NRC Staff to sign and file the Joint Notification on their behalf.

Respectfully submitted,

***/RA/***

Marian L. Zabler  
Counsel for NRC Staff

Dated at Rockville, MD  
this 1st day of August, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT NOTIFICATION TO TREAT CONSULTATIONS AS SETTLEMENT DISCUSSIONS," in the above captioned proceeding have been served on the following by electronic mail with copies deposited in the Nuclear Regulatory Commission's internal mail system as indicated by a single asterisk or by U.S. Mail, first class, as indicated by a double asterisk by e-mail, this 1<sup>st</sup> day of August, 2006.

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