

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 09/20/07

ATOMIC SAFETY AND LICENSING BOARD

SERVED 09/20/07

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  
  
September 20, 2007

NOTICE OF HEARING  
(Application for a License Amendment)

This Atomic Safety and Licensing Board hereby gives notice that, pursuant to 10 C.F.R. Part 2, Subpart L, it will convene an evidentiary hearing on October 22, 2007 to receive testimony and exhibits concerning the adequacy of the Field Sampling Plan (FSP) in the application submitted by the Department of the Army (Licensee) for an amendment to its NRC materials license (License No. SUB-1435) for an alternate decommissioning schedule. See 10 C.F.R. § 40.42(g)(2).

Between 1983 and 1994, under the auspices of that license, the Licensee conducted accuracy testing of depleted uranium (DU) tank penetration rounds at its Jefferson Proving Ground site located in Madison, Indiana. It now seeks a license amendment that would provide an alternate schedule (i.e., a five-year additional period) for the submittal of a decommissioning plan for that site. Such a plan is required because there is currently amassed on the JPG site approximately 70,000 kilograms of DU munitions.

This Board has found one contention presented by Save the Valley, Inc. (Intervenor) regarding the alternate decommissioning schedule to satisfy the admissibility requirements

imposed by 10 C.F.R. § 2.309(f)(1). LBP-06-6, 63 NRC 167 183-85 (2006). That contention asserts (id. at 183):

As filed, the FSP is not properly designed to obtain all the verifiable data required for reliable dose modeling and accurate assessment of the effects on exposure pathways of meteorological, geological, hydrological, animal, and human features specific to the JPG site and its surrounding area.

On December 20, 2006 and May 1, 2007, the Board rejected Intervenor's other contentions as inadmissible. See LBP-06-27, 64 NRC 438 (2006); LBP-07-07, 65 NRC \_\_\_ (slip op.) (2007).

#### A. Date, Time, and Location of Evidentiary Hearing

The evidentiary hearing in this proceeding, which will be open to the public,<sup>1</sup> will begin on Monday, October 22, 2007 at 10:30 A.M., and will continue day-to-day, ending no later than Friday, October 26 at 5:00 P.M., at the location specified below:

Madison City Hall  
101 W. Main Street  
Madison, IN 47250

#### B. Submitting Written Limited Appearance Statements

Any person not a party to the proceeding, including persons who are affiliated with or represented by a party, may submit to the Board at any time a written limited appearance statement setting forth his or her position on matters of concern relating to this proceeding. See 10 C.F.R. § 2.315(a). Although these statements do not constitute testimony or evidence in the

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<sup>1</sup> Members of the public who plan to attend the evidentiary hearing are advised that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases, backpacks, packages, etc. In addition, signs, banners, posters and displays will be prohibited because they are disruptive to the conduct of the adjudicatory process. See Procedures for Providing Security Support for NRC Public Meetings/Hearings, 66 Fed. Reg. 31,719 (June 12, 2001).

In the event that a party deems it necessary to discuss protected information at the hearing, that portion of the hearing will be closed to the public. See 10 C.F.R. § 2.390(a)(4).

proceeding, they nonetheless may assist the Board and/or the parties in their consideration of the issues. Such statements should be submitted to:

Mail: Office of the Secretary  
Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Fax: (301) 415-1101 (verification (301) 415-1966)

E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

In addition, using the same method of service, a copy of the written statement must be sent to the Chairman of this Licensing Board as follows:

Mail: Administrative Judge Alan S. Rosenthal  
c/o: Meg Parish, Esq., Law Clerk  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Fax: (301) 415-5599 (verification (301) 415-6094)

Email: [map4@nrc.gov](mailto:map4@nrc.gov)

On Tuesday July 18, 2006, this Board entertained oral limited appearance statements from members of the public in connection with this proceeding. See Notice (Notice of Opportunity To Make Oral or Written Limited Appearance Statements), 71 Fed. Reg. 33,776 (June 6, 2006).

Another such opportunity for oral statements will not be presented at this time.

#### C. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html) (Electronic Reading Room). Persons who do not have



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING (APPLICATION FOR A LICENSE AMENDMENT) have been served upon the following persons by U.S. mail, first class, or through internal NRC distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Alan S. Rosenthal, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Paul B. Abramson  
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Commander  
Rock Island Arsenal  
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1 Rock Island Arsenal  
Rock Island, IL 61299-5000

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AMENDMENT)

Frederick P. Kopp, Esq.  
U.S. Army Garrison - Rock Island Arsenal  
Office of Counsel (AMSTA-RI-GC)  
One Rock Island Arsenal  
Rock Island, IL 61299-5000

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 20<sup>th</sup> day of September 2007