

UNITED STATES OF AMERICA

November 29, 2007 (10:05am)

NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

_____)	
In the Matter of)	Docket No. 40-8838-MLA
U.S. ARMY)	ASLBP No. 00-776-04-MLA
(Jefferson Proving Ground Site))	November 29, 2007
_____)	

**UNOPPOSED MOTION OF SAVE THE VALLEY, INC.
TO REPLACE CERTAIN MAPS COPIED IN BLACK AND WHITE
WITH THE SAME MAPS COPIED IN COLOR**

Intervenor Save the Valley, Inc.(STV), by counsel, respectfully moves to replace certain maps included in designated exhibits which were copied in black and white with the same maps copied in color. Specifically, STV seeks to replace copies of the maps which are designated as Army Exhibit 5A and Figures 2-1, 2-2, 3-1, 4-1, 4-2, 5-1, 5-2, 5-3, 5-4, 5-5, 6-1, 6-2 and 6-3 of Staff Exhibit 26.

In support of its Motion, STV would respectfully show the Board:

1. The originals of the maps in question were prepared in color by their authors and were in color for a reason -- the color gradations are necessary for the proper understanding and interpretation of the information presented.
2. The experts and counsel for all parties have been working with the maps in question in color since the original documents were made publicly available much earlier in the proceeding.
3. The CDs accompanying the Army and Staff exhibits introduced into evidence at the October 22, 2007 hearing include the maps in question in color.
4. The maps in question ended up in the record in black and white rather than in color

because the Commission currently scans the paper copies rather than uploading the electronic copies of exhibits introduced into evidence at its hearings and the paper copies of the maps in question provided by the Army and the Staff were in black and white rather than color.

5. STV did not discover that the maps in question had been introduced into evidence in black and white rather than in color until it compared Army and Staff hearing exhibits recently posted to ADAMS with the electronic versions of the maps which it had been provided earlier in the proceeding.

6. There is no prejudice to any party from replacing the black and white copies of the maps in question with color copies as the maps were originally prepared and distributed by their authors and heretofore referenced and used by the parties' experts and counsel in color.

7. The record in this matter is still open and the replacing the black and white copies of the maps in question with color copies can be accomplished without practical difficulty by simply making color copies of the same maps included on the Army and Staff Exhibit CDs already in the Board's possession.

8. All of the maps in question were originally prepared for the Army. The Army does not object to the replacement of the black and white copies of the maps with color copies of the same maps in the manner requested by STV.

9. While originally prepared for the Army, most of the maps in question are included in an exhibit offered into evidence by the Staff. The Staff does not object to the replacement of the black and white copies of the maps with color copies of the same maps in the manner requested by STV.

WHEREFORE STV respectfully requests that the Board grant its motion to replace the black

and white copies of the maps which are now designated in the paper record as Army Exhibit 5A and Figures 2-1, 2-2, 3-1, 4-1, 4-2, 5-1, 5-2, 5-3, 5-4, 5-5, 6-1, 6-2 and 6-3 of Staff Exhibit 26 with color copies of the maps which are now included on the Army and Staff Exhibit CDs in the possession of the Board with the same designations, as well as all other relief which the Board considers to be appropriate under the circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Mullett". The signature is fluid and cursive, with the first name "Michael" and last name "Mullett" clearly legible.

Michael A. Mullett, Senior Counsel
Mullett & Associates
309 West Washington Street, Suite 233
Indianapolis, IN 46204
Phone: (317) 636-0025
Fax: (317) 636-5435
E-mail: mmullett@mullettlaw.com

Attorney for Save the Valley, Inc.

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)	ASLBP No. 00-776-04-MLA
)	
(Jefferson Proving Ground Site))	November 29, 2007

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Unopposed Motion of Save the Valley, Inc., to Replace Certain Maps have been served this 29th day of November, 2007, upon the following persons by electronic mail and by U.S. Mail, first class postage prepaid.

Administrative Judge Alan S. Rosenthal Chair,
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555-0001

Meg Parrish
Emily Krause
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

Administrative Judge Paul B. Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

Administrative Judge Richard F. Cole
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3-F-23
Washington, D.C. 20555

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

Office of the Secretary
ATTN: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop: O-16-G-15
Washington, D.C. 20555-0001

David E. Roth
James B. Biggins
Andrea L. Silvia
Susan L. Uttal
Office of the General Counsel
U.S. Nuclear Regulatory Commission
0-15D21
Washington, DC 20555-0001

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16-G-15
Washington, D.C. 20555-0001

Tom McLaughlin, Decommissioning Branch
Division of Waste Management
Office of Nuclear Materials and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard Hill, President
Save The Valley
P.O. Box 813
Madison, IN 47250



Michael A. Mullett
Mullett & Associates
309 West Washington Street, Suite 233
Indianapolis, IN 46204
Phone: (317) 636-0025
Fax: (317) 636-5435
E-mail: mmullett@mullettlaw.com

Attorney for Save the Valley, Inc.

MULLETT & ASSOCIATES

COUNSELORS AT LAW

Old Trails Building, Suite 233
309 West Washington Street
Indianapolis, IN 46204

Phone: (317) 636-0025

Fax: (317) 636-5435

November 29, 2007

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ATTN: Rulemakings and Adjudications Staff

Re: Motion of Save the Valley, Inc. to Replace Certain Maps

In the Matter of the U.S. Army (Jefferson Proving Ground Site), Docket No. 40-8838-
MLA, ASLBP 00-776-04-MLA

Dear Secretary:

Enclosed please find for filing in the above-referenced docket the original and two conformed copies of the above-referenced filing, along with the related Certificate of Service.

Thank you for your assistance in this matter.

Respectfully submitted,



Michael A. Mullett
Attorney for Save the Valley, Inc.

cc: Service List – Docket No. 40-8838, ASLBP 00-776-04