

November 15, 1999
DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'99 NOV 15 P2:20

BEFORE THE PRESIDING OFFICER

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION

In the Matter of)
)
DEPARTMENT OF ARMY)
Aberdeen Proving Ground, Maryland)
)
(Denial of Materials License for M22/GID-3)
Automatic Chemical Agent Detector Alarm))

Docket No. 30-34610-ML

JOINT STATUS REPORT

By order dated October 21, 1999, the Presiding Officer (1) decided to defer further action in the proceeding in order to allow the U.S. Department of the Army (Army) time to pursue, at its option, amendments to the Army's current materials license "to remove terms and conditions that [are] not necessary to preserve the public health and safety with respect to usage of the [Automatic Chemical Agent Detector Alarm (ACADA)]" and (2) ordered the Army and the Staff to report periodically to the Presiding Officer on any progress made regarding this approach. Prehearing Conference Order, dated October 21, 1999 (Order) (unpublished), at 5-6. Counsel for the Army has authorized Staff counsel to submit the following report on behalf of the parties.

As indicated in the attached letter, the Army has informed the NRC that it intends to submit applications to amend the licenses and permits held by four branches of the Armed Services with respect to possession and use of the ACADA. Letter from Colonel Steve Reeves, Army, to John Hickey, NRC, dated October 21, 1999. Such amendments, which

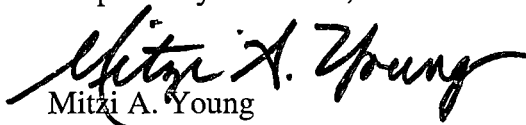
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will be available in draft form by the end of November, 1999, will address removal of certain leak testing and accountability requirements.

Headquarters and regional NRC staff that would be responsible for handling any ACADA-related requests for license amendments or requests for exemptions from the regulations have been alerted and are coordinating their efforts.

Respectfully submitted,


Mitzi A. Young
Counsel for NRC Staff

Dated at Rockville, Maryland
this 15th day of November, 1999



DEPARTMENT OF THE ARMY
OFFICE OF THE PROJECT MANAGER FOR NBC DEFENSE SYSTEMS
5183 BLACKHAWK ROAD
ABERDEEN PROVING GROUND, MARYLAND 21010-5424

REPLY TO
ATTENTION OF:

October 21, 1999

PM NBC Defense Systems

Mr. John W. Hickey
Branch Chief
United States Nuclear Regulatory Commission
Materials Safety and Inspection Branch
Division of Industrial and Medical Nuclear Safety and Safeguards
Washington, D.C. 20555-0001

Dear Mr. Hickey:

This letter is a follow-up from the pre-hearing meeting held on October 13, 1999 at the Nuclear Regulatory Commission's (NRC) Headquarters for Docket Number 030-34610. As a result of the cooperative discussions held among both parties (Army and NRC) and the Administrative Law Judges, this letter is to notify you of the Army's intent to submit a request to amend the existing licenses/permits of the four Armed Services authorizing possession and use of the M22 Automatic Chemical Agent Alarm. As per instructions from Judge Charles Bechhoefer, amendments will be submitted pursuant to 10 CFR § 30.11 (Specific Exemptions), § 30.38 and other applicable authorities.

The license amendments will address, among other things: a) removal of radiation monitoring wipes after the Department of Defense (DoD) has taken delivery from the original manufacturer, i.e., Graseby Dynamics, Limited, and (b) accountability of assets only through the military property accounting system(s). It is desired that once the draft of the amendment is made available, a coordination meeting will be held with DoD representatives, NRC HQ staff, and appropriate NRC regional staff members to review the draft prior to submittal. The draft amendments are anticipated to be available within approximately 30 days. Based upon Judge Bechhoefer's requirement for both parties to provide status updates every 30 days, we are hopeful that all reviews will be conducted on an expedited basis.

I will provide to you, via separate letter, my comments related to the Chemical Agent Monitor surfaced by the NRC.

Should you have any questions regarding this matter, please contact Mr. Thomas E. Witkowski, AMSSB-PM-RNN-A, Commercial (410) 436-5672, DSN 584-5672.

Sincerely,

Stephen V. Reeves
Colonel, U.S. Army
Project Manager
NBC Defense Systems

Copies Furnished:

Administrative Judge Charles Bechhoefer, Presiding Officer, Atomic Safety and Licensing Board Panel, Mail Stop T-3 F23, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Administrative Judge Linda W. Little, Special Assistant, Atomic Safety and Licensing Board Panel, 5000 Hermitage Drive, Raleigh, NC 27612

U.S. Nuclear Regulatory Commission, Office of the General Counsel, Ms. Mitzi Young Esq., Mail Stop 0-15-D21, Washington, D.C.

Commander, U.S. Air Force Materiel Command, ATTN: HSC/YAC, Mr. A. Fuentes, 8107 13th Street, Brooks Air Force Base, TX 78235-5218

Commander, Code 805D, Mr. Cleve Benton, Building 3291, NAVSURFWARCEMDIV, 300 Highway 361, Crane, IN 47522-5001

Commander, U.S. Navy, ATTN: Mr. A. Moore, 2531 Jefferson Davies Highway, National Center 3, Room 10E10, Arlington, VA 22402

Commander, U.S. Navy Sea Systems Command, Code 03R14, ATTN: Mr. Stan Enatsky, 2531 Jefferson Davies Highway, Arlington, VA 22242-5160

Commander, U.S. Marine Corps Systems Command, PM Combat Service Support, ATTN: Mr. Rudy Olszyk, 2033 Barnett Avenue, Suite 315, Quantico, VA 22134-5010

Director, Division of Nuclear Safety, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, PA 19406-1415

Director, Division of Nuclear Safety, U.S. Nuclear Regulatory Commission, Region II, Sam Nunn Atlanta Federal Center, 23 T85, 61 Forsyth Street, SW, Atlanta, GA 30303-8931

Director, Division of Nuclear Safety, Region III U.S. Nuclear Regulatory Commission, 801 Warrenville Road, Lisle, IL 60532-4351

Director, Division of Nuclear Safety, Region IV, U.S. Nuclear Regulatory Commission, Harris Tower, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064

Commander, U.S. Army Materiel Command, ATTN: AMCSF-P, Mr. J. Manfre, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001

Commander, U.S. Army Soldier and Biological Chemical Command, Office of the Chief Counsel, ATTN: AMSSB-SCC, Mr. Phil Hunter, Esq., 5183 Blackhawk Road, Aberdeen Proving Ground, MD 21010-5424

Director, U.S. Army Armament and Chemical Acquisition & Logistics Activity, ATTN: AMSTA-AC-SF, Mr. J. Havenner, Rock Island, IL 61299-7630

Director, U.S. Army Edgewood Research, Development and Engineering Center, 5183 Blackhawk Road, ATTN: AMSBB-RCB-RS, Ms. J. Kuykendall, Aberdeen Proving Ground, MD 21010-5424

Commander, U.S. Army Soldier and Biological Chemical Command, 5183 Blackhawk Road, AMSSB-PM-RNN-A, Mr. Daniel M. Nowak, Aberdeen Proving Ground, MD 21010-5424

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BEFORE THE PRESIDING OFFICER

OFFICE OF SECURITY
RULEMAKING AND
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(Denial of Materials License for M22/GID-3)
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Docket No. 30-34610-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT STATUS REPORT" in the above-captioned proceeding have been served on the following by U.S. Mail, first class or, as indicated by a single asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, and as indicated by a double asterisk, by e-mail or facsimile transmission this 15th day of November, 1999:

Administrative Judge
Charles Bechhoefer **
Presiding Officer
Atomic Safety and Licensing Board
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U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
cxb@nrc.gov

Dr. Linda W. Little**
Special Assistant
5000 Hermitage Drive
Raleigh, NC 27612
Fax: 919) 783-9432

Secretary** (2)
Attn: Rulemakings and
Adjudications Staff
Mail Stop: OWFN-16 C1
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
HEARINGDOCKET@nrc.gov

Col. Steven V. Reeves
Project Manager, NBC Defense Systems
Department of the Army
Soldier and Biological Chemical Command
5183 Blackhawk Road
Aberdeen Proving Ground, MD 21010-5423

Phillip B. Hunter, Esq.
U.S. Army, Soldier & Biological Chemical
Command (SBCCOM)
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ATTN: AMSSB-SCC
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pbhunter@sbccom.apgea.army.mil

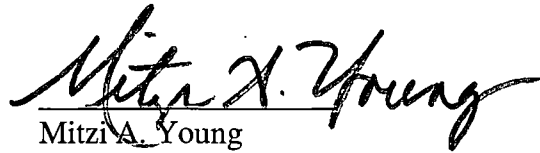
Office of Commission Appellate
Adjudication*
Mail Stop: OWFN-16 C-1
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Adjudicatory File* (2)
Atomic Safety and Licensing Board
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