

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 08/28/07

ATOMIC SAFETY AND LICENSING BOARD

SERVED 08/28/07

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

August 28, 2007

MEMORANDUM AND ORDER

(Accepting the Army's Motion to Strike as Notice of Withdrawal of Testimony)

On August 23, 2007, the Licensee U.S. Army filed a motion seeking to strike certain portions of its own prefiled direct testimony.<sup>1</sup> The following day, Intervenor Save the Valley filed a response to the motion.<sup>2</sup>

Motions to strike are not required in order to withdraw portions of a party's own previously submitted testimony. Instead, when a party seeks to withdraw such testimony, it need only supply notice of the withdrawal. In the circumstances, the motion is dismissed as improvident but will be taken as providing the required notice.

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<sup>1</sup> Army's Motion to Strike Portions of the Testimony of Army Witness Harold W. Anagnostopoulos (Aug. 23, 2007).

<sup>2</sup> Response of Save the Valley, Inc. to Army's Motion to Strike Parts of the Testimony of Its Own Witness Anagnostopoulos (Aug. 24, 2007).

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It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

/RA/

Alan S. Rosenthal, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 28, 2007

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<sup>3</sup> Copies of this Memorandum and Order were sent this date by Internet electronic mail transmission to counsel for (1) the Licensee, (2) the NRC Staff, and (3) Intervenor.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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(Jefferson Proving Ground)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (ACCEPTING THE ARMY'S MOTION TO STRIKE AS NOTICE OF WITHDRAWAL OF TESTIMONY) have been served upon the following persons by U.S. mail, first class, or through internal NRC distribution.

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Docket No. 40-8838-MLA  
LB MEMORANDUM AND ORDER  
(ACCEPTING THE ARMY'S MOTION TO STRIKE  
AS NOTICE OF WITHDRAWAL OF TESTIMONY)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 28<sup>th</sup> day of August 2007