

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL SEP 23 P2:02

Before Administrative Judges:

Charles Bechhoefer, Presiding Officer
Dr. Linda W. Little, Special Assistant

OFFICE
BUREAU
ADJUDICATION
STAFF

In the matter of:

DEPARTMENT OF THE ARMY
Aberdeen Proving Ground,
Maryland

M22/GID-3 Automatic Chemical
Agent Detector/Alarm

Docket No. 030-34610-ML

ASLBP No. 99-768-02-ML

September 23, 1999

MEMORANDUM

SERVED SEP 23 1999

At the prehearing conference on October 13, 1999,
parties are requested to address the following:

1. Please address specifically and succinctly the factors, circumstances or regulations, if any, that changed between July 2, 1998, when NRC Staff discussed with the Army "an alternative approach of registering an internal cell module as the exempt use product," and May 17, 1999, when NRC Staff informed the Army that such an approach was not acceptable.
2. Whether there are other approaches by which the Army could achieve the result it appears to desire--e.g., by granting a user license collectively to all soldiers (not specifically identified by name) who may be called upon to use the ACADA device, subject to a requirement that all soldiers authorized to use the ACADA would be adequately trained before doing so.

SECY-EHD-007

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Written responses should be provided to the Presiding Officer, the Special Assistant, and other parties by close of business October 8, 1999.

Charles Bechhoefer
Charles Bechhoefer
ADMINISTRATIVE JUDGE
Presiding Officer

Rockville, Maryland
September 23, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

U.S. DEPARTMENT OF THE ARMY

(Denial of Materials License)

Docket No.(s) 30-34610-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMO RE PREH CONF ON 10/13 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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

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

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

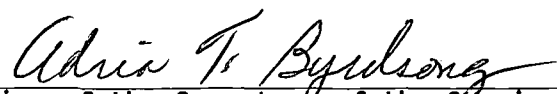
Mitzi A. Young, Esq.
Office of the General Counsel
Mail Stop - 0-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Phillip B. Hunter, Esq.
U.S. Army, Soldier & Bio Chem Comm
(SBCCOM) Office of the Chief Counsel,
ATTN: AMSSBSCC
Building E4435
Aberdeen Proving Gr., MD 21010

R. J. Dann
Graseby Dynamics Limited
10640 Main Street, Suite 204
Fairfax, VA 22030

Steven V. Reeves
Colonel, U.S. Army
Project Manager NBC Defense Systems
5232 Fleming Road
Aberdeen Proving Gr., MD 21010

Dated at Rockville, Md. this
23 day of September 1999


Office of the Secretary of the Commission