



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

March 15, 2016

Mr. Steve Turner
State Historic Preservation Officer
State of Colorado
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: CONSULTATION FOR SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR U.S. ARMY'S LICENSE AMENDMENT REQUEST TO POSSESS DEPLETED URANIUM FROM THE DAVY CROCKETT M101 SPOTTING ROUNDS AT VARIOUS INSTALLATIONS, INCLUDING FORT CARSON, CO

Dear Mr. Turner:

On October 21, 2015, the U.S. Nuclear Regulatory Commission (NRC) requested the views of the State of Colorado's (CO's) State Historic Preservation Officer (SHPO), pursuant to Section 106 of the National Historic Preservation Act (NHPA) regarding historic properties that may be affected by the issuance of a license amendment to the U.S. Army Installation Management Command (Army) for the possession of depleted uranium (DU) from M101 spotting rounds from the Davy Crockett Weapon System at sites (active ranges) located at various Army installations, to include Fort Carson, CO [Agencywide Documents and Management System (ADAMS) Accession No. ML15288A465 (Pkg.); ML15289A282 (Ltr.)].

On November 5, 2015, you responded (ADAMS Accession No. ML15337A442) to the NRC's request and inquired how the NRC defined the area of potential effect (APE), stating that the nature and dispersal of the spotting rounds containing uranium may be difficult to accurately demarcate. You also suggested that the NRC request a records search to receive a historic property and inventory report from your office; review a listing of Tribes that your office maintains who have a legacy of occupation within the State of Colorado; and reach out to Fort Carson, CO, staff directly for related information. Thank you for your response and recommendations. The purpose of this letter is to respond to your comments; to inform you of the NRC's finding on this action; and to bring to your attention a recent Advisory Council on Historic Preservation (ACHP) communication on this Section 106 consultation for this action.

With regard to how the NRC defined the APE, as part of the NRC staff's independent analysis of potential environmental effects, the NRC considered DU dispersal and DU fugitive emissions from the boundaries of each range included in this action. The NRC concluded that DU dispersal and DU fugitive emissions from the boundaries of these ranges are anticipated to be well below the NRC public dose limit of 10 mrem/yr from air emissions (10 CFR 20.1101(d)). Because the proposed action is for a possession-only license, the NRC concludes that no areas will be disturbed from the proposed action, and that the range boundaries are appropriate to define the APEs relative to compliance with applicable regulations pursuant to 36 CFR 800.3(d)(1).

The Army is requesting authorization to possess the DU from the Davy Crockett M101 spotting rounds that have been present on these installations for approximately 60 years. The license amendment, if issued, would not allow the Army to use the DU for any purpose other than activities necessary for the possession and management of DU from the Davy Crockett M101 spotting rounds and fragments as a result of previous use of DU at the installations, nor would it place additional DU on the installations. The license amendment would prohibit the Army from performing decommissioning or ground disturbing activities to collect or remove DU fragments or contaminated soil that is identified during routine range activities without prior authorization from the NRC, except disposal of DU fragments incidentally identified during routine range activities that does not require any ground disturbance. Rather than authorizing any physical activity such as the decommissioning of this installation, the license amendment, if approved, would bring the possession of this material at these installations under NRC regulatory oversight. Additionally, the NRC has determined that a categorical exclusion (CATX) applies to the proposed action. The applicable CATX is located at 10 CFR 51.22(c)(14)(xv)—amendment of materials licenses issued pursuant to 10 CFR Part 40 authorizing “[p]ossession, manufacturing, processing, shipment, testing, or other uses of depleted uranium military munitions.” Therefore, the NRC staff finds that no additional consultation is required for this project because the undertaking is not the type of activity that has the potential to cause effects on historic properties.

Regarding the ACHP’s recent communication on this action, I would like to bring to your attention that the ACHP was contacted by the California (CA) SHPO concerning this Section 106 consultation with regard to whether the proposed license amendment has the potential to effect historic properties at the Fort Hunter Liggett, CA range. Because the proposed action involves multiple installations located in different States, the ACHP, on December 28, 2015 (ADAMS Accession No. ML15362A558), reached out to the Executive Director of the National Conference of State Historic Preservation Officers (NCSHPO), stating that it agrees with the NRC that this action does not have the potential to effect historic properties and that the NRC may invoke 36 CFR 800.3(a)(1) of ACHP’s Section 106 regulations. The ACHP asked the NCSHPO to share this information with the applicable SHPOs and to provide them the opportunity to voice any concerns or questions through the NCSHPO to the ACHP before the ACHP provides its recommendation to the CA SHPO. The ACHP informed the NRC that the NCSHPO reached out to the applicable SHPOs for this purpose on January 15, 2016.

In accordance with 10 CFR 2.390 of the NRC’s “Agency Rules of Practice and Procedure,” a copy of this letter and other documents associated with this letter are available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC’s ADAMS. ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

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I hope that NRC has addressed your comments regarding the proposed license amendment for the possession of DU from the Davy Crockett M101 spotting rounds at Fort Carson, CO. Our goal is to ensure that licensed activities involving radioactive material are conducted safely and securely and to ensure compliance with all applicable statutes, including those pertaining to the cultural and historic properties on the applicant's facilities.

If you have any additional comments or concerns, please contact Ms. Amy Snyder by telephone at 301-415-6822, or by email at Amy.Snyder@nrc.gov.

Sincerely,

/RA/

Michael A. Norato, Ph.D., Chief
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 040-09083
License No. SUC-1593

Letters sent to:
State Historic Preservation Officers
(See next page)

S. Turner

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If you have any additional comments or concerns, please contact Ms. Amy Snyder by telephone at 301-415-6822, or by email at Amy.Snyder@nrc.gov.

Sincerely,

/RA/

Michael A. Norato, Ph.D., Chief
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 040-09083
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Letters sent to:
State Historic Preservation Officers
(See next page)

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ML16032A531 (pkg.); ML16032A541 (ltr.) *concurred via e-mail

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DATE	2/1/16	2/12/16	2/12/16	2/29/16	3/15/16

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State Historic Preservation Officers
License amendment SUC-1593

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