



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

March 15, 2016

Ms. Rene Hope Gledhill-Earley
Environmental Review Coordinator
Historic Preservation Office
North Carolina Natural and Cultural Resources
109 E. Jones Street
Mail Service Center 4601
Raleigh, N.C. 27601

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 BRAGG, NC

Dear Ms. Gledhill-Earley:

On June 1, 2015, the U.S. Army Installation Management Command (Army) submitted an amendment application for the possession of depleted uranium (DU) from M101 spotting rounds from the Davy Crockett Weapon System on sites (active ranges) located at 16 different Army installations located throughout the United States [Agencywide Documents and Management System (ADAMS) Accession Number ML15288A465]. There is one DU site located at Fort Bragg, NC. The purpose of this letter is to inform you of U.S. Nuclear Regulatory Commission's (NRC's) findings and to make you aware of the Advisory Council on Historic Preservation's (ACHP's) communication on this undertaking.

On January 15, 2015, the NRC Project Manager, Ms. Amy Snyder, contacted you in an email (ADAMS Accession Number ML16022A06), followed by a telephone call, explaining that the NRC sent consultation letters to applicable State Historic Preservation Officers (SHPOs) for this undertaking [ADAMS Accession Number ML15288A465 (Pkg.)], but discovered that the NRC inadvertently did not include the North Carolina SHPO when it began its consultations.

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 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 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, would bring the possession of this material at these installations under NRC regulatory oversight.

Enclosed is a map of the site (range) at Fort Bragg, NC, background information about the DU material, and references to key documents associated with the NRC staff's review of the Army's license amendment application. Additionally, you should know that 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, 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 (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>.

R. Gledhill-Earley

- 3 -

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

Enclosure:
Details on Action - License Amendment
Review for SUC-1593

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

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- 3 -

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ML16032A531

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

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State Historic Preservation Officers
License amendment SUC-1593

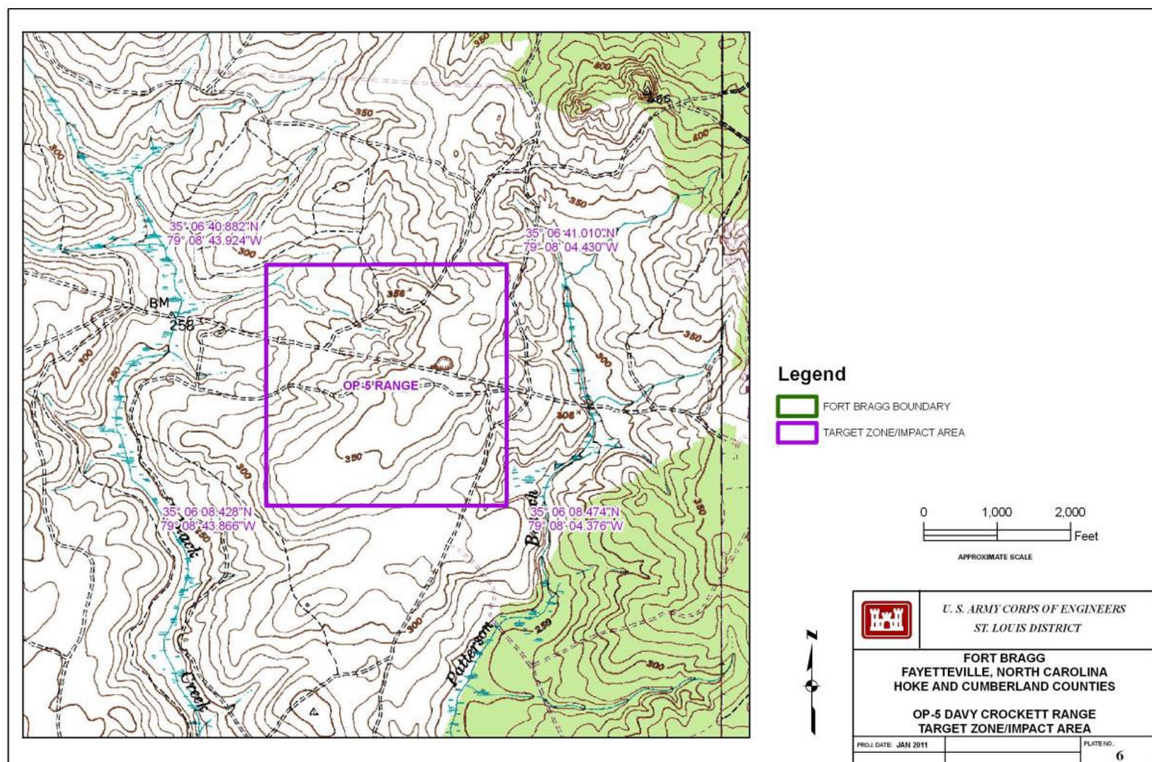
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Mr. Craig Potts, SHPO and Executive Director Kentucky Heritage Council 300 Washington Street Frankfort, KY 40601 Phone: 502-564-7005 Fax: 502-564-5820 E-mail: craig.potts@ky.gov	Mr. Phil Boggan, SHPO Department of Culture, Recreation & Tourism P.O. Box 44247 Baton Rouge, LA 70804 Phone: 225-342-8200 Fax: 225-219-9772
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Mr. Mark S. Wolfe, SHPO Texas Historical Commission P.O. Box 12276 Austin, TX 78711-2276 Phone: 512-463-6100 Fax: 512-463-8222 E-mail: mark.wolfe@thc.state.tx.us	Dr. Allyson Brooks, SHPO Department of Archeology & Historic Preservation P.O. Box 48343 Olympia, WA 98501-8343 Phone: (360) 586-3066 Fax (360) 586-3067 Email: Allyson.Brooks@dahp.wa.gov
Ms. Julianne Polanco, SHPO Office of Historic Preservation Department of Parks & Recreation 1725 23rd Street, Suite 100 Sacramento CA 95816 Phone: 916-445-7043 Fax 916 445 7053 Email: julianne.polanco@parks.ca.gov	Mr. Dan Saunders, SHPO Mail code 501-04B Historic Preservation office 501 East State Street Station Plaza 5 Trenton, NJ 08625 Phone: 609-984-0176 Fax: 609-984-0578
Mr. E. Patrick McIntyre, Jr. Executive Director Tennessee Historical Commission 2941 Lebanon Road Nashville, TN 37214	Ms. Rene Hope Gledhill-Earley Environmental Review Coordinator Historic Preservation Office North Carolina Natural and Cultural Resources 109 E. Jones Street, Mail Service Center 4601 Raleigh, N.C. 27601 'renee.gledhill-earley@ncdcr.gov' and mailto:Environmental.Review@ncdcr.gov

Details on the Action - License Amendment Review for SUC-1593

Location of DU at Fort Bragg, NC:

A map of the area that would be covered by the license, if the U.S. Nuclear Regulatory Commission (NRC) approves the license amendment request, is provided below as Figure 1. The U.S. Army Installation Management Command (Army) refers to this area as a Target Zone/Impact Area. This is the also known as the site where depleted uranium (DU) from the M101 Davy Crockett spotting round is present at Fort Bragg NC.

Figure 1, Fort Bragg NC –Site Where Depleted Uranium from the Davy Crockett M101 Spotting Rounds is Located



Key Documents:

Key documents associated with this license amendment application are available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>. Each document can be located by a unique identifier or accession number. Key documents that may be of interest are found in Table 1:

Table 1, Key Documents

Document	Accession number
Army's license amendment application (6/1/2015)	ML15161A454
Environmental evaluation for license amendment (6/1/2015)	ML15160A509
Army's supplemental submittal (10/1/2015)	ML15294A276
Army's supplemental submittal (11/30/2015)	ML15335A123
Army's supplemental submittal (12/31/2015)	ML16004A369
Army's Source Materials License No. SUC-1593 (10/23/2013)	ML13259A062
Federal Register notice for the proposed licensing action	ML15210A249
Guidance for material licenses (NUREG-1556, Vol. 7)	ML010370258
Environmental Review Guidance (NUREG-1748, Appendix B)	ML032450279

Background:

Licensing History of DU Material:

Between 1962 and 1968, the Army used DU, an NRC-regulated source material, in M101 spotting rounds for the Davy Crockett weapons system at testing/firing ranges¹ at various Army installations. As a result of the testing, DU was dispersed throughout many of the testing/firing ranges. The Army indicated that it discontinued testing/firing of these spotting rounds in 1968. One of the sites with licensable quantities of DU, identified by the Army is located at Fort Bragg, NC.

On October 23, 2013, the NRC issued Source Materials License No. SUC-1593 to the Army for possession of DU from M101 spotting rounds from the Davy Crockett weapon system at two Army installations located in Hawaii. Around the same time, the Army determined that the Davy Crockett weapon system had been used at 15 other Army installations and that the amount of DU present at each of these other installations was of a sufficient amount that, under the Atomic Energy Act, as amended, and NRC regulations, the Army would be required to have a radioactive materials license for each of these other installations. The NRC included License Condition No. 12 in Source Materials License No. SUC-1593, which requires the Army to request an amendment to license that would add the Davy Crockett DU at the other 15 installations with DU sites to the license. The Army elected to address License Condition No. 12 using a programmatic approach with one license amendment application to cover all 17 sites that must be licensed, including the two in Hawaii.

¹ The Army refers to the sites that contain DU from the Davy Crockett M101 spotting rounds as ranges, Radiation Control Areas, or sites. For this undertaking, the NRC uses the term sites.

The NRC received the Army's license amendment application dated June 1, 2015, to address the additional 15 sites subject to License Condition No. 12 of Source Materials License No. SUC-1593. In addition the Army submitted an associated environmental evaluation, dated June 1, 2015.

As part of the NRC staff's independent analysis of potential environmental effects, the NRC staff considered dispersal of DU and fugitive emissions from the range boundaries where DU is located on the sites at the Army installations. The NRC concludes that DU dispersal and DU fugitive emissions from the boundary of these ranges at each of these installations is anticipated to be well below the NRC maximum dose requirement of 10 mrem/yr (10 CFR 20.1101(d)).

Other Information:

Categorical Exclusion:

In accordance with the guidance in NRC's NUREG-1748 "Environmental Review Guidance for Licensing Actions Associated with Nuclear Materials Safety and Safeguards Programs," Appendix B (August 2003), the NRC believes that the proposed action, to issue a license amendment to the U.S. Army for possession of DU from M101 spotting rounds from the Davy Crockett weapon system for 17 different sites under a programmatic approach to licensing, qualifies for the categorical exclusion at Title 10 of the *Code of Federal Regulations* (10 CFR) 51.22(c)(14)(xv). Title 10 CFR 51.22(c)(14)(xv) establishes "Possession, manufacturing, processing, shipment, testing, or other use of depleted uranium military munitions" as a categorical exclusion. The proposed action is a license amendment that would authorize the possession of the DU.