



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

March 15, 2016

Ms. Julianne Polanco, SHPO  
Office of Historic Preservation  
Department of Parks & Recreation  
1725 23rd Street, Suite 100  
Sacramento CA 95816

**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 HUNTER LIGGETT, CA**

Dear Ms. Polanco:

On October 21, 2015, the U.S. Nuclear Regulatory Commission (NRC) requested the views of the State of California'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 on sites (active ranges) located at various Army installations, including Fort Hunter Liggett, CA [Agencywide Documents and Management System (ADAMS) Accession No. ML15288A465 (Pkg.); ML15289A278 (Ltr.)]. Thank you for your review of this undertaking and response (ML15337A427) dated, November 13, 2015. The purpose of this letter is 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.

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 (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>.

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](mailto: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)

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 (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>.

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](mailto: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)

**DISTRIBUTION:**

P. Michalak	N. Goodman	S. Easson	R. Kellar	L. Chang	S. Talley
R. Evans	G. Chapman	R. Augustus	R. Powell	E. Ulrich	A. Schwartzman
D. Diaz-Toro					

**ML16032A531 (pkg.)**

OFC	DUWP	DUWP	DUWP	OGC NLO	DUWP
NAME	ASnyder	CHolston	TSmith	EHouseman	MNorato
DATE	2/1/16	2/2/16	2/12/16	2/29/16	3/15/16

**OFFICIAL RECORD COPY**

## State Historic Preservation Officers

<p>Mr. Mark Williams, SHPO Historic Preservation Division/DNR 2610 Georgia Highway 155 SW Stockbridge, GA 30281 Phone: 770 389-7844 Fax: 770 389-7878 Email: <a href="mailto:mark.williams@dnr.ga.gov">mark.williams@dnr.ga.gov</a></p>	<p>Dr. Eric Emerson, SHPO Department of Archives &amp; History 8301 Parklane Road Columbia, SC 29223-4905 Phone: 803-896-6187 Fax: 803-896-6167 E-mail: <a href="mailto:eeemerson@scdah.state.sc.us">eeemerson@scdah.state.sc.us</a></p>
<p>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: <a href="mailto:craig.potts@ky.gov">craig.potts@ky.gov</a></p>	<p>Mr. Phil Boggan, SHPO Department of Culture, Recreation &amp; Tourism P.O. Box 44247 Baton Rouge, LA 70804 Phone: 225-342-8200 Fax: 225-219-9772</p>
<p>Mr. Steve Turner, SHPO History Colorado, the Colorado Historical Society 1200 Broadway Denver, CO 80202 Phone: 303-866-3355 Fax: 303-866-4464 Email: <a href="mailto:steve.turner@state.co.us">steve.turner@state.co.us</a></p>	<p>Ms. Jennie Chinn, SHPO, Executive Director Kansas State Historical Society 6425 Southwest 6th Avenue Topeka, KS 66615-1099 Phone: 785-272-8681 x205 Fax: 785-272-8682 E-mail: <a href="mailto:jchinn@kshs.org">jchinn@kshs.org</a></p>
<p>Ms. Judith Bittner, SHPO Alaska DNR, Office of History &amp; Archaeology 550 West 7th Avenue Suite 1310 Anchorage, AK 99501-3565 Phone: 907-269-8721 Fax: 907-269-8908 E-mail: <a href="mailto:judy.bittner@alaska.gov">judy.bittner@alaska.gov</a></p>	<p>Dr. Bob L. Blackburn, SHPO State Historic Preservation Office Oklahoma Historical Society Oklahoma History Center 800 Nazih Zuhdi Drive Oklahoma City, OK 73105-7917 Attn: Melvina Heisch Phone: 405-521-6249 Fax: 405-522-0816</p>
<p>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: <a href="mailto:mark.wolfe@thc.state.tx.us">mark.wolfe@thc.state.tx.us</a></p>	<p>Dr. Allyson Brooks, SHPO Department of Archeology &amp; Historic Preservation P.O. Box 48343 Olympia, WA 98501-8343 Phone: (360) 586-3066 Fax (360) 586-3067 Email: <a href="mailto:Allyson.Brooks@dahp.wa.gov">Allyson.Brooks@dahp.wa.gov</a></p>
<p>Ms. Julianne Polanco, SHPO Office of Historic Preservation Department of Parks &amp; Recreation 1725 23rd Street, Suite 100 Sacramento CA 95816 Phone: 916-445-7043 Fax 916 445 7053 Email: <a href="mailto:julianne.polanco@parks.ca.gov">julianne.polanco@parks.ca.gov</a></p>	<p>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</p>
<p>Mr. E. Patrick McIntyre, Jr. Executive Director Tennessee Historical Commission 2941 Lebanon Road Nashville, TN 37214</p>	<p>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 <a href="mailto:mailto:Environmental.Review@ncdcr.gov">mailto:Environmental.Review@ncdcr.gov</a></p>