



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713**

August 8, 2016

Martin Miller, Chief, Endangered Species
U.S. Fish and Wildlife Service
Region 5 Northeast
300 Westgate Center Drive
Hadley, MA 01035-9589

Glenn Smith, Endangered Species Consultations
U.S. Fish and Wildlife Service
Region 5 Northeast
300 Westgate Center Drive
Hadley, MA 01035-9589

**SUBJECT: CONSULTATION FOR ENDANGERED OR THREATENED SPECIES AND
CRITICAL HABITAT FOR DEPARTMENT OF THE ARMY, PICATINNY
ARSENAL SITE, PROPOSED DECOMMISSIONING PLAN AND LICENSE
AMENDMENT APPLICATION**

Dear Messrs. Miller and Smith:

In a letter dated June 22, 2011, the Department of the Army (Army), submitted a request to amend their Nuclear Regulatory Commission (NRC) Source Material License (SUB-348) to conduct a radiological survey for Area 1222 at the Picatinny Arsenal, also known as "the Gorge." Area 1222 is presently considered potentially radiologically contaminated with depleted uranium and possibly fragments of a luminescent gauge or dial containing radium from past limited research and development testing operations at the site. The request also includes provisions for conducting minor surficial soil remediation if soil contamination is identified above the criteria identified for cleanup.

The NRC Staff has received, by letter dated July 23, 2013, an amended work plan (also called decommissioning plan) and license amendment request from the Army that describes the performance of the Army's final status radiological surveys and sampling and the methods proposed for the remediation of Area 1222, if needed. This document had been submitted in accordance with the guidelines set forth in the Multi Agency Radiation Survey and Site Investigation Manual (MARSSIM). The MARSSIM document provides a multi-agency consensus methodology for conducting radiological surveys. The objective of the MARSSIM final status survey and sampling in Area 1222 is for final radiological release in accordance with the NRC unrestricted release criteria outlined in Title 10, Code of Federal Regulations (CFR) 20.1402, "Radiological Criteria for Unrestricted Use."

Enclosure 1 includes site information and map of the project areas.

The NRC Staff has identified three (3) federally listed species, the Indiana Bat; Northern Long-eared Bat; and Bog Turtle to have potential habitat within the project boundary. In addition, three State-listed species could have potential habitat within the project boundary. They are the Eastern Small-footed Bat; Timber Rattlesnake; and the Wood Turtle.

The NRC Staff has determined that implementing the actions described in the proposed license amendment will not likely affect species and/or critical habitat because: (1) there will be no expected direct impacts to any vegetation or animals expected to occur from the proposed action; (2) the proposed action is primarily for the conduct of radiological surveys and only very minor surficial soil remediation will be performed only as needed; and (3) no new construction will occur from the proposed action. Additionally, the NRC has received commitments that the Army will cease work immediately should any of these species occur in a sampling area. Therefore, the NRC staff has determined that no additional consultation is necessary for this project because no adverse effects to federally threatened, endangered, or candidate species are expected. The NRC is requesting concurrence from the U.S. Fish and Wildlife Service (FWS) on its findings. If the FWS disagrees with the staff's conclusion and determination, please respond in a letter within 30 calendar days.

The NRC has determined that an Environmental Assessment (EA) applies to the proposed licensing action. Upon completion, a draft of the EA will be provided to your office for comment.

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 application 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>. Each document can be located by a unique accession number.

If you have any questions, please contact Mrs. Laurie Kauffman of my staff by telephone at 610-337-5323 or by email at Laurie.Kauffman@nrc.gov. Thank you for your assistance.

Sincerely,

/RA/

Raymond J. Powell, Chief
Decommissioning and Technical
Support Branch
Division of Nuclear Materials Safety
Region I

License No. SUB-348
Docket No. 04006377
Mail Control No. 581537

Enclosure:
Site Map

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Raymond J. Powell, Chief
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Enclosure:
Site Map

DOCUMENT NAME: G:\WordDocs\Current\Misc Letter\LSUB-348 581537.docx

ADAMS ACCESSION NUMBER:

ML16222A151

<input checked="" type="checkbox"/> SUNSI Review		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	NMSS/ERB	RI/DNMS	RI/DNMS		
NAME	NGoodman/ng via email	LKauffman/lk	RPowell/rp		
DATE	7/29/16	8/1/16	8/8/16		

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Map of the Detonation Pit Area showing groundwater elevation, contours, and flow direction. The map includes labels for 'Detonation Pit Exterior Area', 'Detonation Pit Interior', and 'N 40° 58.165' W 074° 31.98'. A legend at the bottom left defines symbols for 'ROAD CROSS', 'DRAINAGE', 'SAND WALL', 'SAND BARR', and 'SAND'. A scale bar at the bottom right indicates '1 inch = 100 feet'. A north arrow is located at the bottom center.

Map of the Open Detonation Pit Area