

May 15, 2012

Pua Aiu
Administrator
State of Hawaii
Department of Land and Natural Resources
Historic Preservation Division
601 Kamokila Blvd, Room 555
Kapolei, HI 96707

SUBJECT: HISTORIC PRESERVATION ACT SECTION 106 CONSULTATIONS FOR THE
U.S. ARMY LICENSE APPLICATION TO POSSESS DEPLETED URANIUM AT
SCHOFIELD BARRACKS AND POHAKULOLOA TRAINING AREA, HAWAII

Dear Ms. Aiu:

On March 14, 2011, the U.S. Nuclear Regulatory Commission (NRC) staff requested your views, pursuant to 36 Code of Regulations (CFR) 800.4(a), regarding actions to identify historic properties that may be affected by the issuance of a license by NRC to the U.S. Army for the possession of deplete uranium (DU) fragments from spotting rounds at the U.S. Army's Schofield Barracks (SB) and Pohakuoa Training Area (PTA) installations in Hawaii.

On May 3, 2011, you responded to our request and stated that the incidental removal of DU fragments could have an adverse effect on historic properties and that more information on the location and proposed actions regarding DU fragments would be needed before you could make a determination of effect. You suggested that NRC contact the U.S. Army to obtain more specific information on the location of DU fragments on the installations.

Before we address your specific concerns, I believe it is important to point out that the U.S. Army is only requesting authorization to possess the DU that is already present on their Hawaiian installations. The license, if issued, would not allow the U.S. Army to use the DU for any purpose, place additional DU on the installations, or perform any decommissioning of the installations. The activities that are discussed in the application are activities that the U.S. Army has been conducting on the installations for many years. Thus, the scope of DU activities that could impact cultural or historic properties is very limited.

In addition, the NRC staff has reviewed and discussed with the Army, the current program for the management of cultural and historic properties on the Hawaiian installations including the "Programmatic Agreement (PA) among the United States Army Garrison, Hawaii, the Hawai'i State Historic Preservation Office and the Advisory Council on Historic Preservation for Section 106 Responsibilities for the Army Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team (SBCT)". NRC staff has concluded, per 36 CFR 800.3(a)(1), that the current action (issuing a possession license) has no potential to cause effects.

Regarding your first concern, the location of the DU fragments, the NRC has not required the Army to perform detailed site characterization surveys of their Hawaiian installations due to the presence of unexploded ordnance and because the U.S. Army is not proposing to decommission either site at this time. Thus, the location of individual DU fragments is not currently available. If, in the future, the Army were to request authorization to decommission their facilities, or perform significant decommissioning activities not authorized under their license, NRC would require detailed site characterization surveys of the installation(s).

Regarding your concern about the proposed actions if DU fragments are identified, it is important to note that the license, if issued, would not authorize the removal of soil or any other decommissioning activities by the Army. The Army's current Radiation Safety Plan discusses the actions that will be taken if DU fragments are identified and states that deliberate searches for, and removal of, DU are not authorized by the license and that if DU is identified in a Radiation Control Area (RCA) its location will be reported immediately to the Garrison Radiation Safety Officer (RSO). The Plan further states that the Garrison RSO, in consultation with the Explosive Ordnance Disposal personnel and the License RSO, will determine whether it is more reasonable to pick up the DU fragment and hold it for appropriate disposal than it is to leave it in place. This activity would be carried out in compliance with the 2004 PA. Thus, any potential impact from the removal of a DU fragment would be addressed by the Army's existing cultural properties management program requirements.

I hope that this addresses your concerns regarding the issuance of a license for the possession of depleted uranium by the U.S Army in Hawaii. The NRC staff is aware of the concerns of Native Hawaiians and other stakeholders regarding the possession of DU by the U.S. Army in Hawaii and has communicated them to the Army. Our goal is to ensure that any activities involving radioactive material are conducted safely and that compliance with all applicable statutes, including those pertaining to the cultural and historic properties on applicant's facilities are met.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be 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>.

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If you have any additional comments or concerns, please contact Dominick Orlando at 301-415-6749, email Dominick.orlando@nrc.gov.

Sincerely,

/RA/

Paul Michalak, Chief
Materials Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-09083

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