

October 21, 2015

Farron McCloud, Chairman  
Nisqually Tribe  
4820 Nisqually Dr SE  
Olympia, WA 98513

SUBJECT: INVITATION FOR SECTION 106 CONSULTATION PURSUANT TO THE NATIONAL HISTORIC PRESERVATION ACT REGARDING THE U.S. ARMY'S REQUEST FOR AMENDMENT OF MATERIALS LICENSE NO. SUC-1593 TO INCLUDE ADDITIONAL SITES THAT POSSESS DEPLETED URANIUM FROM THE DAVY CROCKETT WEAPON SYSTEM (U.S. ARMY ICOM, DOCKET NO.:40-09083)

Dear Chairman McCloud:

As required by the National Historic Preservation Act of 1966, as amended, I am writing to request your views on the above referenced amendment application from the U.S. Army (Army) to possess depleted uranium (DU).

Between 1962 and 1968, the Army used DU, a U.S. Nuclear Regulatory Commission (NRC)-regulated source material, in spotting rounds for the Davy Crockett weapons system at testing/firing ranges 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. Seven of the sites with licensable quantities of DU, identified by the Army are located at the Joint Base Lewis McChord/Yakima Training Center in Washington. For your review, I have enclosed maps of the area located near your Reservation that would be covered by the license, if the NRC approves the license amendment request.

On October 23, 2013, the NRC issued Source Materials License No. SUC-1593 to the U.S. Army, Installation Management Command (Army) for possession of DU from the Davy Crockett weapon system at two Army installations located in Hawaii. Around the same time, the Army determined that the Davy Crockett 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 of 1954, 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 that would add the Davy Crockett DU at the other 15 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.

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.

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 spent 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. The NRC believes that issuance of this license amendment would not change or affect the current cultural environment because the amendment would only authorize the possession of DU that is already present at these sites.

As required by 36 CFR 800.4(a), the NRC is requesting the views of the Tribal Historical Preservation Officer on actions to identify historic properties that may be affected if the NRC grants the proposed license amendment to Source Materials License No. SUC-1593 that would authorize the possession of DU at the Joint Base Lewis McChord/Yakima Training Center in Washington. Any information you provide will be used to identify historic properties and evaluate and document potential effects in accordance with 36 CFR 800.4 (b)-(d). The NRC respectfully requests that you respond within 30 days of receipt of this letter, identifying any concerns about historic properties, advising on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, and/or any commenting on the undertaking's effects on such properties.

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 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 include:

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

F. McCloud

- 3 -

If you have any questions concerning this request, please contact Amy Snyder at 301-415-6822 or by e-mail at [Amy.Snyder@nrc.gov](mailto:Amy.Snyder@nrc.gov).

Sincerely,

*/RA/*

Andrew Persinko, Acting Director  
Division of Decommissioning, Uranium Recovery,  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

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

Enclosure: Maps

Letters sent to:  
NHO list

cc: John Simmons, CEO  
Stuart Easson, NRC

F. McCloud

- 3 -

If you have any questions concerning this request, please contact Amy Snyder at 301-415-6822 or by e-mail at [Amy.Snyder@nrc.gov](mailto:Amy.Snyder@nrc.gov).

Sincerely,

*/RA/*

Andrew Persinko, Acting Director  
Division of Decommissioning, Uranium Recovery,  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

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

Enclosure: Maps

Letters sent to:  
NHO list

cc: John Simmons, CEO  
Stuart Easson, NRC

**ADAMS Accession Nos.: ML15288A466 (Pkg.); ML15289A285(Ltr.)**

OFFICE	DUWP/MDB	DUWP/MDB	FSTB	DUWP/MDB	FSTB
NAME	ASnyder	CHolston	SEasson	MNorato	PMichalak
DATE	08/06/15	09/01/15	08/07/15	08/19/15	09/03/15
OFFICE	OGC	DUWP			
NAME	EHouseman	APersinko			
DATE	09/25/15	10/21/15			

**OFFICIAL RECORD COPY**

NHO list:

Mr. Paul Brooks, Tribal Chair  
6984 NC Hwy 711 West  
P.O. Box 2709 Pembroke, NC 28372

Chief Jacobs, Two Feathers  
7531 N US Hwy 421  
Clinton, North Carolina 28328

Chief Jackie Myers Womack  
Four Winds Tribe  
Louisiana Cherokee  
P.O. Box 127  
DeRidder, LA 70634

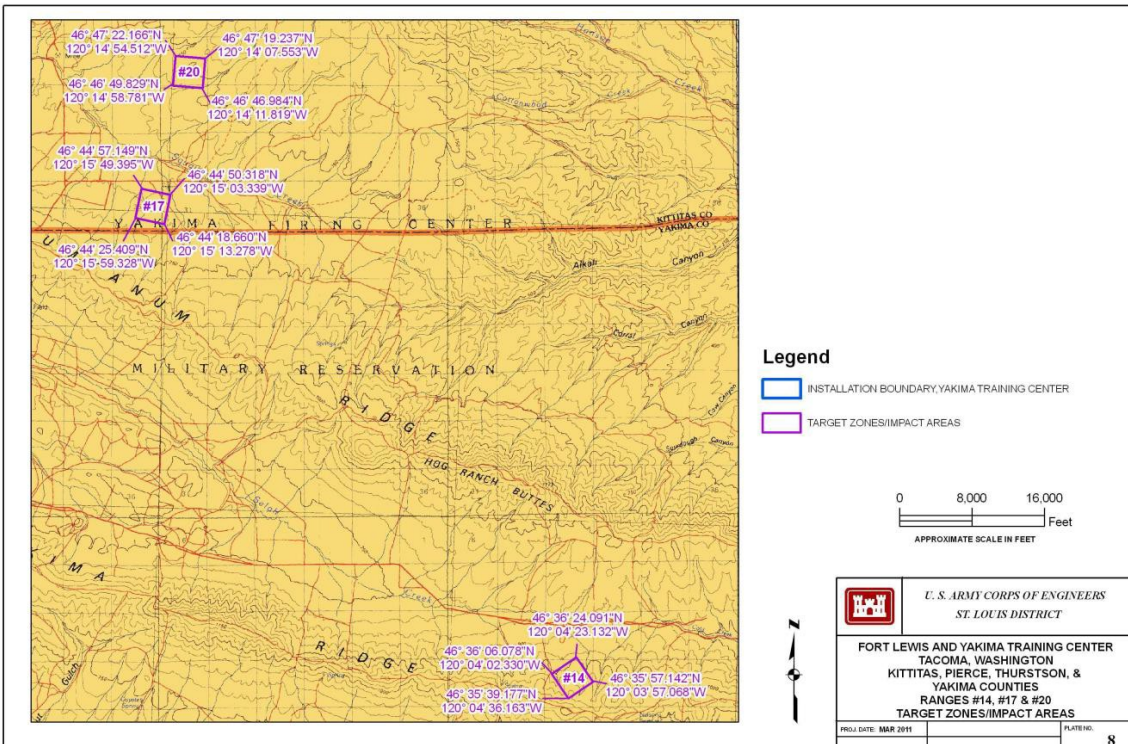
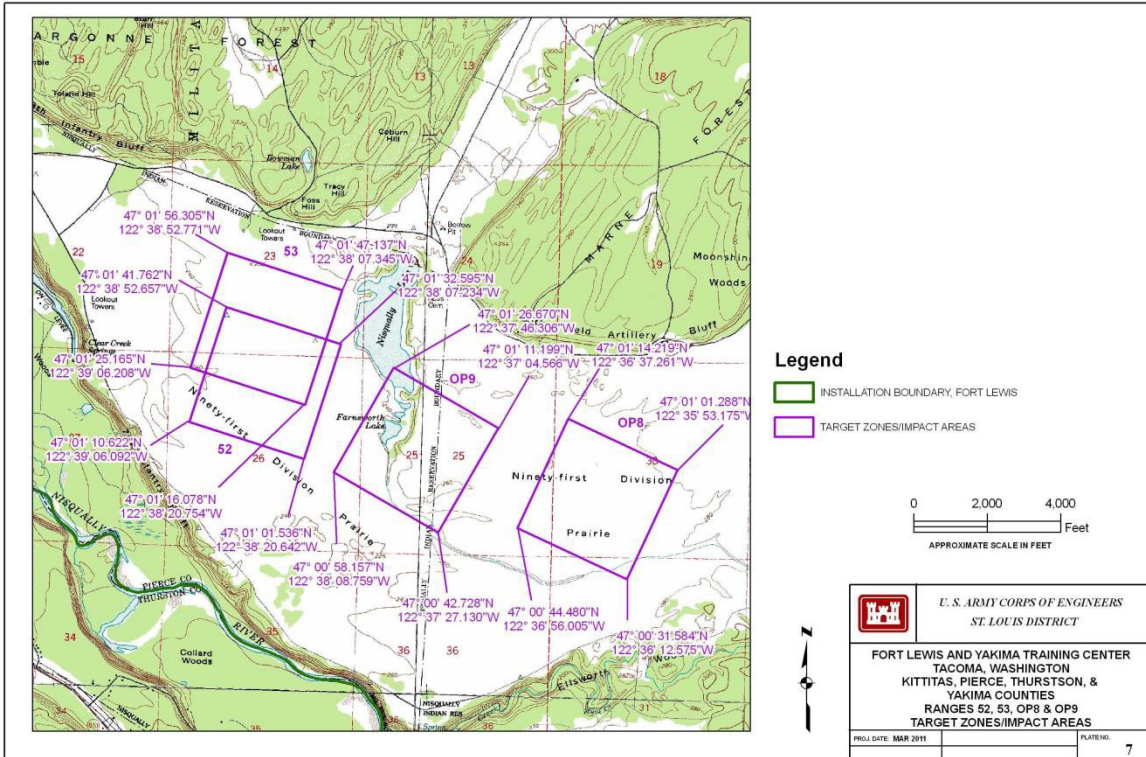
Lady Chairman Amber C. Toppah  
Kiowa Tribe of Oklahoma  
100 Kiowa Way  
Carnegie, OK 73015 US

Chairman Wallace Coffey  
584 NW Bingo Road  
Lawton, OK 73502

Chairman Jeffrey Haozous  
43187 US Hwy 281  
Apache, OK 73006

Chairman Farron McCloud, Chairman  
4820 Nisqually Dr SE  
Olympia, WA 98513

# Joint Base Lewis-McChord/Yakima Training Center



ENCLOSURE