

January 28, 2016

Mr. Marty Miller, Chief,  
Endangered Species  
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 U.S. ARMY LICENSE AMENDMENT APPLICATION  
TO POSSESS DEPLETED URANIUM FROM THE DAVY CROCKETT WEAPON  
SYSTEM AT VARIOUS INSTALLATIONS

Dear Mr. Miller,

On June 1, 2015, the U.S. Army Installation Management Command (Army) submitted a license amendment application to the U.S. Nuclear Regulatory Commission (NRC) to possess depleted uranium (DU) from Davy Crockett M101 spotting rounds at various Army installations. One or more of the Army installations that is included in this undertaking is located in your Region. The NRC is contacting you regarding its findings for the proposed licensing action as related to the Section 7 consultation process of the Endangered Species Act of 1973, as amended. Enclosure 1 provides background information about the past licensing actions related to this DU material. Enclosure 2 includes site information and a map of the area of potential effect at the Army installation at Joint Base McGuire-Dix-Lakehurst, NJ, located in your Region.

The action is a proposed license amendment to Source Materials License No. SUC-1593. The Army is requesting authorization to possess the DU from the Davy Crockett M101 spotting rounds that is already present on its installations. The DU has been present at these ranges for approximately sixty 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 Army 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. Rather than authorizing any physical activity such as the clean-up of this material, the license amendment, if approved, would bring the possession of this material at these locations 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 necessary for this project because no adverse effects are expected.

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. Key documents that may be of interest include the following:

Document	ADAMS 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
Environmental Review Guidance (NUREG-1748, Appendix B)	ML010370258
Army's RAI Responses	ML15294A276
	ML15335A123 and
	ML16004A369

If you have any questions, please contact Mrs. Amy Snyder of my staff by telephone at 301-415-6822 or by email at Amy.Snyder@nrc.gov. Thank you for your assistance.

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

Enclosures

1. Background Information
2. Site Information and Map of Area of Potential Effect at Joint Base McGuire-Dix-Lakehurst, NJ

Letters sent to:  
U.S. Fish and Wildlife Service  
(See next page)  
LChang, NRC, RPowell, NRC, RKellar, NRC

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Letters sent to:  
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(See next page)  
LChang, NRC, RPowell, NRC, RKellar, NRC

**ADAMS Accession Nos.:**

**ML 16022A095(Pkg.); ML16022A202(Ltr.)**

OFC	DUWP	ERB	ERB	DUWP	OGC	DUWP
NAME	ASnyder	NGoodman	JMQuintero for LChang	CHolston	EHouseman	MNorato
DATE	12/29/15	12/30/15	01/06/16	12/31/16	1/19/16	1/28/16

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Letters sent to:

Chief, Endangered Species  
U.S. Fish and Wildlife Service  
Region 1 - Pacific  
Eastside Federal Complex  
911 N.E. 11th Ave.  
Portland, OR 97232-4181

Chief, Endangered Species  
U.S. Fish and Wildlife Service  
Region 8 - Pacific Southwest  
2800 Cottage Way, Suite W2606  
Sacramento, CA 95825

Chief, Endangered Species  
U.S. Fish and Wildlife Service  
Region 2 - Southwest  
P.O. Box 1306, Room 4012  
Albuquerque, NM 87102

Chief, Endangered Species  
U.S. Fish and Wildlife Service  
Region 4 - Southeast  
1875 Century Blvd., Suite 200  
Atlanta, GA 30345

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

Mr. Seth Willey, Acting Chief  
Endangered Species  
U.S. Fish and Wildlife Service  
Region 6 - Mountain Prairie  
134 Union Boulevard, Suite 650  
Lakewood, CO 80228

Chief, Endangered Species  
U.S. Fish and Wildlife Service  
Region 7 - Alaska  
1011 E. Tudor Rd.  
Anchorage, AK 99503-6199

## Background Information

During the 1960s, the Army was authorized to manufacture M101 spotting rounds for the Davy Crockett Weapon System under license SUB-307 issued by the Atomic Energy Commission (AEC), the U.S. Nuclear Regulatory Commission's (NRC's) predecessor agency, and later under License SUB-459. These licenses allowed the Army facilities to produce these spotting rounds and distribute them to various Army installations for testing, training and deployment. During its service life, the existence of the Davy Crockett was a closely held military matter, and little was known about its deployment, or the use of the M101 in practice. The conditions of License SUB-459 were modified many times between 1961 and its expiration in 1978 without inquiry from the AEC/NRC about the location or use of these rounds or ongoing possession of the M101 after distribution. Once the Army stopped using the weapon system, the M101 spotting rounds were no longer manufactured and distributed. At the request of the Army, License SUB-459 was allowed to expire in April 1978 (ML111080529)<sup>1</sup>. The Frankford Arsenal was decommissioned under NRC authority under SUB-1339. The Picatinny Arsenal is being decommissioned under SUB-348, Docket No. 04006377. The Lake City Arsenal is complex in that parts of the facility is being decommissioning under CERCLA and others under NRC authority via License SUC-1380, Docket No. 04008767 (Refer to Staff Requirement Memorandum (SRM) SRM-98-201 (ML003755439) and SRM-01-0088 (ML011650107) and history summary (ML11280A336).

In 2005, the Army discovered tail assemblies from the M101 spotting round on the Army installation, Schofield Barracks, located on the Island of Oahu while clearing former range areas of munitions. NRC regulations require the Army to submit a license application for the possession of depleted uranium (DU). As a result, the Army initiated an Archive Search Report (ASR) in 2006 which showed that M101 spotting rounds were used both on Army's Schofield Barracks and Pohakuloa Training Area ranges. Consequently, on November 8, 2008, the Army applied to the NRC for a possession-only license. By 2010, the ASR efforts concluded that there were 15 other Army installations that had M101 spent spotting rounds, in addition to the two Hawaiian installations. The license (SUC-1593) was issued to the Army on October 23, 2013 (ML13259A062). It is specific to the two Hawaiian installations only, but includes a license condition requiring the Army to add the remaining 15 sites to the license via license amendment requests.

On June 1, 2015, the Army submitted a license amendment application to the NRC pursuant to License Condition 12 to possess DU from Davy Crockett M101 spotting rounds at various sites. The Army proposes to use a programmatic approach to license the 15 sites, which are located on multiple Army installations in the United States. In addition, the Army's license amendment application proposes to license sites located on the two U.S. Army installations (located in Oahu and Hawaii) which are already licensed under Source Materials License No. SUC-1593, using a

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<sup>1</sup> Parts of License No. SUB-00459 superseded license Nos. SUB-0307 and SUB-00348. License No. SUB-00307 authorized the fabrication, testing, and export of DU rounds at the Frankford Arsenal and Lake City Arsenal. License No. SUB-00348 authorized the possession of DU artillery component parts at Picatinny Arsenal. The authority to export DU components as part of explosive devices was transferred to License No. SBE-07228 in about 1965, at which time SUB-00459 was amended so that it no longer authorized the export of DU rounds. There was a request for termination of License No. SBE-7228 in 1973; the license was due to expire in 1973. DU was never exported under this license.

programmatic approach. The Army and the NRC determined that a programmatic approach to licensing these remaining sites would be most efficient and appropriate. The programmatic approach builds on previously approved Army plans and would require the Army methodology for developing and implementing installation or site-specific program plans for all installations on the license (the two in Hawaii and all the remaining installations).

The 17 Army installations that have one or more sites (ranges) that possess DU from the Davy Crockett M101 spotting rounds, as identified in the Army's amendment application, are located at:

- Forts Benning and Gordon GA (Georgia);
- Forts Campbell and Knox KY (Kentucky);
- Fort Carson CO (Colorado);
- Fort Hood TX (Texas);
- Joint Base Lewis-McChord/Yakima Training Center WA (Washington);
- Fort Bragg NC (North Carolina);
- Fort Polk LA (Louisiana);
- Fort Sill OK (Oklahoma);
- Fort Jackson SC (South Carolina);
- Fort Hunter Liggett CA (California);
- Donnelly Training Area, Fort Wainwright AK (Alaska);
- Joint Base McGuire-Dix-Lakehurst NJ (New Jersey);
- Fort Riley KS (Kansas);
- Schofield Barracks (Island of Oahu)/Pohakuloa Training Area (Island of HI) (Hawaii).

Part of the NRC's role as a regulatory agency is to oversee licensed "source material," a category that includes DU. The current NRC license allows the Army to possess up to 275 pounds of DU at the two Hawaiian installations. This license requires the Army to comply with NRC regulations and standards for protecting the public and the environment from exposure to radiation and is subject to NRC inspections and periodic reviews. Those requirements would be extended to the 15 other sites if the NRC approves the Army's amendment application. The amount of DU that the Army may possess would also be updated based on the amendment application.

**Site Information and Map of Area of Potential Effect at  
Joint Base McGuire-Dix-Lakehurst, NJ**

<b>Name of Army Installation</b>	<b>City County Location</b>	<b>State</b>	<b>No. of Sites (Name of Range)</b>
Joint Base McGuire-Dix-Lakehurst, NJ	Trenton  Burlington & Ocean	NJ	1 (Frankford Arsenal Range)

Map of Area of Potential Effect at Joint Base McGuire-Dix-Lakehurst, NJ

