



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

March 15, 2016

Dr. Allyson Brooks, SHPO  
Department of Archeology & Historic Preservation  
P.O. Box 48343  
Olympia, WA 98501-8343

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 JOINT BASE LEWIS-MCCHORD/YAKIMA TRAINING CENTER, WA

Dear Dr. Brooks:

On October 21, 2015, the U.S. Nuclear Regulatory Commission (NRC) requested the views of the State of Washington's Department of Archaeology & Historic Preservation (DAHP), 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 Joint Base Lewis-McChord/Yakima Training Center (JBLM/YTC), located in the State of Washington (WA) (Agencywide Documents and Management System (ADAMS) Accession No. ML15288A465).

On November 2, 2015, DAHP responded (ADAMS Accession No. ML15307A382) to NRC's request, stating that it believes that further discussion is necessary regarding the proposed area of potential effect (APE) detailed in the NRC letter and illustrated in the provided figures. DAHP also stated that: 1) the referenced web pages could not be opened; 2) that some of the maps the NRC provided are unreadable; 3) the consideration of DU dispersal and fugitive material needs to be addressed in the definition of the APE; and 4) that DAHP would appreciate receiving any correspondence or comments from concerned Tribes or other parties that NRC receives as we consult under the requirements of Title 36 of the *Code of Federal Regulations* (CFR) Part 800, "Protection of Historic Properties." Thank you for your response and recommendation. The purpose of this letter is to respond to your comments; 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.

With respect to accessing the referenced web page, this issue was resolved with Dr. Robert Whitlam, State Archaeologist at DAHP, on November 2, 2015, via email. DAHP indicated that it was able to access these references using ADAMS.

Concerning the clarity of the maps, the NRC Project Manager, Amy Snyder, contacted Dr. Whitlam via email on November 3, 2015, to better understand the concerns. Dr. Whitlam clarified that DAHP would like the Township/Range/Section maps because DAHP's geographic information system uses these, rather than Global Positioning System coordinates. Ms. Snyder explained that the maps shared with DAHP were provided in the Army's application. Ms. Snyder also shared with Dr. Whitlam that the NRC incorrectly identified the number of DU

sites in the NRC's October 21, 2015, letter to DAHP. There are seven, not nine, sites at U.S. Army's JBLM/YTC installation. Ms. Snyder indicated that the attachment to the October 21, 2015 letter correctly identified all seven sites. To facilitate DAHP's review, on November 4, 2015, the NRC staff provided Dr. Whitlam with the Township/Range/Section references applicable to the sites, except for one range which was provided on November 25, 2015.

With regard to how the NRC defined the APE, as part of the NRC staff's independent analysis of potential environmental effects, the NRC considered DU dispersal and DU fugitive emissions from the boundaries of each range included in this action. The NRC concluded that DU dispersal and DU fugitive emissions from the boundaries of these ranges are anticipated to be well below the NRC public dose constraint of 10 mrem/yr total effective dose equivalent from air emissions (10 CFR 20.1101(d)). For the proposed action, the NRC concludes that the dose from air emissions will remain well below annual dose limit in 10 CFR 20.1301 (0.1 rem (1 mSv) in a year). Further, as explained below, the license would not authorize decommissioning or ground disturbing activities other than removing DU discovered incidentally, if removal does not require ground disturbance. Therefore, the NRC concludes that defining the APE as the boundary of the ranges is appropriate.

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.

With regard to sharing any correspondence or comments from concerned Tribes or other parties that NRC received through its Section 106 NHPA consultation for this action, please refer to ADAMS Accession No. ML16032A531 for the letters we received from SHPOs and the NRC's responses to them. To date, we have not received any responses from Tribes on this action, but have sent a close-out letter (ADAMS Accession No. ML16062A405) to each of them, stating the NRC's Section 106 NHPA finding on this action.

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 affect 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 (ADAMS Accession No. 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.

I hope that NRC has addressed your comments regarding the proposed license amendment for the possession of DU from the Davy Crockett M101 spotting rounds at JBLM/YTC, WA. Our goal is to ensure that licensed activities involving radioactive material are conducted safely and securely and to ensure compliance with all applicable statutes, including those pertaining to the cultural and historic properties on the applicant's facilities.

If you have any additional comments or concerns, please contact Ms. 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)

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**ML16032A531 (pkg.); ML16032A543 (ltr.) \*concurring via e-mail**

<b>OFC</b>	DUWP	DUWP	DUWP	OGC NLO	DUWP
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<b>DATE</b>	2/1/16	2/12/16	2/12/16	2/29/16	3/15/16

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State Historic Preservation Officers  
License amendment SUC-1593

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<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>
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