



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

November 14, 2017

Mr. Scott Pruitt
Field Supervisor
U.S. Fish & Wildlife Service
Ecological Services Field Office
620 South Walker Street
Bloomington, IN 47403

SUBJECT: PROPOSED AMENDMENT AND EXEMPTION TO THE U.S. DEPARTMENT OF THE ARMY LICENSE FOR POSSESSION OF DEPLETED URANIUM AT JEFFERSON PROVING GROUND (DOCKET NUMBER: 40-8838)

Dear Mr. Pruitt:

By letter dated December 21, 2016, the U.S. Department of the Army (Army) submitted to the U.S. Nuclear Regulatory Commission (NRC) staff a request for an amendment to NRC source material license SUB-1435. License SUB-1435 is for possession of depleted uranium (DU) at the Jefferson Proving Ground (JPG) ordnance testing facility in Southeast Indiana near Madison, Indiana. Specifically, the Army is requesting an amendment that would modify License Condition 9 to change the authorized use of licensed material from "possession only for decommissioning" to "possession only." The Army has also requested an exemption from the NRC's "decommissioning timeliness" requirement in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 40.42, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas," subparagraph (d). This amendment request follows the Army's November 25, 2015, letter to the NRC formally withdrawing its Decommissioning Plan and request for license termination and release of the site under restricted conditions.

As established in 10 CFR Part 51, the NRC regulations that implement the National Environmental Policy Act of 1969, as amended (NEPA), the NRC staff is preparing an environmental assessment (EA) for the proposed action. The purpose of the EA is to assess potential environmental impacts of the proposed action that may significantly affect the human environment. The NRC is coordinating its consultation process under Section 7 of the Endangered Species Act with its NEPA process for this proposed action.

In its license amendment request, the Army proposes to maintain a possession-only license for the residual radioactive material on the site (i.e., all DU material remaining in the restricted area at JPG known as the DU Impact Area). In its EA, the NRC plans to assess the potential impacts of the proposed possession-only license and decommissioning timeliness exemption for a period of 20 years. This period accounts for a potential 10-year license and exemption duration and one 10-year renewal period. Because unexploded ordnance is present in the DU Impact Area, the Army has concluded that removal of DU would be hazardous and prohibitively expensive. Thus, the Army does not plan to conduct any demolition, construction, or land-disturbing activities and would continue to maintain institutional controls and land use restrictions to minimize exposure to the public and the environment. Consequently, the NRC staff has determined that the proposed license amendment and exemption would not affect

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species or the critical habitat of species listed under the Endangered Species Act, and no consultation is required under Section 7 of the Act. An updated species list is included as an attachment to this letter.

The Army's application for the license amendment is publicly available in the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or electronically from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession Number for the application is ML17004A186. You may also access the application at <https://www.nrc.gov/docs/ML1700/ML17004A186.pdf>.

The NRC had reached out to you in January of 2014 regarding the Army's previously planned decommissioning actions. The ADAMS Accession Number for the NRC's January 29, 2014, letter to you is ML14028A070, or you can access the document directly at <https://www.nrc.gov/docs/ML1402/ML14028A070.pdf>. Your response, dated February 19, 2014, can be found using ADAMS Accession Number ML14111A004, or you can access this document directly at <https://www.nrc.gov/docs/ML1411/ML14111A004.pdf>.

A copy of this letter will be available electronically for public inspection in the NRC Public Document Room and ADAMS. If you require additional information or have any concerns about the NRC staff's determination as reflected in this letter, please contact Ms. Christine Pineda, NRC Project Manager for the EA, at (301) 415-6789 or via e-mail at Christine.Pineda@nrc.gov.

Sincerely,

\RA\

Diana Diaz-Toro, Acting Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-8838
License No. SUB-1435

Enclosure:
Official Species List provided by Indiana
Ecological Services Field Office

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ADAMS Accession Number: ML17311A529

***via email**

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