

June 22, 2000

Mr. Don Klima, Director
Office of Planning and Review
Advisory Council on Historic Preservation
12136 West Vayaud Avenue
Room 300
Lakewood, Colorado 80228

SUBJECT: NOTIFICATION OF IMPACT TO CULTURAL RESOURCES FROM THE
PROPOSED PRIVATE FUEL STORAGE FACILITY

Dear Mr. Klima:

Private Fuel Storage, L.L.C. (PFS), a limited liability company owned by eight utilities, proposes to construct and operate an independent spent fuel storage installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians. The Reservation is located 27 miles south-southwest of Tooele, Utah. The ISFSI would be located on an 820 acre-site in the northwest corner of the Reservation, approximately 3.5 miles from the tribal village. PFS would use dry storage technology to store as much as 40,000 metric tons of uranium of spent nuclear fuel (SNF).

PFS proposes to transport the SNF to the Reservation by rail. Currently, the closest rail line is 24 miles north of the Reservation. Therefore, to transport the SNF solely by rail, PFS proposes the construction and operation of a rail line from this existing rail line to the proposed site. The proposed rail line would be located along the western edge of Skull Valley and extend from Skunk Ridge (near Low, Utah) to the ISFSI site on the Reservation. The proposed rail line would be 32 miles long and would traverse only land managed by the U.S. Bureau of Land Management (BLM).

The PFS proposal requires approval from four federal agencies: the U.S. Nuclear Regulatory Commission (NRC), the U.S. Bureau of Indian Affairs (BIA), BLM, and the Surface Transportation Board (STB). PFS has requested the following approvals: an NRC license to receive, transfer, and possess the SNF; BIA's approval of a 25-year lease between PFS and the Skull Valley Band; STB's approval for the construction and operation of the proposed rail line; and approval for a right-of-way from the BLM for construction and use of the proposed rail line over public lands. The rail line would traverse land that is managed within the BLM Pony Express Resource Management Plan (RMP). The current Pony Express RMP does not allow for major rights-of-way such as a rail line in this area and would require an amendment to the RMP prior to granting the requested right-of-way.

The NRC, in cooperation with BIA, BLM, and STB, has published a Draft Environmental Impact Statement (DEIS) regarding the PFS proposal. The four Federal agencies are also participating jointly in the Section 106 process and other required consultations. Based on the review documented in the DEIS, the four Federal agencies have determined that the proposed rail line would adversely affect the Hastings Cutoff Trail, a cultural resource that is considered eligible for the National Register of Historic Places. Also, the proposed rail line would affect other resources that have not yet been fully evaluated to determine their cultural significance.

D. Klima

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Construction and operation of the proposed ISFSI would not affect any cultural resources on the Reservation.

Enclosed for your review is a copy of the DEIS. Cultural resources are discussed in DEIS Sections 3.6, 4.6, 5.6, and 6.6. Through the consultation process, the four Federal agencies will develop a Memorandum of Agreement (MOA) with the Utah State Historic Preservation Officer (SHPO).

Pursuant to the requirements of 36 CFR 800.6(a)(1), the four Federal agencies are notifying the Council of the adverse effect to the Hastings Cutoff Trail and are providing a copy of the DEIS as documentation of their review and findings to date. The four Federal agencies are also providing the DEIS to the Advisory Council on Historic Preservation (the Council) because the proposed action involves the Reservation of the Skull Valley Band of Goshute Indians. The agencies recognize that one of the four criteria considered by the Council in determining whether to enter the consultation process (described in Appendix A to 36 CFR Part 800) is the effect of the proposed action on Indian tribes and Native Hawaiian organizations. Consultation with the Utah SHPO has been initiated. Also, the cooperating agencies have offered Indian tribes and other organizations, that may be concerned with the possible effects of the proposed action on historic properties, an opportunity to participate in the Section 106 consultation process. Pursuant to 36 CFR 800.6(b)(1)(iv), a copy of the executed MOA will be submitted to the Council.

If you have any questions, please contact Scott Flanders (NRC) at (301) 415-1172, Laird Naylor (BLM) at (801) 977-4357, Garry Cantley (BIA) at (602) 379-6750, or Harold McNulty (STB) at (202) 565-1539.

Sincerely,

/RA/ original signed by /s/

Scott Flanders for

Mark S. Delligatti, Senior Project Manager

Spent Fuel Licensing Section

Licensing and Inspection Directorate

Spent Fuel Project Office

Office of Nuclear Material Safety

and Safeguards

Docket No. 72-22

Enclosure: DEIS

cc w/o encl: Service Lists

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DISTRIBUTION: w/o encl.

Docket	NRC File Center	PUBLIC	SFPO r/f
NMSS r/f	STurk, OGC	MBailey	
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SDroggitis, OSP	SGagner, OPA	RWeisman, OGC	

G:\pfs\litr to adchp.wpd (encl: <http://www.nrc.gov/NRC/NUREGS/SR1714/index.html>)

OFC:	SFPO	E	SFPO	E	SFPO	E	SFPO		SFPO	
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OFFICIAL RECORD COPY

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