

October 19, 2000

Max Evans, Director
Utah State Historic Preservation Office
300 South Rio Grande
Salt Lake City, Utah 84101

SUBJECT: CONSULTATION UNDER SECTION 106 NATIONAL HISTORIC PRESERVATION ACT
OF 1966

Dear Mr. Evans:

By letter dated October 6, 2000, the Nuclear Regulatory Commission (NRC) staff, the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), and the Surface Transportation Board (STB) requested your concurrence on the eligibility determinations under the National Historic Preservation Act (NHPA) in the P-III Associates report for the proposed Private Fuel Storage facility. As stated in the letter, representatives of the NRC staff, BLM, BIA, and STB were scheduled to meet with Mr. Jim Dykmann of your staff on October 24, 2000, to discuss the eligibility recommendations and potential mitigation measures for anticipated adverse impacts to cultural resources within the area of potential effect. On October 10, 2000, Mr. Dykmann canceled the meeting, and on October 13, 2000, Ms. Lynette Lloyd, of your staff, informed Mr. Scott Flanders, of the NRC staff, that all future consultation activity regarding the proposed Private Fuel Storage facility should be conducted with the Utah Governor's office.

Pursuant to 36 C.F.R. Part 800, Federal agencies should consult with the State Historic Preservation Officer (SHPO), and shall follow the procedures for initiating and performing such consultation. The term SHPO as defined in 36 C.F.R. § 800.16 is "the official appointed or designated pursuant to section 101(b)(1) of the [NHPA] to administer the State historic preservation program or a representative designated to act for the State Historic Preservation Officer." In light of your cancellation of the meeting scheduled for October 24, 2000, and your instruction to us to communicate with the Governor's office regarding this matter, it appears to us that you are withdrawing from the Section 106 consultation process. Please confirm, in writing, within 15 days of the date of this letter, whether you are withdrawing from the consultation process or are continuing to consult. If you are continuing to consult, please identify in your confirmation letter the identity of the SHPO or the representative designated to act for the SHPO, with whom we should communicate regarding this matter, and that person's address and telephone number. If we do not hear from you within 15 days, we will assume that you have withdrawn from the Section 106 consultation process for the Private Fuel Storage proposal.

Sincerely,
/RA/ original signed by /s/
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

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Mark S. Delligatti, Senior Project Manager
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Docket No. 72-22

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