

October 16, 2000

The Honorable Elwood Mose, Chairman
Tribal Council of the Te-Moak
Western Shoshone Indians of Nevada
525 Sunset Street
Elko, Nevada 89801

SUBJECT: REQUEST FOR CONCURRENCE ON ELIGIBILITY DETERMINATIONS FOR
THE ARCHEOLOGICAL AND HISTORIC SITES IDENTIFIED WITHIN THE
AREA OF POTENTIAL EFFECT FOR THE PROPOSED PRIVATE FUEL
STORAGE FACILITY

Dear Chairman Mose:

By letter dated July, 1, 1999, and April 26, 2000, the U.S. Nuclear Regulatory Commission (NRC), the U.S. Bureau of Indian Affairs (BIA), the U.S. Bureau of Land Management (BLM), and the Surface Transportation Board (STB) extended opportunities for you to participate in the National Historic Preservation Act Section 106 consultation process for the Private Fuel Storage facility. During a follow-up call with the NRC on September 25, 2000, you indicated that your tribe would like to participate in the consultation process. As a part of the consultation process, we are providing you with a copy of the Class III cultural resource inventory report prepared by a Private Fuel Storage contractor, P-III Associates (Enclosure 1). The inventory was performed in May and June of 1999 and in June 2000, and the study area covered all portions of the area of potential effect (APE). For all sites within the APE, the report includes a recommendation with regard to each site's eligibility for inclusion in the National Register of Historic Places. We have reviewed the report and concur with the eligibility recommendations for all archeological and historic sites within the APE. Enclosure 2 is a list of sites and their eligibility recommendation. We request your concurrence, within 30 days, on the eligibility recommendations in the report.

As you will see in the report, no properties of traditional religious and cultural significance to an Indian tribe or Native Hawaiian organization have been identified. The Federal agencies are interested in knowing if you have specific knowledge of any properties within the APE that you attach traditional religious and cultural significance to, or awareness of or concern for any prehistoric or historic district, site, building, structure, or object eligible for inclusion on the National Register of Historic Places that is not included in the report. This will assure the property can be appropriately considered in the Section 106 process.

We are meeting with consulting parties to discuss the eligibility recommendations included in the report and potential mitigation measures for anticipated adverse impacts to the cultural resources within the APE. We are scheduled to meet with you on October 23, 2000. It is our understanding that you will be representing the three Councils of the Te-Moak Western Shoshone. After meeting with the consulting parties, we will prepare a treatment plan and Memorandum of Agreement (MOA) for your review and concurrence.

Chairman Mose

-2-

We look forward to meeting with you in late October. 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 Phillis Johnson-Ball (STB) at (202) 565-1539.

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

Enclosures: 1. Class III Cultural Resource Inventory Report
2. List of Sites and Eligibility Recommendations

cc: Service Lists
Max Evans, Utah State Historic Preservation Officer
Marvin McDade, Ch., South Fork Band Council
Wilbur Woods, Ch., Elko Band Council
Helen Dave, Environmental Coordinator
Nevada Penoli, Ch., Wells Indian Colony Band Council
Lydia Sam, Ch., Battle Mountain Band Council

Chairman Mose

-2-

We look forward to meeting with you in late October. 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 Phillis Johnson-Ball (STB) at (202) 565-1539.

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

Enclosures: 1. Class III Cultural Resource Inventory Report
2. List of Sites and Eligibility Recommendations

cc: Service Lists
Max Evans, Utah State Historic Preservation Officer
Marvin McDade, Ch., South Fork Band Council
Wilbur Woods, Ch., Elko Band Council
Helen Dave, Environmental Coordinator
Nevada Penoli, Ch., Wells Indian Colony Band Council
Lydia Sam, Ch., Battle Mountain Band Council

DISTRIBUTION

Docket	NRC File Center	PUBLIC	SFPO r/f
NMSS r/f	STurk, OGC	MWaters	MWong
CAbrams	ACHowdhury, CNWRA	TMadden, OCA	CMarco, OGC
SDroggitis, OSP	SGagner, OPA	RWeisman, OGC	STurk, OGC

G:\pfs\eligibility letter to WELLSBAND.wpd

OFC:	SFPO		SFPO		SFPO		SFPO		SFPO	
NAME:	SFlanders		VTharpe		MDelligatti		SShankman		EWBrach	
DATE:	10/ /00		10/ /00		10/ /00		10/16/00		10/16/00	

OFFICIAL RECORD COPY

Eligibility Recommendations for sites within the APE for the proposed PFS Facility

<u>Site Number</u>	<u>Site Name</u>	<u>NRHP Status</u>
42TO709	Emigrant Trail/Hastings Cutoff	Eligible
42TO1187	Rock alignment and cairns	Unevaluated
42TO1343	Buried AT&T telephone line	Not Eligible
42TO1409	U.S. Route 40	Eligible
42TO1410	"New" Victory Highway	Eligible
42TO1411	"Old" Victory Highway	Eligible
42TO1412	Western Union telegraph line	Eligible
42TO1413	Western Pacific Railroad	Eligible
42TO1414	Historic habitation/gas station	Not Eligible
42TO1415	Gas Station	Not Eligible
42TO1416	Road to Deep Creek	Eligible
42TO1417	Road to Sulphur Spring or Eight-Mile Spring	Eligible

Private Fuel Storage

cc:

Mr. John D. Parkyn
Chairman of the Board
Private Fuel Storage, L.L.C.
P. O. Box C4010
La Crosse, WI 54602-4010

Mr. Scott Northard, Project Manager
Private Fuel Storage, L.L.C.
c/o Northern States Power
414 Nicollet Mall, Ren Square 7
Minneapolis, MN 55401

The Honorable Michael O. Leavitt
Governor of Utah
Salt Lake City, UT 84114-0601

The Honorable Leon D. Bear, Chairman
Skull Valley Band of Goshute Indians
2480 South Main, No. 110
Salt Lake City, UT 84115

Mr. Jack Gerard
McClure, Gerard and Neunschwander
201 Maryland Avenue, NE
Washington, DC 20002

Dr. Dianne R. Nielson, Executive Director
Department of Environmental Quality
State of Utah
168 North 1950 West
P. O. Box 144810
Salt Lake City, UT 84114-4810

Ms. Sally Wisely, State Director
Bureau of Land Management
United States Department of the Interior
Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155

Mr. David L. Allison, Superintendent
Bureau of Indian Affairs
Uintah and Ouray Agency
P.O. Box 130
Fort Duchesne, UT 84026

Ms. Joro Walker, Esq.
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109

Ms. Diane Curran
Harmon, Curran, Spielberg & Eisenberg
1726 M Street, Suite 600
Washington, D.C. 20036

cc's for PFS EIS:

Glenn Carpenter, Supervisor
U.S. Bureau of Land Management
Salt Lake District Office
2370 south 2300 West
Salt Lake City, UT 84119

Phyllis Johnson-Bell, Project Manager
Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW, 5th Floor
Washington, DC 20423

David Allison, Superintendent
U.S. Bureau of Indian Affairs
Unitah and Ouray Agency
P. O. Box 130
Fort Duschene, UT 84026

Joro Walker
Land and Water Fund of the Rockies
2056 East 3300 South, Suite 1
Salt Lake City, UT 84109

Amy Heuslein, Environmental Specialist
U.S. Bureau of Indian Affairs
Phoenix Area Office
P.O. Box 10
Phoenix, AZ 85001

Alice Stephenson, Environmental Specialist
U.S. Bureau of Land Management
Salt Lake District Office
2370 South 2300 West
Salt Lake City, UT 84119

Dale Hanberg, Land Operations Officer
U.S. Bureau of Indian Affairs
Unitah and Ouray Agency
P.O. Box 130
Fort Duschene, UT 84026

Greg Zimmerman, Project Manager
P.O. Box 2008, 4500 N, MS 6200
Oak Ridge National Laboratory
Oak Ridge, TN 37831-6200

Michael J. Scott, Staff Scientist
Pacific Northwest National Laboratory
P.O. Box 99
MSIN: K8-17
Richland, WA 99352

Paul R. Nickens, Senior Research Scientist
5168 N. Windriver Place
Tucson, AZ 85750

cc:

Helen Dave, Environmental Coordinator
Tribal Council of the Te-Moak
Western Shoshone Indians of Nevada
525 Sunset Street
Elko, NV 89801

Marvin McDade, Chairman
South Fork Band Council
Te-Moak Western Shoshone Indians
HC30-Box 13-Lee
Elko, NNV 89801

Wilbur Woods, Chairman
Elko Band Council
Te-Moak Western Shoshone Indians
511 Sunset Street
Elko, NV 89801

Nevada Penoli, Chairperson
Wells Indian Colony Band Council
P.O. Box 809
Wells, NV 89835-0809

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

Lydia Sam, Chairperson
Battle Mountain Band Council
37 Mountainview Drive, #C
Battle Mountain, NV 89820