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Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Reply to: 12136 West Bayaud Avenue, #330
Lakewood, Colorado 80226

July 6, 2001

Mark S. Delligatti
Senior Project Manager
Spent Fuel Licensing Section
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
Washington D.C. 20555-0001

RE: *Final Draft MOA for the Private Fuel Storage, Limited Liability Company (PFS)
Proposed Spent Fuel Storage Installation (ISFSI) on the Reservation of the Skull Valley
Band of Goshute Indians.*

Dear Mr. Delligatti:

On June 21, 2001, we received from your office the revised draft Memorandum of Agreement (MOA) for the above referenced project. We have reviewed this draft and find that your staff has done an excellent job of incorporating our earlier comments. We offer the following additional comments for your consideration in finalizing this agreement:

1. The 4th WHEREAS is a bit misleading, as it refers to an inaccurate list of properties and their eligibility currently contained in Enclosure 1. As stated by PFS, in its comments of June 28, 2001, the letter and mitigation proposal which currently comprise Enclosure 1, do not include the most up-to-date information on site eligibility. We agree with PFS that Enclosure 1 should be substituted with an appropriate supporting document that includes an accurate list of properties, eligibility and effects determinations. We also would like to see this enclosure include the most recent draft Treatment Plan and Discovery Plan for this project.
2. Stipulation I.a. may need to be revised to accurately reflect the contents of the revised Enclosure 1.
3. The first sentence of Stipulation IX (Termination) is confusing and should be deleted.. It refers to automatic termination and an expiration date which are not otherwise provided for in the agreement. We believe that the rest of the stipulation covers the necessary consultation to try to avoid termination.

NmssolPublic

Thank for providing us an opportunity to review this draft MOA. If you have any questions or concerns regarding these recommendations, please contact Carol Gleichman of our staff at (303) 969-5110.

Sincerely,

A handwritten signature in black ink, appearing to read "Don L. Klima". The signature is written in a cursive, somewhat stylized font.

for

Don L. Klima
Director

Office of Planning and Review