

EDO Principal Correspondence Control

FROM: DUE: 11/15/05

EDO CONTROL: G20050752
DOC DT: 11/01/05
FINAL REPLY:

Senator Orrin G. Hatch

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 05-0533

Chairman Diaz

DESC:

NRC's Obligation Under the National Historic
Preservation Act (NHPA) as it Relates to the
Proposed Private Fuel Storage License

ROUTING:

Reyes
Virgilio
Kane
Silber
Dean
Burns
Mallett, RIV
Schlueter, STP
Cyr, OGC

DATE: 11/03/05

ASSIGNED TO:

CONTACT:

NMSS

Strosnider

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate and obtain concurrence with OGC.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Nov 02, 2005 16:43

PAPER NUMBER: LTR-05-0533 LOGGING DATE: 11/02/2005
ACTION OFFICE: EDO

AUTHOR: Orrin Hatch
AFFILIATION: CONG
ADDRESSEE: Nils Diaz
SUBJECT: NRC's obligation under the National Historic Preservation Act (NHPA) as it relates to the proposed Private Fuel Storage (PFS) license

ACTION: Signature of Chairman
DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 11/01/2005

ACKNOWLEDGED No
SPECIAL HANDLING: EDO to coordinate response with the OGC....

NOTES: Commission Correspondence

FILE LOCATION: ADAMS

DATE DUE: ~~11/16/2005~~ 11/17/05 DATE SIGNED:

EDO --G20050752

11/01/2005 10:00 AM
ORRIN G. HATCH
UTAH

PATRICIA KNIGHT
CHIEF OF STAFF

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INTELLIGENCE

JOINT COMMITTEE
ON TAXATION

November 1, 2005

Chairman Nils J. Diaz
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Chairman Diaz:

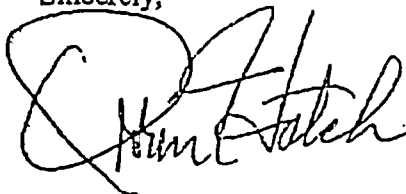
I write with regard to the Nuclear Regulatory Commission's (NRC's) obligation under the National Historic Preservation Act (NHPA) as it relates to the proposed Private Fuel Storage (PFS) license. This is a matter of considerable importance to the people of Utah.

As you know, it has been determined that the PFS plan would have potentially adverse impacts to historic properties under the NHPA, in which case a Memorandum of Agreement (MOA) among the relevant agencies is required. The MOA must be signed by the cooperating agencies with jurisdiction in the matter. However, it is my understanding that a number of these agencies, including the Bureau of Land Management, have determined that they cannot sign the MOA because their concerns have not been met.

It would be entirely inappropriate for the NRC to issue a license to PFS before relevant agencies have satisfied their legal and regulatory requirements under the NHPA. The law requires that these agencies be given the opportunity to faithfully execute their responsibilities with regard to historic properties and the land use planning process.

Thank you for taking the necessary steps to adhere to both the letter and the spirit of the law with regard to issuing a license for PFS.

Sincerely,



Orrin G. Hatch
United States Senator