

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

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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

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- Nevada Penoli, Ch., Wells Indian Colony Band Council
- Lydia Sam, Ch., Battle Mountain Band Council

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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
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The Honorable Michael O. Leavitt
Governor of Utah
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The Honorable Leon D. Bear, Chairman
Skull Valley Band of Goshute Indians
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