

November 7, 2000

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

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION FOR SECTION 106 OF THE  
NATIONAL HISTORIC PRESERVATION ACT (TAC NO. L22462)

Dear Mr. Parkyn:

By application dated June 20, 1997, as supplemented, Private Fuel Storage, L.L.C. (PFS) requested a license to receive, transfer, and possess nuclear power reactor spent fuel and other radioactive material associated with spent nuclear fuel (SNF) storage in an independent spent fuel storage facility (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians. PFS proposes to transport the SNF to the Reservation by rail. Currently, the closest rail line is 24 miles north of the Reservation. Therefore, to transport the SNF solely by rail, PFS proposes the construction and operation of a rail line from this existing rail line to the proposed site. The proposed rail line would be located along the western edge of Skull Valley and extend from Skunk Ridge (near Low, Utah) to the ISFSI site on the Reservation. The proposed rail line would be 32 miles long and would traverse only land managed by the U.S. Department of Interior's Bureau of Land Management (BLM).

The U.S. Nuclear Regulatory Commission (NRC), in cooperation with the U.S. Department of Interior's Bureau of Indian Affairs (BIA), BLM, and the Surface Transportation Board (STB), has published a Draft Environmental Impact Statement (DEIS) regarding the PFS proposal. To gain efficiencies, the Federal agencies have also agreed to participate jointly in Section 106 of the National Historic Preservation Act. Section 106 requires the Federal agencies to take into account the effects of PFS project on historic properties.

In May and June of 1999 and in June 2000, a PFS contractor, P-III Associates, performed a Class III cultural resources inventory to identify historic properties in Skull Valley, Utah. For each site within the Area of Potential Effects (APE), the report included eligibility recommendations for inclusion in the National Register of Historic Places. One site, 42TO1187, (rock alignment and cairn) was unevaluated for eligibility.

Enclosed is a request for additional information (RAI) about Site 42TO1187 which is needed by the NRC staff and the cooperating agencies to complete the final review of the cultural resources in Skull Valley. We will expect your reply within 30 days of your receipt of this letter.

J. Parkyn

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Please contact Scott Flanders at (301) 415-1172 if you wish to schedule a public meeting on the RAI or to discuss any questions you may have about this letter or the enclosed RAI. Please reference TAC No. L22462 and Docket No. 72-22 in future correspondence related to this request.

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  
TAC No. L22462

Enclosure: Request for Additional Information

cc w/enclosure: EIS Service List

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## REQUEST FOR ADDITIONAL INFORMATION FOR SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT, DOCKET NO. 72-22

Pursuant to 36 CFR 800.1, Section 106 of the National Historic Preservation Act, Federal agencies are required to take into account the effects of their undertakings on historic properties. The U.S. Nuclear Regulatory Commission (NRC), in cooperation with the U.S. Department of Interior's Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA), and the Surface Transportation Board (STB) has determined that additional information is needed to evaluate the effect of the Private Fuel Storage Facility on the historic properties within Skull Valley, Utah.

1. Evaluate site 42TO1187 (rock alignment and cairn) to determine its potential eligibility for the National Register of Historic Places. Below is a list of activities the Federal agencies recommend be taken in evaluating the site. The activities should be sequentially conducted in the order they are listed. If any activity leads to a clear determination of the site's origin, function, age and cultural affiliation so that a statement of National Register eligibility can be recommended, the remaining activities do not have to be conducted.

### A. Non-intrusive testing

Conduct a metal detector survey to determine the presence or absence of metal artifacts within the defined site boundary.

### B. Records Search

1. Conduct a site file search for similar previously recorded archeological feature sites in the region that may have similar characteristics.
2. Conduct a search of homestead records for the Skull Valley vicinity.
3. Conduct a review of the history of sheep herding activities in the area, including, if possible, interviews with persons who may have been engaged in those activities in this area.

### C. Tribal Consultation

Use a qualified Cultural Anthropologist to conduct interviews of tribal elders or other knowledgeable members from regional Federally-recognized Indian tribes to determine if this site or similar examples may have cultural value for tribes. The following tribes should be interviewed: Skull Valley Band of Goshute Indians, Confederated Tribes of Goshute Reservation, Tribal Council of the Te-Moak Western Shoshoni Indians of Nevada, Northwestern Band of Shoshone Nation, Northern Ute, and Paiute Indian Tribe of Utah.

### D. Subsurface Testing

If completion of either Activities A, B, or C fails to provide sufficient information to determine the site's purpose, origin, and potential eligibility for the National Register of Historic Places, then subsurface testing will be performed. The scope of the testing effort

will be governed by standard stipulations outlined in the permittee's BLM Cultural Resources Use Permit.

P-III Associates did not evaluate site 42TO1187 when it performed a Class III cultural resources inventory to identify historic properties in Skull Valley, Utah.

2. Provide a precise scaled map of site 42TO1187 that clearly delineates the site's boundaries in relationship to the proposed rail centerline and right-of-way boundaries. This map is needed to complete the staff's review.

cc's for PFS EIS:

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