

December 5, 2000

Ms. Natalie Gochnour
Utah State Planning Coordinator
Room 116 State Capitol
Salt Lake City, UT 84114

SUBJECT: YOUR APPOINTMENT AS CONTACT PERSON FOR THE STATE HISTORIC PRESERVATION OFFICER FOR THE PRIVATE FUEL STORAGE, L.L.C. PROJECT

Dear Ms. Gochnour:

In his November 1, 2000, letter (which was postmarked November 15, 2000 and which I received November 20, 2000), Governor Michael O. Leavitt informed me that he has retained authority as the State Historic Preservation Officer (SHPO) for the proposed Private Fuel Storage, L.L.C. (PFS) project and that you have been appointed to serve as the SHPO's contact person for this project.

The U.S. Nuclear Regulatory Commission (NRC) staff and the cooperating Federal agencies (the U.S. Department of Interior's Bureau of Land Management and Bureau of Indian Affairs and the Surface Transportation Board) congratulate you on your appointment, and we look forward to working with you in the future.

Prior to your appointment as the PFS project contact person for the Utah SHPO, the NRC staff and cooperating Federal agencies had been interacting with Mr. Jim Dykmann of the staff of the Utah SHPO on matters associated with the State of Utah's participation in the consultation process required by Section 106 of the National Historic Preservation Act.

During the period in which the previously appointed Utah SHPO had authority for the PFS project, several determinations and findings were made, including: determination of the area of potential effect (APE), identification of the historic properties within the APE, identification of consulting parties, and determination of whether the historic sites within the APE are eligible for inclusion on the National Register of Historic Places. Also, the cooperating Federal agencies notified the Advisory Council on Historic Properties that construction and operation of the facilities associated with the proposed PFS project would have an adverse effect on cultural properties within the APE. As a result of this determination, the cooperating Federal agencies met with several of the consulting parties to solicit their views regarding potential mitigation measures. The Utah SHPO declined to meet with the cooperating Federal agencies to discuss recommended eligibility determinations and potential mitigation measures for the sites within the APE. Also, neither the Governor of Utah, the Utah SHPO, nor any other State official responded within 30 days to the NRC staff's letter dated October 6, 2000, requesting concurrence on the recommendations for eligibility (see enclosure). Therefore, the findings and determinations which have been made are considered final (see 36 CFR 800.3(c)(4)). The cooperating Federal agencies have proceeded to the next step in the consultation process. A draft Memorandum of Agreement (Agreement) has been developed and will be circulated to

N. Gochnour

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the consulting parties for comment. In view of your recent appointment by Governor Leavitt, a copy of the draft Agreement will be provided to you. We trust that the Utah SHPO has forwarded all previous reports and correspondence related to the proposed PFS project to you.

If you any questions related to the consultation process, please contact Mr. Scott Flanders of the NRC staff at (301) 415-1172.

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

Enclosure: 10/06/00 ltr to Utah SHPO

cc: PFS EIS Service List

The Honorable Michael O. Leavitt, Governor of the State of Utah

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