

September 28, 8

Mr. David L. Allison, Superintendent  
Bureau of Indian Affairs  
Uintah and Ouray Agency  
P.O. Box 130  
Fort Duchesne, UT 84026

SUBJECT: PARTICIPATION OF BUREAU OF INDIAN AFFAIRS AS A COOPERATING AGENCY

Dear Mr. Allison:

This is to confirm our discussions during a meeting on June 1, 1998, and a teleconference between you and Dr. Shum of my staff on July 1, 1998, regarding the Bureau of Indian Affairs (BIA) participating as a cooperating agency in preparing an Environmental Impact Statement (EIS) related to the application of Private Fuel Storage L.L.C. (PFS) to construct and operate an Independent Spent Fuel Storage Installation (ISFSI) at the Skull Valley Goshute Indian Reservation in Utah. For this joint effort, we have enclosed, for your review and acceptance, a proposed Agreement between the Nuclear Regulatory Commission (NRC) and BIA.

If the proposed Agreement is acceptable, please endorse it and return it to the U.S. Nuclear Regulatory Commission, Mail Stop O6-F18, 11555 Rockville Pike, Rockville, MD 20852.

Sincerely,

ORIGINAL SIGNED BY /s/

William F. Kane, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated

Docket: 72-22

Distribution: w/encl.

|             |                |                   |                   |             |
|-------------|----------------|-------------------|-------------------|-------------|
| NRC F/C     | Docket         | ELeeds, SFPO      | CMarco, OGC       | MWade, ORNL |
| PUBLIC      | NMSS r/f       | MDelligatti, SFPO | SDroggittis, OSP  |             |
| SFPO r/f    | TJohnson, NMSS | CStoiber, OIP     | SGagner, OPA      |             |
| JThoma, EDO | TMadden, OCA   | DPersinko         | ACHowdhury, CNWRA |             |

\*See previous concurrence

|      |             |           |          |   |          |   |           |   |
|------|-------------|-----------|----------|---|----------|---|-----------|---|
| OFC  | SFPO*       | C         | SFPO*    | C | SFPO*    | C | SFPO*     | C |
| NAME | EShum/lg/jc |           | VTharpe  |   | EEaston  |   | SShankman |   |
| DATE | 07/13/98    |           | 07/13/98 |   | 07/13/98 |   | 07/15/98  |   |
| OFC  | OGC         | SFPO      | SFPO     |   |          |   |           |   |
| NAME | STurk       | CHoughney | Wkane    |   |          |   |           |   |
| DATE | 09/9/98     | 07/ /98   | 09/28/98 |   |          |   |           |   |

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AGREEMENT BETWEEN  
U.S. NUCLEAR REGULATORY COMMISSION  
AND BUREAU OF INDIAN AFFAIRS

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Participation as a cooperating Agency in the preparation of an Environmental Impact Statement (EIS) related to the application of Private Fuel Storage, L.L.C. (PFS) to construct and operate an Independent Spent Fuel Storage Installation at the Skull Valley Goshute Indian Reservation in Utah is outlined as follows:

- A. U.S. Nuclear Regulatory Commission (NRC) shall provide financial resources for the environmental review and preparation of NRC's EIS. The Bureau of Indian Affairs (BIA) shall provide the financial resources to carry out its role as a cooperating agency.
- B. The BIA shall be informed of NRC's review progress, i.e., BIA shall be on NRC's distribution list on matters relating to the environmental review of the PFS proposed action.
- C. BIA shall be informed and invited to attend meetings (at BIA's own expense) related to NRC's environmental review.
- D. BIA shall have an opportunity to provide comments on, and upon NRC's request shall provide a letter indicating whether it concurs with: significant draft NRC correspondence related to the environmental review, requests for additional information, the scoping report, draft EIS, and the final EIS.
- E. NRC shall provide financial resources for technical experts to testify in the Atomic Safety and Licensing Board hearings. If expertise related to Indian Affairs is required, BIA shall provide assistance, including expert witnesses at BIA's expense.

William F. Kane, Director  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards  
U.S. Nuclear Regulatory Commission

David L. Allison, Superintendent  
Bureau of Indian Affairs  
Uintah and Ouray Agency

  
\_\_\_\_\_  
Signature

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Signature

Dated: SEPTEMBER 28, 1998

Dated: \_\_\_\_\_, 1998

ENCLOSURE