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# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155

IN REPLY REFER TO  
8012  
(UT-934)

OCT 15 1987

Dr. Edward Shum, Environmental Project Manager  
Spent Fuel Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington DC, 20555

Dear Dr. Shum:

We have reviewed the Nuclear Regulatory Commission (NRC) request to Private Fuel Storage (PFS) for additional information. At this time, the most important deficiency in the Right-of-way (ROW) application to the Bureau of Land Management (BLM) is the lack of a comprehensive "Plan of Development" (POD) for both the railroad spur and the transfer site. Without a comprehensive POD, BLM cannot process the application.

BLM also needs the Articles of Incorporation, Corporation Bylaws, and a State Certification Resolution for PFS. All ROW applicants are required to file these documents with BLM along with their ROW application.

No additional data needs have been identified at this time. However, BLM will likely have additional questions and will require additional site-specific project and resource information after a comprehensive plan of development is received.

Thank you for this opportunity to request additional information from the applicant.

Enclosed you will find the signed Memorandum of Agreement for BLM Cooperating Agency status on the project.

Sincerely,

Gregory F. Thayer  
NEPA Coordinator

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AGREEMENT BETWEEN  
U.S. NUCLEAR REGULATORY COMMISSION  
AND BUREAU OF LAND MANAGEMENT

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I. Purpose and Objectives

This agreement provides procedures and guidance for coordination and cooperation between the U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Material Safety and Safeguards and the U.S. Department of the Interior, Bureau of Land Management (BLM), Utah State Office, concerning the preparation of an Environmental Impact Statement (EIS) for 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 Tooele County, Utah

This agreement is intended to assist in meeting the requirements and objectives of the National Environmental Policy Act (NEPA) through integrating each agency's planning, environmental review, and other procedures with NEPA requirements so that such efforts may take place concurrently rather than consecutively; eliminating duplication of effort; and emphasizing interagency cooperation.

II. Agency Roles

The NRC shall be the lead agency and shall supervise the preparation of the EIS. The BLM shall be a cooperating agency.

III. Procedures and Responsibilities

- A. The NRC shall provide financial resources for its environmental review and preparation of the EIS. BLM shall provide the financial resources to carry out its role as a cooperating agency.
- B. If PFS requires rights-of-way (ROWs) from BLM for required facilities, NRC will require PFS to seek such ROWs from BLM prior to publication of the draft EIS (DEIS).
- C. NRC shall identify BLM as a cooperating agency for preparation of the EIS in all Federal Register (FR) Notices concerning availability of the DEIS, final EIS (FEIS) and any Record of Decision (ROD).
- D. Each agency shall designate a coordinator who shall be a single point of contact for the project.
- E. BLM shall provide information to NRC concerning the occurrence of and impacts on conditions, resources, and uses on the public lands that may be affected by the subject repository.

ENCLOSURE

- F. BLM shall identify potential alternative locations and routes from facilities and ROWs that may be required on the public lands.
- G. BLM shall provide to NRC the BLM required and suggested mitigating measures for actions for facilities and ROWs proposed on the public lands.
- H. NRC shall analyze BLM's recommended alternatives in the draft and final EISs and shall describe BLM's required and recommended mitigating measures in the subject EIS.
- I. NRC shall inform BLM of progress on the project and shall invite BLM to attend meetings (at BLM's expense) related to NRC's environmental review.
- J. NRC shall provide an opportunity for BLM to comment on the preliminary DEIS (if any), DEIS, preliminary Final EIS (if any), and Final EIS.
- K. Upon NRC's request, BLM shall provide a letter indicating whether it concurs with the scoping report, draft EIS, and final EIS.
- L. To the extent consistent with NRC regulations and policy, NRC shall attempt to schedule notices and releases of required documents, approvals and decisions to accommodate the requirements of Department of Interior and BLM.
- M. NRC shall provide financial resources for its technical experts to testify in the Atomic Safety and Licensing Board hearing. If expertise within BLM's authority is required, BLM shall provide assistance, including expert witnesses at BLM's expense.

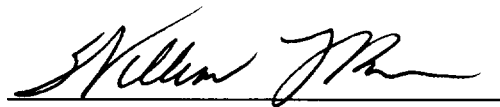
#### IV. Administration

- A. Nothing in this agreement will be construed as affecting the authorities of the participating agencies or as binding beyond their respective authorities or to require either agency to obligate or expend funds in excess of available appropriations or contributions by the applicant.
- B. NRC, as the lead agency, shall maintain the formal project file and shall make the file available to BLM as needed by BLM.
- C. This agreement terminates following the completion of the final EIS and issuance of the final ROD; or the agreement may be canceled at any time by one of the participating agencies following at least 30-days notice to the other participant.

- D. The terms of this agreement may be renegotiated at any time at the initiative of one of the participating agencies, following at least 30-days notice to the other participant. Changes will be in the form of an amendment and will become effective upon signature by both agencies.

APPROVED:

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



Signature

Dated: SEPTEMBER 28, 1998

G. William Lamb, Utah State Director  
Bureau of Land Management  
United States Department of the Interior



Signature

Dated: 10/6/, 1998