

December 1, 2005

Jay E. Silberg, Esq.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1128

Dear Mr. Silberg:

I am responding to your letter to Chairman Nils J. Diaz, dated November 3, 2005. You noted that you were responding to a letter from Senator Orrin Hatch, dated November 1, 2005, concerning the Nuclear Regulatory Commission's (NRC's) obligations under the National Historic Preservation Act (NHPA), related to the issuance of a license to Private Fuel Storage, LLC (PFS), for its proposed independent spent fuel storage installation. In your letter, you stated your view that the NRC has the authority to issue a license to PFS, with or without execution of the Memorandum of Agreement (MOA) by the Bureau of Land Management (BLM), and you urged the NRC to issue a license to PFS.

As you may know, the NRC has recently determined, under the provisions of Title 36 of the Code of Federal Regulations, Section 800.7, to terminate the NHPA consultation process. A determination on license issuance will be made following the NRC's receipt of comments from the Advisory Council on Historic Preservation (ACHP).

For your information, I have enclosed a copy of Chairman Diaz's letter to Senator Hatch, dated November 22, 2005, (Enclosure 1), and a copy of the NRC's letter to the ACHP, dated November 22, 2005 (without enclosures), terminating the NHPA consultation process (Enclosure 2). If you have any questions about this matter, please do not hesitate to contact Mr. Stewart Brown of my staff at (301) 415-8531.

Sincerely,

/RA/

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-22

Enclosures:

1. Letter to Senator Hatch
2. Letter to Mr. Fowler

cc: PFS Service Lists
List of MOA Signatories & Concurring Parties

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