



# NRC NEWS

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No. 06-024

February 13, 2006

## **NRC TERMINATES ACHP CONSULTATION, PREPARES TO ISSUE LICENSE TO PRIVATE FUEL STORAGE**

The Nuclear Regulatory Commission has formally terminated its consultation with the Advisory Council on Historic Preservation (ACHP) and other agencies regarding the protection of historic sites potentially impacted by a proposed spent nuclear fuel storage facility in Skull Valley, Utah, and is preparing to issue a license to Private Fuel Storage, LLC.

On Sept. 9, 2005, the Commission concluded the agency's adjudication over the PFS license application and authorized the agency staff to issue a license upon resolution of any outstanding issues. One matter that remained to be resolved was completion of consultations with other federal and state agencies and other parties aimed at concluding a Memorandum of Agreement (MOA) concerning the identification and protection of historic sites under the National Historic Preservation Act.

On Nov. 22, 2005, the NRC informed the ACHP that, as permitted by the ACHP's regulations, it was terminating the consultation process because of a decision by the U.S. Bureau of Land Management and the Utah State Historic Preservation Officer not to sign the MOA at that time. The NRC indicated that it would include the substantive terms of the MOA, which PFS had agreed to undertake, as conditions in the final license.

The ACHP provided comments to NRC in a letter dated Jan. 9, 2006, indicating it had no objection to the substantive provisions of the agreement or to the treatment proposed for historic properties, and it agreed with NRC's plan to include those provisions as conditions in the license.

In a letter to ACHP Chairman John L. Nau III dated Feb. 10, 2006, NRC Chairman Nils J. Diaz, on behalf of the Commission, provided the NRC's response to the ACHP's comments and notified the ACHP of the NRC's determination to issue a materials license to PFS. When a license is issued to PFS, the NRC's determination will be published in the *Federal Register*.

Chairman Diaz' letter to the ACHP effectively concludes the ACHP consultation process. Accordingly, the agency has provided PFS a draft of the license and has requested comments from PFS within seven days regarding any errors or omissions. After that review is complete, the NRC will issue the final license.

PFS, a consortium of utility companies, plans to store up to 44,000 tons of spent nuclear fuel from commercial nuclear power plants in dry casks on land leased from the Skull Valley Band of Goshute Indians, as interim storage before final disposal in an underground repository.

The license will not authorize PFS to begin immediate construction of the facility. Rather, it conditions construction authorization on the company first arranging for adequate funding. In addition, PFS must obtain necessary approvals from other agencies, including BLM, the Bureau of Indian Affairs, and the Surface Transportation Board.

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