

September 1, 2011

MEMORANDUM TO: Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

FROM: Andrew Persinko, Deputy Director /RA/  
Environmental Protection and  
Performance Assessment Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT SECTION 106 FINAL  
MEMORANDUM OF AGREEMENT FOR THE PROPOSED EAGLE  
ROCK ENRICHMENT FACILITY IN BONNEVILLE COUNTY, IDAHO

The enclosed National Historic Preservation Act (NHPA) Section 106 Final Memorandum of Agreement (MOA) for the AREVA Enrichment Services LLC (AES) Proposed Eagle Rock Enrichment Facility (EREF) Project is provided for your review, concurrence, and signature. An archaeological site--the John Leopard Homestead (MW004)--was discovered during the cultural resource surveys for the development of the Environmental Report for AES's EREF license application. Site MW004 is eligible for inclusion in the National Register of Historic Places. The proposed EREF project would have an adverse effect on this site because it would be under the proposed facility footprint and would be destroyed during preconstruction activities. The enclosed Final MOA developed by the U.S. Nuclear Regulatory Commission (NRC) staff addresses legal requirements and the site MW004 mitigation. The NRC, the Idaho State Historic Preservation Office (SHPO), and AES will be required signatories to the MOA, and the Shoshone-Bannock Tribes (Tribes) were included as an invited concurring party.

The NRC staff transmitted the Draft MOA to the Idaho SHPO, AES, and the Tribes for review and comment on March 30, 2011. The Final MOA incorporates revisions to the Draft MOA, as provided by the Idaho SHPO and AES. In addition, the MOA has been updated to reference three additional reports recently submitted by AES to the Idaho SHPO and NRC: detailed final report on archaeological data recovery at historic site MW004 dated June 23, 2011; and two letter reports on geochemical and hydration analyses of obsidian artifacts, dated June 28, 2011, and July 11, 2011. The NRC staff, the Idaho SHPO, and AES have agreed to all of these changes.

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(301) 415-5163

L. Camper

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The MOA becomes effective upon receipt of the required signatories' signature pages. Following execution of the MOA by the required signatories, pursuant to 36 CFR 800.6(b)(1)(iv), the NRC will file a copy of the Final MOA and related documentation with the Advisory Council on Historic Preservation to complete the requirements of Section 106 of the NHPA.

Docket No. 70-7015

Enclosure:  
Final Memorandum of Agreement

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