

April 01, 2005

Mr. Alan Stanfill  
Senior Program Analyst  
Advisory Council on Historic Preservation  
12136 West Bayaud Avenue, Suite 330  
Lakewood, CO 80228

SUBJECT: FINAL MEMORANDUM OF AGREEMENT AND TREATMENT PLAN FOR THE  
PROPOSED LOUISIANA ENERGY SERVICES NATIONAL ENRICHMENT  
FACILITY

Dear Mr. Stanfill:

As you are aware, Louisiana Energy Services (LES) proposes to construct and operate the National Enrichment Facility (NEF), a gas centrifuge uranium enrichment facility, near Eunice, New Mexico. By letter dated February 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) staff initiated the consultation process required by Section 106 of the National Historic Preservation Act (NHPA), with the State of New Mexico Department of Cultural Affairs, Historic Preservation Division, State Historic Preservation Office and with regional Federally-recognized Indian tribes.

In a letter dated June 24, 2004, the NRC staff informed the Advisory Council on Historic Preservation (Council) of its intent to develop a Memorandum of Agreement (Agreement) with the New Mexico State Historic Preservation Officer, the New Mexico State Land Office, Lea County, and LES to ensure that the proposed NEF Project is undertaken in accordance with the requirements of Section 106 of the NHPA (36 CFR Part 800). In your letter of response dated November 8, 2004, you indicated that the Council did not need to participate in consultation to resolve potential adverse impacts to cultural resources; however, the NRC would need to file the completed Agreement (signed by all Signatories) with the Council to complete the requirements of Section 106 of the NHPA.

The purpose of this letter is to inform the Council that the Signatories have completed the development of the Agreement and Treatment Plan for protection of cultural resources at the proposed NEF site. Accordingly, pursuant to the requirements of 36 CFR 800.6(b)(iv), the NRC staff is filing the Agreement and the Treatment Plan (enclosed) with the Council. By copy of this letter, the other Signatories to the Agreement are provided with a signed copy of the Agreement.

If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at (301) 415-6262. Thank you for your assistance.

Sincerely,

**/RA/**

Scott C. Flanders, Deputy Director  
Environmental and Performance  
Assessment Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Enclosures: Final Memorandum of Agreement  
Treatment Plan (ML050480339)

Docket: 70-3103

cc: Section 106 Service List (copy of Agreement only)

If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at (301) 415-6262. Thank you for your assistance.

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**/RA/**

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 Environmental and Performance  
 Assessment Directorate  
 Division of Waste Management  
 and Environmental Protection  
 Office of Nuclear Material Safety  
 and Safeguards

Enclosures: Final Memorandum of Agreement  
 Treatment Plan (ML050480339)

Docket: 70-3103

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**DISTRIBUTION:** Docket 70-3103

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<b>OFC</b>	DWMEP	HLWRS	OGC	DWMEP	DWMEP
<b>NAME</b>	JPark	MWong	LClark	JDavis	SCFlanders
<b>DATE</b>	03/28/ 05	03/28/05	03/25/05	04/01/05	04/01/05

**OFFICIAL RECORD COPY**

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