

September 1, 2011

Ms. Carolyn Smith
Cultural Resources Coordinator
The Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203

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

Dear Ms. Smith:

Enclosed for signature by the Shoshone-Bannock Tribes (Tribes) is the Final Memorandum of Agreement (MOA) regarding the mitigation of adverse effects to historic properties from the proposed AREVA Enrichment Services LLC (AES) Eagle Rock Enrichment Facility (EREF) project in Bonneville County. The MOA was prepared by the U.S. Nuclear Regulatory Commission (NRC) in accordance with Section 106 of the National Historic Preservation Act. The NRC, Idaho State Historic Preservation Office (SHPO), and AES are required signatories to the MOA, and the Tribes are included as an invited concurring party.

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

In the March 30th letters, the NRC requested that written comments on the Draft MOA be provided by the consulting parties prior to a tentatively planned, May 3, 2011, webinar or teleconference to discuss and resolve any comments on the agreement. On April 15, 2011, the NRC sent your office an email with the comments provided by the Idaho SHPO and AES, all of which resulted in minor changes to the agreement. The NRC requested that you also consider these changes in your review of the Draft MOA.

During a telephone conversation on June 8, 2011, you informed the NRC Project Manager that you had reviewed the Draft MOA and had no comments, but that you were submitting it for legal review to ensure that the MOA would not diminish the Tribes' treaty rights. You also informed the NRC Project Manager that when the legal review is complete, you would present the MOA to the Tribal Business Council, after which you would be able to get back to the NRC with any comments the Tribes may have on the agreement. We followed up by contacting your office by email and by phone, but we received no reply.

We are requesting that the required signatories (Idaho SHPO and AES) sign the Final MOA and return the original signature page to the NRC within five (5) business days from their receipt of the agreement. The MOA becomes effective upon receipt of the signature pages by the NRC from the SHPO and AES.

C. Smith

2

If you agree with the Final MOA, please have your Business Council Chairman sign at his respective location on the signature page, and return that page (with his original signature) within ten (10) business days from your receipt of this letter, to Mr. Stephen Lemont of my staff at the address shown below. If as an invited concurring party you choose not to sign the enclosed Final MOA, please advise us in writing.

Mr. Stephen Lemont
U.S. Nuclear Regulatory Commission
Office of Federal and State Materials
and Environmental Management Programs
Mail Stop: T-8F5
11155 Rockville Pike
Rockville, MD 20852

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 for the EREF project. In addition, the NRC will send you a copy of the executed MOA.

On behalf of the NRC, I would like to thank you for the Tribes' participation in the MOA development process. Please contact Mr. Stephen Lemont at (301) 415-5163 or Stephen.Lemont@nrc.gov if you have any questions.

Sincerely,

/RA/

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

Docket No.: 70-7015

Enclosure:
Final Memorandum of Agreement

cc w/enclosure:
Nathan Small - Shoshone-Bannock Tribes
Willie Preacher - Shoshone-Bannock Tribes

cc w/o enclosure:
Susan Pengilly - Idaho State Historic Preservation Office
Jim Kay - AREVA Enrichment Services LLC

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DATE	08/02/11	08/03/11	08/24/11	08/24/11	08/16/11	08/25 /11	09/01 /11

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