



10 CFR 70.5

September 29, 2011

AES-O-NRC-11-1686

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

AREVA Enrichment Services LLC
Eagle Rock Enrichment Facility
NRC Docket No: 70-7015

Subject: Request for Modification of MOA

This letter requests a modification to the Memorandum of Agreement (MOA), effective September 8, 2011, regarding the Eagle Rock Enrichment Facility (EREF) in accordance with Stipulation E of the MOA. Specifically, AES requests that the paragraph below be added as Stipulation I:

I. COORDINATION WITH OTHER FEDERAL REVIEWS

In the event that AES applies for, or another Federal agency is considering, additional approvals or funding for the proposed EREF undertaking and the undertaking remains unchanged, such funding or approving Federal agency may comply with Section 106 by agreeing in writing to the terms of this MOA and notifying and consulting with SHPO and ACHP. Any necessary modifications will be considered in accordance with Stipulation E.

This request follows from discussions with the Department of Energy (DOE) relative to a loan guarantee for the EREF project. DOE has consulted with the Advisory Council on Historic Preservation (ACHP) about the best way to address the National Historic Preservation Act Section 106 process for the DOE loan guarantee program. The ACHP has been recommending the inclusion of this stipulation in other MOAs that they have been involved in as it assists in limiting duplication of efforts by other federal agencies becoming involved in the same project, while ensuring the federal agencies recognize their own responsibilities for Section 106 compliance.

In response to the DOE's consultation, ACHP made a recommendation to the Idaho State Historic Preservation Officer (SHPO) that the current draft MOA between AREVA, Idaho SHPO and NRC, include the proposed generic language above (which has been slightly modified by DOE for the EREF MOA). DOE has discussed this language with the Idaho SHPO and DOE has informed us that Idaho SHPO has no objection to including it in the MOA.

MISSO!
MISS

AREVA ENRICHMENT SERVICES LLC

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Incorporation of this language does not require DOE to become a signatory to the MOA. Once the new language is incorporated, DOE will prepare and submit a letter to the SHPO (copy to ACHP) agreeing to the terms of the EREF MOA.

If you have any questions regarding this submittal, please contact me at (508) 573-6554.

Respectfully,



Jim A. Kay
Licensing Manager

cc:
Breeda Reilly, U.S. NRC Senior Project Manager
T. Hiltz, U.S. NRC Branch Chief
Steve Lemont, U.S. NRC Senior Project Manager
Diana Diaz-Toro, U.S. NRC Branch Chief
Susan Pengilly, Idaho State Historic Preservation Office
Ken Reid, Idaho State Historic Preservation Officer
J. Montgomery, U.S. Department of Energy